

*These notes refer to the Clean Neighbourhoods and Environment Act
(Northern Ireland) 2011 (c.23) which received Royal Assent on 4 May 2011*

Clean Neighbourhoods and Environment Act (Northern Ireland) 2011

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 5 - Dogs

Section 40 – Power to make dog control orders

This section enables district councils to make orders that apply offences aimed at the control of dogs (“dog control orders”) to specified land in their area. Subsection (3) sets out the four categories of offence that can be provided for. The effect of subsection (4) is that the scope of offences that can be provided for in dog control orders will be set out in regulations.

Section 41 – Dog control orders: supplementary

This section requires the Department to make regulations which set out: the maximum penalties for dog offences; the content and format of dog control orders; and the process to be undertaken by district councils before and after making such orders (including requirements in respect of consultation on, and publication of, such orders).

Section 42 – Land to which this Part applies

This section provides that dog control orders may apply to all land to which the public is allowed access and which is open to the air. Subsection (3) allows for exclusions, by order, to the types of land that can be subject to dog control orders. Land which is the subject of a private Act may also be excluded.

Section 43 – Fixed penalty notices for contravention of dog control order

This section allows authorised officers of district councils, or an authorised person working on their behalf, to issue a fixed penalty notice offering members of the public an opportunity to discharge any liability for offences under a dog control order.

Section 44 – Amount of fixed penalties

This section enables a district council to specify the amount of a fixed penalty in relation to their own dog control orders. Councils will also be able to allow for the payment of a lesser amount if the fine is paid within a specified time period. Where no amount is specified at the local level, the fixed penalty is set at £75. Subsections (4) to (6) also provide the Department with the power to make regulations relating to the fixed penalty – in particular, to prescribe a range within which penalties fixed at the local level must fall; the Department may also (by order) substitute the figure of £75 referred to above with a new amount.

Section 45 – Power to require name and address

Section 45 provides an authorised officer of a district council with the power to require the name and address of a person if the officer proposes to give that person a fixed penalty notice, and makes it an offence for that person either to fail to give that information or to give false or inaccurate information.

Section 46 - Byelaws

This section removes the ability of district councils to make byelaws to control dogs in circumstances where it would also be possible for the council to make a dog control order in respect of the same matter in relation to the land in question. Existing byelaws will remain in place unless that land is made the subject of a dog control order for the same type of offence. For example, if a district council has a byelaw in place banning dogs from a local park, that byelaw will continue to have effect until such time as the council makes a dog control order in relation to that park that likewise bans dogs.

Section 47 – Power of district councils to obtain information

This section enables a district council to serve a notice on any person requiring that person to supply any information which the council reasonably considers it needs for the purposes of any of its functions under Part 5. Subsection (2) provides that Regulations may restrict the information that may be required and determine the form in which it is to be required. Subsection (3) makes it an offence to fail to comply with the requirements of a notice requesting information or to supply false information.