



2001 CHAPTER 1

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).”.