

1991 No. 466

DOGS

**Dangerous Dogs Compensation and Exemption Schemes
Order (Northern Ireland) 1991**

Made 22nd October 1991

Coming into operation 31st October 1991

The Department of Agriculture, in exercise of the powers conferred on it by Article 25A(3), (5) and (6) of the Dogs (Northern Ireland) Order 1983(a) and of every other power enabling it in that behalf, hereby makes the following Order:

PART I

PRELIMINARY

Citation and commencement

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

Interpretation

2. In this Order—

- (a) “the Order” means the Dogs (Northern Ireland) Order 1983;
- (b) “district council” means the district council in whose district the address mentioned in Article 7(b) is located.

PART II

COMPENSATION SCHEME

3.—(1) The keeper of a dog to which Article 25A of the Order applies who has arranged for it to be destroyed before 30th November 1991 shall be paid by the district council the sums mentioned in paragraphs (2) and (3), if, after complying with Article 7 (provision of information to the district council), he makes written application to the district council in such form, containing such particulars and supported by such evidence as it may reasonably require for the purpose of satisfying itself—

- (a) that the dog is one to which Article 25A of the Order applies;
- (b) that the applicant is the keeper of the dog;

(a) S.I. 1983/764 (N.I. 8); Article 25A was inserted by S.I. 1991/2292 (N.I. 21)

- (c) that he has complied with Article 7; and
 - (d) that the dog has been destroyed,
- and the district council is satisfied as aforesaid.

(2) The sum payable in respect of dogs in relation to which the district council is so satisfied shall be—

- (a) in the case of a pit bull terrier £25;
- (b) in the case of a Japanese Tosa £100; and
- (c) in the case of a dog of a type designated in an order under Article 25A(1)(c) of the Order £100.

(3) The sum payable in respect of the cost of destruction of a dog in relation to which the district council is so satisfied shall be £25.

PART III — If each rule is 25(3),
 applying as if it to 3 or more
 EXEMPTION SCHEME — if to 2 not the rule.

4. The prohibition contained in Article 25A(3) of the Order (no person to have in his possession or custody after 30th November 1991 a dog to which that Article applies) shall not apply to a dog born before 30th November 1991 in respect of which the conditions specified in Article 5, or as the case may be, Article 6 are complied with.

Conditions for adult dogs

5. In the case of a dog which is over the age of 6 months on 30th November 1991, the conditions referred to in Article 4 are—

- (a) that Article 7 has been complied with;
- (b) that the requirements of Article 8 have been complied with;
- (c) that there is in force in respect of the dog third party insurance which complies with Article 9;
- (d) that the fee specified in Article 10 has been paid;
- (e) that a certificate of exemption issued in accordance with Article 11 is in force; and
- (f) that the requirements specified in the certificate, in accordance with Article 11, are complied with.

Conditions for puppies

6. In the case of a dog which is under the age of 6 months on 30th November 1991 the conditions referred to in Article 4 are those specified in Article 5 except that the conditions contained in paragraphs (b) to (f) of Article 5 need not be complied with until after 30th November 1991 as long as they are complied with within one month of the dog's attaining the age of 6 months.

Reporting to the district council

7. The keeper of a dog to which Article 25A of the Order applies who wishes to claim compensation in accordance with Part II and a person who

wishes such a dog to be exempt from the provisions of Article 25A(3) of the Order shall, in the case of a dog to which Article 5 applies, before 16th November 1991 and in the case of a dog to which Article 6 applies, before 30th November 1991 provide the district council with such information concerning the dog as may reasonably be required by the district council for the purpose of establishing—

- (a) that the dog is one to which Article 25A of the Order applies;
- (b) the keeper's name and the address at which the dog is kept; and
- (c) the name, age and gender of the dog.

Neutering and identification

8.—(1) A male dog which is to be exempted from the provision of Article 25A(3) of the Order shall be castrated, and a female dog which is to be so exempted shall be spayed, in either case by a veterinary surgeon or veterinary practitioner, and the dog shall be provided with permanent identification in such form as may be prescribed by the district council in order that it may be readily ascertained that the relevant operation has been performed on it.

(2) A person wishing to claim exemption shall provide the district council with such evidence as it may require of the fact that the requirements of paragraph (1) have been met.

