

EXPLANATORY MEMORANDUM TO
The Dog Control Orders (Prescribed Offences and Penalties, etc.) Regulations
(Northern Ireland) 2012

S.R. 2012 No. 114

1. Introduction

- 1.1. This Explanatory Memorandum has been prepared by the Department of the Environment to accompany the Statutory Rule (details above) which has been laid before the Northern Ireland Assembly.
- 1.2. The Statutory Rule is made under section 40(4), 41(1) and 41(3) of the Clean Neighbourhoods and Environment Act (Northern Ireland) 2011 (the Act) and is subject to the draft affirmative resolution procedure.

2. Purpose

- 2.1. The Regulations prescribe the five offences capable of being provided for in dog control orders, and supply model forms for each type of order. The Regulations also prescribe the maximum penalty which may be provided for in a dog control order, i.e. in respect of each type of offence, a fine not exceeding level 3 on the standard scale (currently £1,000).
- 2.2. The Regulations provide that none of the offences capable of being provided for in any dog control order will apply to a person who has a reasonable excuse for his conduct, nor will an offence apply to a person where the owner or occupier of the land subject to a dog control order has consented to any conduct, etc. that would otherwise constitute an offence. These provisions will in practice exempt those responsible for dogs such as police dogs which are on land for to investigate or prevent crime, and for working dogs on land with the consent of the occupier, from these offences.

3. Background

- 3.1. Under Part 5 of the Act, dog control orders replace the previous system of byelaws for the control of dogs and also the dog fouling provisions under Article 4 of the Litter (Northern Ireland) Order 1994 which will be repealed.

4. Matters of Special Interest to the Environment Committee

- 4.1. None

5. Consultation

- 5.1. The Department consulted on the proposed Regulations from 23 March to 15 June 2011. There were 31 responses to the consultation and in general district councils welcomed the proposed introduction of the Dog Control Order process as a streamlined replacement for the current byelaw system. Other

organisations and members of the public commented that there must be a sustained education and enforcement programme put in place if the system is to be effective, especially when dealing with the problems of dog fouling.

5.2. A copy of the synopsis of responses is available on the Department's website at www.doeni.gov.uk/clean_neighbourhoods.htm

6. Parity or Replicatory Measure

6.1. The Regulations replicate the relevant England and Wales provisions under the corresponding Act.

7. Equality Impact

7.1. As a result of a screening analysis carried out during consultation on the draft Clean Neighbourhoods and Environment Bill, the Department considered that there would be no significant implications for equality of opportunity as a result of the draft regulations.

7.2. However, in respect of certain dog control orders, there are exemptions applying to people who rely on an assistance dog because of a disability.

8. Regulatory Impact

8.1. A regulatory impact assessment on the effect of the Clean Neighbourhoods and Environment Bill is available on the Department's website. A separate regulatory impact assessment has not been produced for these Regulations as they have no impact on the cost to business.

9. Financial Implications

9.1. The Regulations have no measurable financial implications.

10. Section 24 of the Northern Ireland Act 1998

10.1. The Department has considered its obligations under section 24 of the Northern Ireland Act 1998 and is satisfied that the Regulations are not incompatible with the Convention rights or Community law, do not discriminate against a person or class of person on the grounds of religious belief or political opinion; and do not modify an enactment in breach of section 7 of the Northern Ireland Act 1998.

11. EU Implications

11.1. Not applicable

12. Additional Information

12.1. Not applicable