

STATUTORY INSTRUMENTS

1983 No. 764

The Dogs (Northern Ireland) Order 1983

PART III

CONTROL OF DOGS

Penalty for keeping dog without a licence

17.—(1) Any person who—

- (a) where he is not the holder of a dog licence, keeps a dog; or
- (b) where he is the holder of a dog licence, keeps a dog of a description not authorised by the licence;

shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding £200.

(2) A person shall not be guilty of an offence under paragraph (1)(a) where he is the holder of a block licence which is valid in relation to the dog in question.

Penalty for applying for or obtaining a licence or registration while disqualified

18.—(1) Any person who applies for or obtains—

- (a) a dog licence or a block licence while disqualified for obtaining or holding such a licence by Article 4(2) or by virtue of Article 8(5); or
- (b) registration in respect of guard dog kennels ^{F1}... while disqualified for keeping a dog under^{F2} Article 33A or^{F3} section 33 of the Welfare of Animals Act (Northern Ireland) 2011];

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.

(2) A person under the age of 16 shall not be guilty of an offence under paragraph (1)(a) where he obtains a dog licence on behalf of the head of the household of which he is a member.

F1 Words in art. 18(1)(b) omitted (1.4.2013) by virtue of [The Welfare of Animals \(Dog Breeding Establishments and Miscellaneous Amendments\) Regulations \(Northern Ireland\) 2013 \(S.R. 2013/43\)](#), regs. 1, **21(12)**

F2 1991 NI 21

F3 Words in art. 18(1)(b) substituted (11.7.2011) by [Welfare of Animals Act \(Northern Ireland\) 2011 \(c. 16\)](#), ss. 57(1), 59, **Sch. 4 para. 1** (with ss. 1(2), 52(1), 53, 54); S.R. 2011/245, **art. 2**, Sch. 1

Penalty for obtaining dog before a licence is issued

19. Any person who takes possession of a dog in respect of which a dog licence is required by this Order before a licence has been issued shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding £200.

Restriction on giving or selling dogs

20.—(1) A person who gives or sells to another person a dog in respect of which a dog licence is required by this Order shall not part with the possession of the dog unless that other person has produced a dog licence in respect of that dog or a block licence which is valid in relation to the dog in question.

(2) Any person acting in contravention of paragraph (1) shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding £200.

Production of licences

21.—(1) An officer may require the production for examination of a dog licence or a block licence.

(2) If any person fails to produce a dog licence or a block licence immediately when asked for it or alternatively, to bring it in person within seven days after the production of the licence was so required to such police station or district council office as that person shall have specified at the time its production was required, he shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding £50.

Stray dogs

Penalty for a dog straying

22.—(1) Where any dog strays the keeper of the dog and, if it is in the charge of a person other than its keeper, that person also shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding £200.

(2) The keeper of a dog shall not be convicted of an offence under this Article if he proves that at the time when the dog strayed it was in the charge of some other person whom he reasonably believed to be a fit and proper person to be in charge of the dog.

(3) For the purposes of this Article and Article 23, a dog—

(a) which is—

- (i) off land owned or occupied by the keeper of the dog and, if the keeper of the dog is a person other than its owner, off land owned or occupied by its owner also; or
- (ii) off other land on which it may be by permission of the owner or occupier of that land; and

(b) which ^{F4}is] unaccompanied by any person;

shall be treated as a stray dog.

F4 Word in art. 22(3)(b) substituted (28.7.2011) by [Dogs \(Amendment\) Act \(Northern Ireland\) 2011](#) (c. 9), ss. 17(1), 18(1), [Sch. 1 para. 2](#); S.R. 2011/281, [art. 2](#), [Sch.](#)

Seizure of stray dog

23.—(1) An officer may seize any dog which is a stray dog.

(2) A dog seized under paragraph (1) may be taken to a dog pound and may be detained by the district council by which the pound is maintained or used under arrangements made under Article 40(a) until the keeper has claimed it and paid all expenses incurred by reason of its detention (including the costs of any veterinary treatment provided under paragraph (5)).

