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STATUTORY INSTRUMENTS

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**1983 No. 764**

**The Dogs (Northern Ireland) Order 1983**

**PART V**

**ENFORCEMENT**

**Enforcement by district councils**

**40.** Every district council shall within its district enforce the provisions of this Order and for that purpose a council shall—

- (a) establish and maintain dog pounds or make arrangements with any person who keeps kennels which are approved by the Department, for the use of the kennels by the council on such terms and conditions as may be agreed;
- (b) appoint such number of officers as the council considers necessary to exercise the powers conferred on officers under this Order.

**Powers of officers**

**41.**—(1) Without prejudice to any other powers under this Order, an officer may, on production, if required, of his credentials,—

- (a) where he has reasonable ground to believe that an offence under this Order is being committed, request the name and address of any person who, in his opinion, has charge or appear to have charge of any dog;
- (b) seize any dog and detain it for physical examination by himself or by a veterinary surgeon where the officer considers examination by a veterinary surgeon to be necessary.

(2) Paragraph (6) of Article 23 shall apply to the seizure or detention of a dog under paragraph (1) (b) as it applies to the seizure or detention of a dog under that Article.

**Entry onto land for certain purposes**

**42.**—(1) For the purpose of—

- (a) preventing any dog attacking any person or ending any such attack; or
- (b) preventing or ending the worrying of livestock;

an officer may, on production, if required, of his credentials, enter any land.

(2) A power of entry under paragraph (1) shall not be exercisable in respect of a dwelling-house or its curtilage.

(3) The district council on whose behalf the officer was acting shall make good or pay compensation for any damage caused by the officer in entering the land; and any question of disputed compensation shall be referred to and determined by the Lands Tribunal.

### **Inspection of certain kennels and breeding establishments**

**43.**—(1) An officer may inspect (subject to compliance with such precautions as the council may specify to prevent the spread among animals of infectious or contagious disease)—

- (a) any guard dog kennels in respect of which a person is registered under Article 10, or
- (b) any breeding establishment in respect of which a person is registered under Article 13, or
- (c) any other premises which the council has reasonable grounds to believe are being used in its district as guard dog kennels or for the purpose of dog breeding,

and any officer may, on production, if required, of his credentials, at any reasonable time—

- (i) enter such kennels, establishment or other premises; and
- (ii) inspect them and any animal or any thing found on them, for the purpose of ascertaining whether an offence has been or is being committed under this Order.

(2) A power of entry under paragraph (1) shall not be exercisable in respect of any premises except—

- (a) with consent given by or on behalf of the occupier of the premises; or
  - (b) under the authority of a warrant granted under this Article.
- (3) Where a resident magistrate is satisfied by complaint on oath—
- (a) that admission to premises is reasonably required for the purpose specified in the complaint, and
  - (b) that an officer would, apart from paragraph (2), be entitled for that purpose to exercise a power of entry under paragraph (1),

he may issue a warrant under his hand authorising an officer to enter the premises.

(4) A warrant granted under this Article shall not continue in force for more than 7 days from the date of the warrant.

(5) An officer exercising his power of entry or inspection under this Article may take a veterinary surgeon with him.

### **Penalty for assaulting officers, etc.**

**44.** Any person who assaults an officer in exercising his power of entry under Article 42(1) or his power of entry or inspection under Article 43(1) shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding £200 or to imprisonment for a term not exceeding 1 month or to both.

### **Obstruction of officers, etc.**

**45.** Any person who—

- (a) on being asked by an officer for his name and address under Article 41 (1)(a), does not give them; or
- (b) obstructs or delays an officer in exercising his power of entry under Article 42(1) or his power of entry or inspection under Article 43(1);

shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding £50.

**Status:**

Point in time view as at 01/01/2006.

**Changes to legislation:**

There are currently no known outstanding effects for the The Dogs (Northern Ireland) Order 1983, PART V.