

*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**

### **COMMENTARY ON SECTIONS**

#### ***Control of dogs***

**Section 5** of the Act (Contingent destruction orders where no prosecution) amends the Dogs Order to provide that, where no person is to be prosecuted for an offence under the Order in respect of a dog seized under Article 25C(1) (a) (that is, a dog of a prohibited type) that dog may be exempted from the prohibition (under strict conditions) provided that a district judge (magistrates court) is satisfied that the dog will not be a danger to the public.

**Section 6** of the Act (Attacks on livestock and certain other animals) amends the Dogs Order to make it an offence to set a dog on or urge it to attack an animal (other than livestock) owned by another person, and to make it an offence to keep a dog which attacks and injures an animal (other than livestock).

**Section 6** of the Act also extends the defence contained in the Dogs Order, whereby a person shall not be guilty of an offence if that person's dog attacks another person or livestock trespassing on that person's land, to also cover the situation where an animal owned by another person (other than livestock) is attacked by a person's dog while trespassing on that person's land.

**Section 7** of the Act (Attacks on persons) amends the Dogs Order to provide that an attack on a person that results in injury shall be considered an aggravated offence, whether it happens in a public or a private place. It also amends the Dogs Order to increase the maximum penalty for setting a dog on or urging it to attack a person to imprisonment for a term not exceeding 6 months or a fine not exceeding level 5 on the standard scale or to both.

**Section 8** of the Act (Control conditions on dog licences) inserts a new Article 30A into the Dogs Order, which enables district council dog wardens to attach certain control conditions to the licence of a dog where the officer has reason to believe that an offence under the Dogs Order has been committed in respect of that dog.

A new Article 30B provides that the potential control conditions available to a dog warden under this section are that the dog concerned should be:

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

- securely fitted with a muzzle when in public;
- kept under control when in public;
- when not under control, be kept securely confined;
- be kept from any specified place;
- if male, be neutered; or
- with the keeper, attend and complete a specified course of training.

A new Article 30C provides for appeal to a Magistrate's Court against the imposition of any control conditions and a new Article 30D for the right of an owner to request a review by the district council of any control condition.

A new Article 30E applies where the keeper of a dog whose licence is subject to control conditions gives or sells the dog to another person, and requires the original keeper not to part with possession of the dog unless he has notified his district council of the intended transfer of ownership of the dog and the name and address of the new keeper.

Failure to comply with this requirement will be an offence liable on summary conviction to a fine not exceeding level 4 on the standard scale.

The new Article 30 also requires a district council receiving notice of the transfer of ownership of a dog whose licence is subject to control conditions to inform the new owner of that fact and give that new owner any advice it considers appropriate; and, where the new owner resides in the district of another council, to inform that other council of the transfer of the dog into its district.

A new Article 30F provides that a breach of any control condition shall be an offence punishable by a fine not exceeding level 4 on the standard scale.

[Section 9](#) of the Act (Contingent destruction orders on conviction) amends the Dogs Order to provide that, where a person has been convicted of an offence under Article 25A of the Order (that is, breeding or breeding from, selling or exchanging or giving as a gift or having possession of a dog of a prohibited type) and the court is satisfied that the dog concerned will not be a danger to the public, the dog may be exempted under strict conditions.