(3) Where—

- (a) any dog seized under paragraph (1) has been detained for 5 days after the seizure and the keeper has not claimed the dog; or
- (b) the keeper has not paid the expenses such as are mentioned in paragraph (2) within such period as the district council may determine, being a period in addition to the 5 days mentioned in sub-paragraph (a);

the council may cause the dog to be sold or to be destroyed in such a manner as to cause as little pain as possible.

(4) No dog seized and detained under this Article shall be given or sold for the purposes of animal experimentation.

(5) The district council detaining a dog under this Article—

- (a) shall cause the dog to be properly fed and maintained; and
- (b) shall arrange for the provision of such veterinary treatment (including humane destruction) as it considers necessary.

(6) The seizure or detention of a dog under this Article shall not render an officer or a district council subject to any liability in respect of the illness, injury or death of the dog unless the illness, injury or death is directly attributable to a negligent act of the council or its servant or agent.

(7) The Department may—

- (a) determine the minimum price at which dogs may be sold under paragraph (3);
- (b) by order^{F5} . . . vary the number of days for which a dog is to be detained under paragraph (3) (a).

(8) A district council shall keep records of the seizure, and disposal, of stray dogs in its district.

F5 Words in [art. 23\(7\)\(b\)](#) repealed (28.7.2011) by [Dogs \(Amendment\) Act \(Northern Ireland\) 2011 \(c. 9\)](#), [ss. 17\(2\), 18\(1\)](#), [Sch. 2](#); [S.R. 2011/281](#), [art. 2](#), [Sch.](#)

Finding of unaccompanied dog

24.—(1) Any person who finds a dog—

(a) which is—

- (i) off land owned or occupied by the keeper of the dog and, if the keeper of the dog is a person other than its owner, off land owned or occupied by its owner also; or
- (ii) off other land on which it may be by permission of the owner or occupier of that land; and

(b) which appears to him to be unaccompanied by any other person;

may detain the dog.

(2) Where a person detains a dog under paragraph (1), he shall, within 24 hours of the finding, give notice to a member of the Royal Ulster Constabulary at the nearest police station or to the district council for the district in which he resides.

(3) Where notice of a finding is given to a district council whether under paragraph (2) or by a member of the Royal Ulster Constabulary, an officer shall make arrangements for the collection of

the dog from the person detaining it under paragraph (1) and paragraphs (2) to (8) of Article 23 shall apply to any dog collected under this paragraph as they apply to a dog seized under paragraph (1) of that Article.

Control of dogs on certain roads and on land

25.—(1) A keeper of a dog and, if it is in the charge of a person other than its keeper, that person also shall not cause or permit that dog to be—

- (a) in any road in respect of which an order has been made under^{F6} Article 100 of the Planning (Northern Ireland) Order 1991];
- (b) on any land where livestock are present and have a right to be there;

unless the dog is under control.

(2) Paragraph (1) shall not apply to a dog—

- (a) on land owned or occupied by its keeper and, if the keeper of the dog is a person other than the owner of the dog, on land owned or occupied by its owner also;
- (b) on other land with the permission of the owner or occupier of that land;
- (c) while being used for driving or tending sheep or cattle in the course of a trade or business;
- (d) while being used in a pack of hounds;
- (e) while being used for police purposes;
- (f) while being used for such other purposes as the Department may, by order, specify.

(3) Any person who contravenes paragraph (1) shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding £200.

(4) The Department may by order^{F7} . . . —

- (a) extend paragraph (1) as to roads in which dogs are not permitted to be unless under control; and
- (b) vary the exceptions specified in paragraph (2).

F6 1991 NI 11

F7 Words in art. 25(4) repealed (28.7.2011) by *Dogs (Amendment) Act (Northern Ireland) 2011* (c. 9), ss. 17(2), 18(1), *Sch. 2*; S.R. 2011/281, *art. 2*, *Sch.*

[^{F8}Dogs bred for fighting

25A.—(1) This Article applies to—

- (a) any dog of the type known as the pit bull terrier;
- (b) any dog of the type known as the Japanese tosa; and
- (c) any dog of any type designated for the purposes of this Article by an order of the Department, being a type appearing to the Department to be bred for fighting or to have the characteristics of a type bred for that purpose.