Third party insurance

9.—(1) There shall be in force in respect of a dog which is to be exempted from the provisions of Article 25A(3) of the Order a policy of insurance subject to such terms, conditions, limitations and exclusions as may be contained in the policy which insures the person specified in the policy in respect of the death of, or bodily injury to, any person other than persons permanently residing with him as members of his family and persons in respect of whom he is required to maintain a policy of insurance by virtue of the Employer's Liability (Defective Equipment and Compulsory Insurance) (Northern Ireland) Order 1972(a) caused by the dog.

(2) A person wishing to claim exemption shall provide the district council with such evidence as it may require of the fact that the dog is insured in accordance with paragraph (1).

The fee

10. The fee payable to the district council in respect of a certificate of exemption shall be £12.50 and value added tax thereon.

Certificate of exemption

11.—(1) If satisfied that the conditions referred to in paragraphs (a) to (d) of Article 5 have been met, the district council shall issue a certificate of exemption in respect of the dog.

- (2) Such a certificate shall contain the following requirements:

(a) S.I. 1972/963 (N.I. 6)

- (a) a requirement to notify the district council of any change of address at which the dog to which it relates is kept for a period in excess of 30 days;
 - (b) a requirement to notify the district council of the death or export of the dog;
 - (c) a requirement, on request by an officer of any district council authorised by it in writing, to produce the certificate to such an officer within 5 days of being requested to do so;
 - (d) a requirement, on request by an officer of any district council authorised by it in writing, to permit the inspection by such an officer of the dog's permanent identification pursuant to Article 8;
 - (e) a requirement to satisfy the district council that a policy of insurance which complies with Article 9 continues in force;
 - (f) a requirement to keep the dog to which it relates in sufficiently secure conditions to prevent its escape;
 - (g) a requirement to keep the dog to which it relates muzzled and on a lead when in a public place.
- (3) Such a certificate may also contain such additional requirements, including the imposition of time limits, as the district council may reasonably require for the purpose of ensuring that the requirements of this Article are complied with.

12. The Department shall make such payments to a district council in respect of the discharge by it of functions under this Order as are agreed between them or, in default of agreement, as appear to the Department appropriate.

Sealed with the Official Seal of the Department of Agriculture on 22nd
October 1991.

(L.S.)

P. T. Toal

Assistant Secretary

EXPLANATORY NOTE

(This note is not part of the Order.)

Article 25A(3) of the Dogs (Northern Ireland) Order 1983 (“the 1983 Order”) provides that possession or custody of dogs to which Article 25A applies will be prohibited after 30th November 1991.

Part II of this Order sets out the compensation scheme for the purposes of Article 25A(3) of the 1983 Order. Provided a district council is satisfied that the applicant was the keeper of a dog to which Article 25A applies which was notified to it before 16th November 1991 and destroyed before 30th November 1991, the district council will make payments of £25 in the case of a pit bull terrier; £100 in the case of a Japanese Tosa or any other dog of a type designated in an Order under Article 25A(1)(c) of the 1983 Order. In addition, £25 is payable in respect of the costs of destruction of any such dog.

Part III of this Order sets out the exemption scheme for the purposes of Article 25A(5) of the 1983 Order. This Part sets out the conditions which must be satisfied by 30th November 1991 in respect of any dog to be exempted from the prohibition on possession or custody of dogs to which Article 25A applies. The conditions include notification to the district council in whose district the dog is being kept — in the case of an adult dog such notification must be by 16th November 1991 and in the case of a dog which is less than 6 months old on 30th November 1991 such notification must be by 30th November 1991; neutering and permanent identification; third party insurance; payment of a fee of £12.50 and value added tax thereon; the obtaining of a certificate of exemption from the district council and compliance with any requirements of the certificate. In the case of a dog which is less than 6 months old on 30th November 1991, the conditions (apart from notification to the district council) may be complied with after that date provided they are complied with within one month of the dog’s attaining the age of 6 months. The certificate of exemption will include requirements to notify the district council of any change of address of the dog for 30 days or more and of its death or export; to produce the certificate of exemption and permit the inspection of the dog’s permanent identification on request by an authorised officer; to satisfy the district council that the dog is currently insured; and to keep the dog in sufficiently secure conditions to prevent its escape and muzzled and on a lead in a public place. The district council may impose other ancillary requirements.