
STATUTORY INSTRUMENTS

1983 No. 764

The Dogs (Northern Ireland) Order 1983

PART IV

**DESTRUCTION OF DOGS, SUSPENSION
OF LICENCES AND OTHER PROVISIONS**

Destruction of dogs

Power of court to order destruction of dogs

33.—^[F1](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.]

^[F1](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.]

^[F2](1B) If—

- (a) the dog is one to which Article 25A applies,
- (b) the court does not order the destruction of the dog under paragraph (1A), and
- (c) the dog is subject to the prohibition in Article 25A(3),

the 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.]

(3) Paragraph (1) shall not apply to a dog which has attacked any person while it was being used—

- (a) as a guard dog, or otherwise for guarding persons or property; or
- (b) for police purposes; or
- (c) for such other purposes as the Department may, by order, specify.

(4) For the purpose of proceedings under this Article any transfer of ownership of the dog after the date of any event giving rise to the complaint shall not prejudice or affect the power of the court to make an order under this Article and such an order may be directed against any owner for the time being of the dog or, where the keeper of the dog is a person other than its owner, against the keeper.

(5) An order made under this Article shall be served on such persons as the court may direct.

(6) For the purposes of—

- (a) Articles 60 (appeals) and 61 and 62 (cases stated) of the County Courts (Northern Ireland) Order 1980;
- (b) Articles 143 (appeals) and 146 (cases stated) of the Magistrates' Court (Northern Ireland) Order 1981;

where the court makes an order under this Article directed against the owner of a dog to be destroyed and the owner of the dog by virtue of^{F1} paragraph (1) or (1A)], that owner shall be deemed to be a party to the proceedings.

^{F1}(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).]

(8) In this Article “injury” includes injury resulting in death.

F1 2001 c. 1 (NI)

F2 Art. 33(1B) inserted (28.7.2011) by *Dogs (Amendment) Act (Northern Ireland) 2011* (c. 9), ss. 9(2), 18(1); S.R. 2011/281, art. 2, Sch.

Changes to legislation:

There are currently no known outstanding effects for the The Dogs (Northern Ireland) Order 1983, Cross Heading: Destruction of dogs.