(2) No person shall—

- (a) breed, or breed from, a dog to which this Article applies;
- (b) sell or exchange such a dog or offer, advertise or expose such a dog for sale or exchange;
- (c) make or offer to make a gift of such a dog or advertise or expose such a dog as a gift;
- (d) cause or permit such a dog of which he is the keeper or of which he is for the time being in charge to be in a public place unless the dog is muzzled and kept on a lead; or

- (e) abandon such a dog of which he is the keeper or, being the keeper or for the time being in charge of such a dog, permit it to stray.
- (3) After 30th November 1991 no person shall have any dog to which this Article applies in his possession or custody except—
- (a) in pursuance of a power of seizure conferred by this Order; or
 - (b) in accordance with an order for its destruction made under this Order;
- but the Department shall by order make a scheme for the payment to the keepers of such dogs who arrange for them to be destroyed before that date of sums specified in or determined under the scheme in respect of those dogs and the cost of their destruction.
- (4) Paragraph (2)(b) and (c) shall not make unlawful anything done with a view to the dog in question being removed from the United Kingdom before 30th November 1991.
- (5) The Department may by order provide that the prohibition in paragraph (3) shall not apply in such cases and subject to compliance with such conditions as are specified in the order and any such provision may take the form of a scheme of exemption containing such arrangements (including provision for the payment of charges or fees) as the Department thinks appropriate.
- (6) A scheme under paragraph (3) or (5) may provide for specified functions under the scheme to be discharged by such persons or bodies as the Department thinks appropriate.
- (7) Any person who contravenes this Article shall be guilty of an offence and shall be liable on summary conviction to imprisonment for a term not exceeding 6 months or to a fine not exceeding level 5 on the standard scale or to both, except that a person who publishes an advertisement in contravention of paragraph (2)(b) or (c)—
- (a) shall not on being convicted be liable to imprisonment if he shows that he published the advertisement to the order of someone else and did not himself devise it; and
 - (b) shall not be convicted if, in addition, he shows that he did not know and had no reasonable cause to suspect that it related to a dog to which this Article applies.
- (8) An order under paragraph (1)(c) adding dogs of any type to those to which this Article applies may provide that paragraphs (3) and (4) shall apply in relation to those dogs with the substitution for the date mentioned in those paragraphs of a later date specified in the order.
- (9) If in any proceedings it is alleged by the prosecution that a dog is one to which this Article applies it shall be presumed that it is such a dog unless the contrary is shown by the accused by such evidence as the court considers sufficient and the accused shall not be permitted to adduce such evidence unless he has given the prosecution notice of his intention to do so not later than the fourteenth day before that on which the evidence is to be adduced.
- (10) In this Article “advertisement” includes any means of bringing a matter to the attention of the public.
- (11) In this Article and Article 25C—
- (a) references to a dog being muzzled are to its being securely fitted with a muzzle sufficient to prevent it biting any person; and
 - (b) references to a dog being kept on a lead are to its being securely held on a lead by a person who is not under the age of 16.
- (12) If the Department thinks it desirable to do so, it may by order prescribe the kind of muzzle or lead to be used for the purpose of complying, in the case of a dog of any type, with this Article or an order under Article 25B; and if a muzzle or lead of a particular kind is for the time being prescribed in relation to any type of dog, the references in paragraph (11) to a muzzle or lead shall, in relation to any dog of that type, be construed as references to a muzzle or lead of that kind.
- (13) For the purposes of this Article a dog strays if—

- (a) it is—
 - (i) off land owned or occupied by the keeper of the dog and, if the keeper of the dog is a person other than its owner, off land owned or occupied by its owner also; or
 - (ii) off other land on which it may be by permission of the owner or occupier of that land; and
- (b) it is unaccompanied by any person.]

F8 1991 NI 21

[^{F9}Other specially dangerous dogs

25B.—(1) If it appears to the Department that dogs of any type to which Article 25A does not apply present a serious danger to the public it may by order ^{F10} . . . impose in relation to dogs of that type restrictions corresponding, with such modifications, if any, as it thinks appropriate, to all or any of those in paragraph (2)(d) and (e) of that Article.

(2) An order under this Article may provide for exceptions from any restriction imposed by the order in such cases and subject to compliance with such conditions as are specified in the order.

(3) An order under this Article may contain such supplementary or transitional provisions as the Department thinks necessary or expedient and may create offences punishable on summary conviction with imprisonment for a term not exceeding 6 months or a fine not exceeding level 5 on the standard scale or both.

