

These notes refer to the Dogs (Amendment) Act (Northern Ireland) 2011 (c.9) which received Royal Assent on 8 March 2011

Dogs (Amendment) Act (Northern Ireland) 2011

EXPLANATORY NOTES

BACKGROUND AND POLICY OBJECTIVES

3. The Dogs (Northern Ireland) Order 1983 ('the Dogs Order') provides for the licensing of dogs by district councils and other related enforcement matters. The Dangerous Dogs (Northern Ireland) Order 1991 ('the Dangerous Dogs Order') amended the Dogs Order to designate certain types of dogs that it is an offence to breed from, sell or exchange and (except in exceptional circumstances) to possess.
4. District councils are responsible for enforcing the Dogs Order, and have established dog warden services to carry out enforcement duties including dog licensing, the seizure and re-homing or disposal of stray dogs, and the investigation and possible prosecution of offences under the Dogs Order. Income from the dog licence meets a small proportion of the cost of dog warden services.
5. The number of stray dogs impounded by district councils has fallen by more than 40 per cent over the last decade, while at the same time there has been a 39 per cent increase in the numbers of dogs licensed. However, the number of stray dogs per head of population remains much higher than in England, Scotland and Wales. Around 9,000 stray and unwanted dogs were impounded by district councils in 2009 and over 2,300 of those dogs were destroyed.
6. In 2009 there were 741 reported dog attacks on people; this figure has remained at around 700 or more since 2000. Livestock worrying, though at a lower level than was reported in the 1970s and 1980s, still remains high, with almost 300 reports investigated by dog wardens in 2009. So while the Dogs Order has brought improvements in dog control, the problems of dog attacks, straying and unwanted dogs and livestock worrying remain substantial.
7. A review of dog control legislation commissioned by the Minister for Agriculture and Rural Development in 2007 developed a range of policy proposals to address those ongoing problems, including increasing the dog licence fee (with concessions for certain classes of owner) and the level of fixed penalties; introducing compulsory microchipping of dogs; introducing an offence of allowing a dog to attack and injure another person's dog; and

empowering district council dog wardens to impose control conditions on an owner's dog licence where a breach of the Dogs Order has occurred.

8. Under Article 25A(5) of the Dogs Order dogs of a type normally prohibited by Article 25A may in certain circumstances be exempted from the prohibition. One of the amendments made by the Dogs (Amendment) Act (Northern Ireland) 2011 was that where a person was convicted of an offence under Article 25A (that is breeding or breeding from, selling or exchanging or giving as a gift or having possession of a dog of a prohibited type) the court could make an order directing that the dog in respect of which the offence was committed be destroyed, but also could exercise a discretion not to make such an order if satisfied that the dog would not be a danger to the public. This discretion created the anomalous situation where a dog of a type normally prohibited under Article 25A might escape being made subject to a destruction order but might also continue to be prohibited due to no exemption order subsequently being sought or gained in respect of that dog. The Act deals with this anomaly by inserting a requirement on the court to make a contingent destruction order, where no destruction order is originally made, to be exercised where the dog is not exempted within 2 months of the date of the order.