



# Dogs (Amendment) Act (Northern Ireland) 2001

## 2001 CHAPTER 1

An Act to make provision regarding the destruction of dogs under the Dogs (Northern Ireland) Order 1983. [29th January 2001]

### **Power of court to order destruction of dogs**

**1.**—(1) Article 33 of the Dogs (Northern Ireland) Order 1983 (NI 8) (powers of court to order destruction of dogs) shall have effect subject to subsections (2) to (5).

(2) For paragraph (1) there shall be substituted the following paragraphs—

“(1) Where it appears to a court that a dog has attacked any person or has worried livestock, the court shall unless, having taken account of all the circumstances, it appears to the court that exceptional mitigating factors exist—

- (a) make an order directing the dog to be destroyed; or
- (b) make an order directing the dog to be destroyed unless such measures as are specified in the order are taken to prevent the dog being a danger to the public or to livestock.

(1ZA) An order under paragraph (1)(b) may include provision requiring the dog to be—

- (a) securely fitted with a muzzle sufficient to prevent the dog biting any person;
- (b) kept confined in a building, shed, yard or other enclosure from which it cannot escape;

- (c) excluded from places specified in the order;
- (d) neutered (if it appears to the court that the dog is a male).

(1ZB) If the Department thinks it desirable to do so, it may by order prescribe the kind of muzzle to be used for the purpose of complying, in the case of a dog of any type, with an order under paragraph (1)(b); and if a muzzle of a particular kind is for the time being prescribed in relation to any type of dog, the reference in paragraph (1ZA) to a muzzle shall, in relation to any dog of that type, be construed as a reference to a muzzle of that kind.” .

(3) For paragraphs (1A) to (2) there shall be substituted the following paragraph—

“(1A) Where a person is convicted of an offence under Article 25A or of an offence under an order under Article 25B, the court may make an order directing the dog in respect of which the offence was committed to be destroyed and shall do so unless the court is satisfied that the dog will not be a danger to the public.” .

(4) In paragraph (6), for the words “paragraph (1), (1A) or (1B)” there shall be substituted the words “paragraph (1) or (1A)”.

(5) For paragraph (7) there shall be substituted the following paragraph—

“(7) Where the court makes an order under this Article directing a dog to be destroyed and—

- (a) the owner appeals; or
- (b) in the case of an order under paragraph (1A), the convicted person appeals against his conviction,

until the appeal is determined or abandoned that order shall have effect as if it were an order under paragraph (1)(b) which included provision such as is mentioned in paragraph (1ZA)(b).” .

### **Power of resident magistrate to order destruction of certain dogs**

2.—(1) In Article 25C(3) of the Dogs (Northern Ireland) Order 1983 (NI 8) (power of resident magistrate to order destruction of dog seized under that Article), for the words from “he may order” to the end there shall be substituted the following words “—

- (a) if the dog is one to which Article 25A applies, the resident magistrate shall order that unless the dog is exempted from the prohibition in paragraph (3) of that Article within the period of two months beginning with the date of the order the dog shall be destroyed;
- (b) if the dog is not one to which Article 25A applies, the resident magistrate may order the destruction of the dog and shall do so unless he is satisfied that the dog is not a danger to the public.” .

(2) Where an order is made under sub-paragraph (a) of Article 25C(3), Part III of the Dangerous Dogs Compensation and Exemption Schemes Order (Northern Ireland) 1991 (SRNo. 466) shall have effect as if—

- (a) any reference to 30th November 1991 were a reference to the expiration of the period of two months beginning with the date on which the order under that sub-paragraph is made; and
- (b) the fee payable to the district council were a fee of such amount as the Department of Agriculture and Rural Development may by order made subject to negative resolution prescribe.

### **Transitional provisions**

3.—(1) This Act shall apply in relation to cases where proceedings have been instituted before the commencement of sections 1 and 2 (as well as in relation to cases where proceedings have been instituted after the commencement of those sections).

(2) Where a court has made an order under paragraph (1) or (1A) of Article 33 of the Dogs (Northern Ireland) Order 1983 (NI 8) directing a dog to be destroyed but the dog has not been destroyed before the commencement of section 1, that order shall cease to have effect and any person may apply to any court for an order under that paragraph in place of that order.

(3) Where a resident magistrate has under paragraph (3) of Article 25C of the Dogs (Northern Ireland) Order 1983 ordered the destruction of a dog to which Article 25A of that Order applies but the dog has not been destroyed before the commencement of section 2, the order under paragraph (3) of Article 25C shall cease to have effect and any person may apply to any resident magistrate for an order under that paragraph in place of that order.

### **Consequential repeal**

4. Article 5 of the Dangerous Dogs (Northern Ireland) Order 1991 (NI 21) is hereby repealed.

### **Commencement**

5. Sections 1 to 4 shall come into operation on the expiration of two months from the date of Royal Assent.

### **Short title**

6. This Act may be cited as the Dogs (Amendment) Act (Northern Ireland) 2001.

**Status:**

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

**Changes to legislation:**

There are currently no known outstanding effects for the Dogs (Amendment) Act (Northern Ireland) 2001.