(4) In determining whether to make an order under this Article in relation to dogs of any type and, if so, what the provisions of the order should be, the Department shall consult with such persons or bodies as appear to it to have relevant knowledge or experience, including a body concerned with animal welfare, a body concerned with veterinary science and practice and a body concerned with breeds of dogs.

(5) If in any proceedings it is alleged by the prosecution that a dog is one to which an order under this Article applies it shall be presumed that it is such a dog unless the contrary is shown by the accused by such evidence as the court considers sufficient and the accused shall not be permitted to adduce such evidence unless he has given the prosecution notice of his intention to do so not later than the fourteenth day before that on which the evidence is to be adduced.]

F9 1991 NI 21

F10 Words in art. 25B(1) repealed (28.7.2011) by *Dogs (Amendment) Act (Northern Ireland) 2011 (c. 9)*, ss. 17(2), 18(1), *Sch. 2*; S.R. 2011/281, art. 2, *Sch.*

[^{F11}Seizure of dangerous dogs and powers of entry

25C.—(1) An officer may seize—

- (a) any dog which appears to him to be a dog to which Article 25A applies and which is in a public place—
 - (i) after the time when possession or custody of it has become unlawful by virtue of that Article; or
 - (ii) before that time, without being muzzled and kept on a lead;
- (b) any dog in a public place which appears to him to be a dog to which an order under Article 25B applies and in respect of which an offence against the order has been or is being committed; and

(c) any dog in a public place (whether or not one to which that Article or such an order applies) which appears to him to be attacking any person.

(2) If a resident magistrate is satisfied by complaint on oath that there are reasonable grounds for believing—

(a) that an offence under Article 25A, [F1229] or 33A(4) or an order under Article 25B is being or has been committed; or

(b) that evidence of the commission of any such offence is to be found,

on any premises he may issue a warrant under his hand authorising an officer to enter those premises and to search them and seize any dog or other thing found there which is evidence of the commission of such an offence.

(3) Where a dog is seized under paragraph (1) or (2) and it appears to a resident magistrate that no person has been or is to be prosecuted for an offence mentioned in paragraph (2)(a) in respect of that dog (whether because the keeper cannot be found or for any other reason)[F13]the district judge (magistrates' court) may order the destruction of the dog and shall do so unless satisfied that the dog will not be a danger to the public.]

[
F14(4) If—

(a) the dog is one to which Article 25A applies,

(b) the district judge (magistrates' court) does not order the destruction of the dog under paragraph (3), and

(c) the dog is subject to the prohibition in Article 25A(3),

the district judge (magistrates' court) shall order that, unless the dog is exempted from the prohibition in Article 25A(3) within the period of two months beginning with the date of the order, the dog shall be destroyed.]]

F11 1991 NI 21

F12 Word in art. 25C(2)(a) substituted (28.7.2011) by Dogs (Amendment) Act (Northern Ireland) 2011 (c. 9), ss. 17(1), 18(1), **Sch. 1 para. 3**; S.R. 2011/281, **art. 2**, Sch.

F13 Words in art. 25C(3) substituted (28.7.2011) by Dogs (Amendment) Act (Northern Ireland) 2011 (c. 9), **ss. 5(2)**, 18(1); S.R. 2011/281, **art. 2**, Sch.

F14 Art. 25C(4) inserted (28.7.2011) by Dogs (Amendment) Act (Northern Ireland) 2011 (c. 9), **ss. 5(3)**, 18(1); S.R. 2011/281, **art. 2**, Sch.

Guard dogs

Notice of guard dogs

26.—(1) A person shall not use or permit the use of a guard dog at any place unless a notice containing a warning that a guard dog is present is clearly exhibited at each entrance to that place.

(2) A person who contravenes paragraph (1) shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding £200.

Control of guard dogs

27. The Department may by order—

(a) prohibit the use of a guard dog at any place unless a person who is capable of controlling the dog is present at that place;

- (b) make provision as to the control to be exercised over a guard dog while it is being used as a guard dog.

Attacks by dogs

Attacks on livestock and certain other animals

[^{F15}28.—(1) Any person who sets a dog on—

- (a) any livestock, or
- (b) any other animal owned by another person,

is guilty of an offence and liable on summary conviction to a fine not exceeding level 4 on the standard scale.

