
STATUTORY INSTRUMENTS

1991 No. 2292 (N.I. 21)

NORTHERN IRELAND

The Dangerous Dogs (Northern Ireland) Order 1991

Made - - - - *16th October 1991*
Laid before Parliament *24th October 1991*
Coming into operation on *31st October 1991*

At the Court of Saint James, the 16th day of October 1991
Present,
The Counsellors of State in Council

Whereas Her Majesty in pursuance of the Regency Acts 1937 to 1953, was pleased, by Letters Patent dated the 25th day of September 1991 to delegate to the six Counsellors of State therein named or any two or more of them full power and authority during the period of Her Majesty's absence from the United Kingdom to summon and hold on Her Majesty's behalf Her Privy Council and to signify thereat Her Majesty's approval for anything for which Her Majesty's approval in Council is required:

And Whereas this Order is made only for purposes corresponding to the purposes of the Dangerous Dogs Act 1991:

Now, therefore, His Royal Highness The Prince Andrew, Duke of York, and His Royal Highness The Prince Edward, being authorised thereto by the said Letters Patent, and in pursuance of the powers conferred by paragraph 1 of Schedule 1 to the Northern Ireland Act 1974, (as modified by section 8 of the said Act of 1991) and all other powers enabling Her Majesty, and by and with the advice of Her Majesty's Privy Council, do on Her Majesty's behalf order, and it is hereby ordered, as follows:—

Title and commencement

1. This Order may be cited as the Dangerous Dogs (Northern Ireland) Order 1991 and shall come into operation on 31st October 1991.

Interpretation

2.—(1) The Interpretation Act (Northern Ireland) 1954 shall apply to Article 1 and the following provisions of this Order as it applies to a Measure of the Northern Ireland Assembly.

(2) In this Order “the Dogs Order” means the Dogs (Northern Ireland) Order 1983.

Dangerous dogs

3. After Article 25 of the Dogs Order there shall be inserted the following Articles—

“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.

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, subject to affirmative resolution, 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.

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, 29(1A) 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) he may order the destruction of the dog and shall do so if it is one to which Article 25A applies.”.

Attacks by dogs

4.—(1) Article 29 of the Dogs Order (attacking of persons or worrying of livestock) shall have effect subject to the following provisions of this Article.

- (2) In paragraph (1) the words “attacks any person or” shall cease to have effect.
- (3) After paragraph (1) there shall be inserted the following paragraphs—

“(1A) Subject to the provisions of this Article, if a dog attacks any person 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, or, if the attack takes place in a public place or any other place where the dog is not permitted to be and the dog injures the person attacked, an aggravated offence, under this paragraph.

(1B) A person guilty of an offence under paragraph (1A) other than an aggravated offence 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; and a person guilty of an aggravated offence under that paragraph shall be 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.”.

(4) In paragraph (2) for the words “Paragraph (1)” there shall be substituted the words “Paragraphs (1) and (1A)”.

Destruction of dangerous dogs

5.—(1) Article 33 of the Dogs Order (power of court to order destruction of dogs) shall have effect subject to the following provisions of this Article.

(2) After paragraph (1) there shall be inserted the following paragraphs—

“(1A) Where a person is convicted of an offence under Article 25A, the court shall make an order directing the dog in respect of which the offence was committed to be destroyed.

(1B) Where a person is convicted of an offence under an order made under Article 25B, the court may make an order directing the dog in respect of which the offence was committed to be destroyed.”.

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

(4) In paragraph (7) for the words from the beginning to “appeals” there shall be substituted the words

“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) or (1B), the convicted person appeals against his conviction,
- then”.

Disqualification orders

6. After Article 33 of the Dogs Order there shall be inserted—

“Disqualification for keeping a dog

Disqualification orders

33A.—(1) Where a person is convicted of an offence under Article 25A or 29(1A) or of an offence under an order under Article 25B the court may, in addition to any other penalty which may be imposed, order that person to be disqualified, for such period as the court thinks fit, for keeping a dog.

(2) Subject to paragraph (3), any person disqualified by virtue of an order under this Article may at any time after the expiration of 12 months from the date of the order apply to the court by which the order was made to remove the disqualification, and on any such application the court may, having regard to the character of the applicant, his conduct

subsequent to the order, the nature of the offence of which he was convicted and any other circumstances—

- (a) direct that, as from such date as may be specified in the direction, the disqualification be removed; or
- (b) refuse the application.

(3) Where the court refuses the application, a further application may not be made until the expiration of 12 months from the date of the refusal.

(4) Any person who keeps a dog in contravention of an order made under this Article shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale.”.

Minor amendments to Dogs Order

7.—(1) In Article 2(2) of the Dogs Order after the definition of “poultry” there shall be inserted the following definition—

““public place” means any road or other place (whether or not enclosed) to which the public have or are permitted to have access whether for payment or otherwise and includes the common parts of a building containing two or more separate dwellings;”.

(2) In Articles 4(2)(a), 10(2), 13(2) and 18(1)(b) of that Order after the word “under” there shall be inserted the words “Article 33A or”.

(3) In Article 28(1) of that Order for the words “road or other public place or in any place to which the public have or are permitted to have access” there shall be substituted the words “public place”.

(4) In Article 54 of that Order after “25(4),” there shall be inserted “25B(1)”.

G. I. de Deney
Clerk of the Privy Council

EXPLANATORY NOTE

(This note is not part of the Order)

This Order is made only for purposes corresponding to the purposes of the Dangerous Dogs Act 1991.

The Order imposes restrictions on certain types of fighting dog and provides for restrictions to be imposed on other types of specially dangerous dogs. It also increases the penalties for offences involving attacks by dogs and empowers a court to order the destruction of certain dangerous dogs.