

**DANGEROUS WILD ANIMALS  
(NORTHERN IRELAND) ORDER 2004**

**S.I. 2004 No. 1993 (N.I. 16)**

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**EXPLANATORY MEMORANDUM**

**COMMENTARY ON THE PROVISIONS OF THE DRAFT ORDER**

*Article 4: Provisions Supplementary to Article 3*

This Article makes a number of general but important provisions, including providing for a right of appeal for applicants and licence-holders against decisions made by the Department, and the creation of offences where the requirements of the Order or of a licence have been contravened. Paragraphs (1) to (3) provide for appeals to a court of summary jurisdiction where any person who has been refused a licence by the Department or does not agree with any condition imposed by a licence, or any variation to it, feels aggrieved. Such an appeal will require to be made within 21 days of receiving notification from the Department.

Paragraph (4) stipulates that a licence issued by the Department will be valid for a period of 1 year, effective from the date that it is issued. This is subject to the provisions contained in paragraphs (5) and (6), and Article 10(2). This paragraph also provides the Department with the power to increase, by order, the period for which a licence is valid.

Paragraph (5) deals with the arrangements for applying for a new licence to replace a licence that is due to expire. Provision is made for the 'old' licence to remain in force until a decision is made by the Department to grant or refuse a new licence, provided the application for a new licence was made prior to the expiry date of the old licence. The new licence will be valid from the date of expiry of the old licence.

Paragraph (6) describes the arrangements for dealing with an existing licence in the event of the death of the licence-holder. It makes provision for the licence to remain in force for a period of 28 days from the date of death as if it had been granted to the personal representatives of the deceased. It also makes provision for the licence to remain in force thereafter until a decision is made by the Department to grant or refuse a new licence, provided an application for a new licence was made within the 28 day period.

Paragraph (7) makes it an offence for any person to keep a DWA without a valid licence issued by the Department in contravention of Article 3(1).

Paragraph (8) makes it an offence for a licence-holder to contravene the conditions of a licence. If another person, other than the licence-holder, who is authorised to keep a DWA, contravenes the conditions of a licence, then that person and the licence-holder, will be guilty of the offence.

Paragraph (9) provides for a defence for any person charged with an offence under the provisions of paragraph (8), who can prove that they took all reasonable precautions and exercised all due diligence to avoid contravening the conditions of a licence.