(2) If a dog—

- (a) worries livestock, or
- (b) attacks and injures any other animal owned by another person,

the keeper of the dog and, if it is in the charge of a person other than its keeper, that person is guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(3) This Article does not apply to a dog while being used—

- (a) for police purposes;
- (b) for such other purposes as the Department may by order specify.

(4) A person is not guilty of an offence under this Article by reason of anything done by the dog if at the material time—

- (a) the livestock or other animal is trespassing on any land; and
- (b) the dog is—
 - (i) kept by, or in the charge of, the occupier of that land; or
 - (ii) in the charge of a person authorised by the occupier to remove the livestock or other animal from that land.

(5) The keeper of a dog shall not be convicted of an offence under paragraph (2) if he shows that at the material time the dog was in the charge of some other person whom he reasonably believed to be a fit and proper person to be in charge of the dog.]

F15 Art. 28 substituted (28.7.2011) by [Dogs \(Amendment\) Act \(Northern Ireland\) 2011 \(c. 9\), ss. 6, 18\(1\); S.R. 2011/281, art. 2, Sch.](#)

Attacks on persons

[^{F16}29.—(1) Any person who sets a dog on any other person is guilty of an offence or, if the dog injures the person attacked, an aggravated offence under this paragraph.

(2) If a dog attacks any person, then—

- (a) the keeper of the dog; and
- (b) if it is in the charge of a person other than its keeper, that person,

is guilty of an offence or, if the dog injures the person attacked, an aggravated offence under this paragraph.

(3) A person guilty of an offence under paragraph (1) or (2) other than an aggravated offence is liable on summary conviction to imprisonment for a term not exceeding 6 months or a fine not exceeding level 5 on the standard scale or to both.

(4) A person guilty of an aggravated offence under paragraph (1) or (2) is liable—

(a) on summary conviction, to imprisonment for a term not exceeding 6 months or to a fine not exceeding the statutory maximum or to both;

(b) on conviction on indictment, to imprisonment for a term not exceeding two years or to a fine or to both.

(5) This Article does not apply to a dog while being used—

(a) for police purposes;

(b) for such other purposes as the Department may by order specify.

(6) A person is not guilty of an offence under this Article if at the material time—

(a) the person set on or attacked is trespassing on land; and

(b) the dog is—

(i) kept by, or in the charge of, the occupier of that land; or

(ii) in the charge of a person authorised by the occupier to remove that person from that land.

(7) The keeper of a dog shall not be convicted of an offence under paragraph (2) if he shows that at the material time the dog was in the charge of some other person whom he reasonably believed to be a fit and proper person to be in charge of the dog.]

F16 Art. 29 substituted (28.7.2011) by [Dogs \(Amendment\) Act \(Northern Ireland\) 2011 \(c. 9\), ss. 7, 18\(1\); S.R. 2011/281, art. 2, Sch.](#)

Defences to legal proceedings for shooting dogs

30.—(1) Subject to the provisions of this Article, it shall be a defence to an action against a person to recover damages in respect of, and to any charge arising out of, the shooting of a dog for that person to prove—

(a) that the dog was worrying or was about to worry livestock and there were no other reasonable means of ending or preventing the worrying; or

(b) that the dog had been worrying livestock, had not left the vicinity and was not in the charge of any person and there were no practicable means of ascertaining to whom the dog belonged.

(2) Paragraph (1)(a) or (b) shall be deemed to have been satisfied if that person believed that it was satisfied and had reasonable ground for that belief.

(3) Paragraph (1) shall not confer a defence on any person unless he proves that—

(a) the land on which the livestock was was occupied by him or by any person under whose express or implied authority he was acting or was land (including a highway or public path) contiguous to any such land; and

(b) within 48 hours of the shooting of the dog notice of it was given to a member of the Royal Ulster Constabulary at the nearest police station to the place where it occurred.

[^{F17}Control conditions on dog licences

F17 Arts. 30A-30F and preceding cross-heading inserted (3.10.2011) by Dogs (Amendment) Act (Northern Ireland) 2011 (c. 9), ss. 8, 18(1); S.R. 2011/332, art. 2, Sch.

Grounds for imposition of control conditions

30A.—(1) This Article applies where an officer has reasonable cause to believe that an offence has been committed in respect of a dog under—

- (a) Article 22(1) (dog straying);
- (b) Article 25(3) (control of dogs on certain roads or lands);
- (c) Article 28(1) or (2) (dog attacking livestock or certain other animals); or
- (d) Article 29(1) or (2) (dog attacking person).

(2) The officer may serve on the keeper of the dog a notice in writing imposing one or more of the conditions specified in Article 30B (“control conditions”) on any dog licence held by that person in respect of that dog.

(3) It is immaterial for the purposes of paragraph (2) whether the dog licence was in force at the time the offence mentioned in paragraph (1) was committed.

(4) A notice under this Article must inform the keeper of the dog—

- (a) of the grounds on which the notice is being served;
- (b) of the right to appeal under Article 30C and the time within which such an appeal must be brought;
- (c) of the right to apply under Article 30D for a review of the conditions imposed by the notice and the effect of paragraph (2) of that Article;
- (d) of the effect of Articles 30E and 30F.

(5) The service of a notice under this Article in respect of any offence mentioned in paragraph (1) does not affect—

- (a) the liability of any person to be convicted of that offence; or
- (b) any power of an officer to give a notice under Article 36 in respect of that offence.

(6) A notice under this Article takes effect on the date of service of the notice.

(7) Subject to Articles 30C and 30D, at any time after a notice served on the keeper of a dog takes effect, any dog licence held by the keeper in respect of the dog has effect subject to the control conditions specified in the notice.

(8) In its application to the service of notices under this Article, section 24 of the Interpretation Act (Northern Ireland) 1954 has effect with the omission of the word “registering” in subsection (1).

Control conditions

30B.—(1) The control conditions which may be imposed on a dog licence by a notice under Article 30A are—

- (a) that the dog be securely fitted with a muzzle sufficient to prevent the dog biting any person when in a public place;
- (b) that the dog be kept under control when in a public place;
- (c) that the dog (when not under control) be kept securely confined in a building, yard or other enclosure;

- (d) that the dog be excluded from any place, or any type of place, specified in the notice;
- (e) that the dog (if male) be neutered before the end of the period of 30 days from the date on which the notice takes effect;
- (f) that the keeper, with the dog, attend and complete a specified course of training in the control of dogs before the end of the period of 6 months from the date on which the notice takes effect.

(2) In paragraph (1)(f) “specified” means specified, or of a description specified, in the notice under Article 30A.

Appeal against imposition of control conditions

30C.—(1) A person aggrieved by a notice served on him under Article 30A may, by notice under Part 7 of the Magistrates' Courts (Northern Ireland) Order 1981, appeal to a court of summary jurisdiction.

(2) An appeal under this Article must be brought within the period of 30 days beginning with the day on which the notice was served.

(3) On an appeal under this Article, the court may—

- (a) cancel the notice;
- (b) confirm the notice without modification; or
- (c) confirm the notice with such modifications of the control conditions specified in the notice as the court thinks fit.

(4) The power to modify control conditions on an appeal includes power to remove or amend the conditions or to substitute new conditions for existing conditions.

(5) The decision of the court on an appeal under this Article is final.

(6) Where an appeal is brought under this Article against a notice—

- (a) any control condition imposed by the notice by virtue of Article 30B(1)(e) or (f) has effect as if for the reference to the date on which the notice takes effect there were substituted reference to the date on which the appeal is determined or abandoned; and
- (b) the court may on the application of the appellant suspend the effect of any other control condition imposed by the notice pending a decision on the appeal.

Review of control conditions

30D.—(1) At any time after a notice under Article 30A has taken effect in relation to a dog licence, the holder of the licence may apply to the council for the district in which he resides to review the control conditions imposed by the notice.

(2) But no application may be made under this Article in the period of—

- (a) 6 months from the date on which the notice takes effect; or
- (b) 12 months from the date on which the decision on an earlier review under this Article was notified to the licence holder in accordance with paragraph (3).

(3) On a review under this Article the council may—

- (a) cancel the notice;
- (b) confirm the notice without modification; or
- (c) confirm the notice with such modifications of the control conditions specified in the notice as the council thinks fit;

and shall notify the licence holder in writing of its decision.

(4) The power to modify control conditions on a review includes power to remove or amend the conditions or to substitute new conditions for existing conditions; but any modification made to control conditions must be such that (taken as a whole) the conditions are not more onerous after the review than before it.

(5) A person aggrieved by the decision of the council on a review under this Article may, by notice under Part 7 of the Magistrates' Courts (Northern Ireland) Order 1981, appeal to a court of summary jurisdiction.

(6) An appeal under this Article must be brought within the period of 30 days beginning with the day on which notice of the decision was served in accordance with paragraph (3).

(7) On an appeal under this Article, the court may—

- (a) confirm the decision of the council;
- (b) cancel the notice; or
- (c) make any modification to the control conditions specified in the notice which the council could have made on the review.

(8) The decision of the court on an appeal under this Article is final.

(9) If a control condition imposed by virtue of section 30B(1)(e) or (f) is complied with to the satisfaction of the council, the council shall—

- (a) remove the condition from the notice served under Article 30A; or
- (b) (if there are no other control conditions imposed by the notice) cancel the notice,

and shall notify the license holder in writing of that fact.

Transfer of dogs subject to control conditions

30E.—(1) This Article applies where the keeper of a dog (“the old keeper”) gives or sells to another person (“the new keeper”) a dog kept under a dog licence which is subject to control conditions.

(2) The old keeper must not part with possession of the dog unless he has served on the council for the district in which he resides notice—

- (a) of the intended transfer of ownership of the dog; and
- (b) of the name and address of the new keeper.

(3) A person who fails to comply with paragraph (2) is guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(4) A council which receives a notice under this Article shall—

- (a) inform the new keeper of the control conditions imposed on the licence under which the dog was kept by the old keeper and the grounds on which those conditions were imposed; and
- (b) give such advice to the new keeper in relation to the control of the dog as the council thinks appropriate.

(5) If the new keeper resides in the district of another council, the council must also inform that other council of the matters mentioned in paragraph (4)(a).

Contravention of control condition

30F.—(1) If any control condition of a dog licence is contravened, the keeper of the dog is guilty of an offence and liable on summary conviction to a fine not exceeding level 4 on the standard scale.

(2) It is a defence for a person charged with an offence under this Article to show that he had taken all reasonable steps to prevent contravention of the control condition.]

Miscellaneous

Regulation with respect to dogs

31.—(1) Regulations may—

- (a) prescribe and regulate the muzzling of dogs and the keeping of dogs under control;
- (b) prescribe and regulate the wearing by dogs of a collar with the name and address of the keeper of the dog inscribed on the collar on a plate or badge attached to the collar;
- (c) in addition to sub-paragraph (b), prescribe and regulate other means of the identification of dogs;
- (d) prescribe and regulate the wearing by dogs of discs or other means of licence identification attached to the collar;
- (e) make provision for the issue of such licence identification by district councils.
- [^{F18}(f) prescribe and regulate the microchipping of dogs and regulate the reading of any microchip implanted in a dog.]

[^{F19}(1A) Regulations under paragraph (1)(f) may in particular provide—

- (a) for the use of microchipping as a means of—
 - (i) identification of a dog and its keeper;
 - (ii) licence identification;
- (b) for conferring powers on officers in connection with such identification;
- (c) that a dog is microchipped for the purposes of Article 6(7) if (and only if)—
 - (i) the microchip is of a prescribed class or description or of a class or description approved by a prescribed body or person;
 - (ii) the microchip is implanted in the dog by a person of a prescribed class or description;
 - (iii) any prescribed conditions in relation to the keeping and making available to councils of information in connection with the use of the microchip as mentioned in sub-paragraph (a) are satisfied; and
 - (iv) any other prescribed conditions are satisfied.]

(2) Any person contravening any provision of regulations made under this Article shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding £200.

F18 Art. 31(1)(f) inserted (9.4.2012) by [Dogs \(Amendment\) Act \(Northern Ireland\) 2011 \(c. 9\), ss. 2\(2\), 18\(1\); S.R. 2012/131, art. 2](#)

F19 Art. 31(1A) inserted (9.4.2012) by [Dogs \(Amendment\) Act \(Northern Ireland\) 2011 \(c. 9\), ss. 2\(3\), 18\(1\); S.R. 2012/131, art. 2](#)

Changes to legislation:

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