



Dogs (Amendment) Act (Northern Ireland) 2001

CHAPTER 1

£1.55



Dogs (Amendment) Act (Northern Ireland) 2001

CHAPTER 1

CONTENTS

1. Power of court to order destruction of dogs
2. Power of resident magistrate to order destruction of certain dogs
3. Transitional provisions
4. Consequential repeal
5. Commencement
6. Short title



Dogs (Amendment) Act (Northern Ireland) 2001

2001 CHAPTER 1

An Act to make provision regarding the destruction of dogs under the Dogs (Northern Ireland) Order 1983. [29th January 2001]

BE IT ENACTED by being passed by the Northern Ireland Assembly and assented to by Her Majesty as follows:

Power of court to order destruction of dogs

1.—(1) Article 33 of the Dogs (Northern Ireland) Order 1983 (NI 8) (powers of court to order destruction of dogs) shall have effect subject to subsections (2) to (5).

(2) For paragraph (1) there shall be substituted the following paragraphs—

“(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.”.

(3) For paragraphs (1A) to (2) there shall be substituted the following paragraph—

“(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.”.

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

(5) For paragraph (7) there shall be substituted the following paragraph—

“(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).”.

Power of resident magistrate to order destruction of certain dogs

2.—(1) In Article 25C(3) of the Dogs (Northern Ireland) Order 1983 (NI 8) (power of resident magistrate to order destruction of dog seized under that Article), for the words from “he may order” to the end there shall be substituted the following words “—

- (a) if the dog is one to which Article 25A applies, the resident magistrate shall order that unless the dog is exempted from the prohibition in paragraph (3) of that Article within the period of two months beginning with the date of the order the dog shall be destroyed;
- (b) if the dog is not one to which Article 25A applies, the resident magistrate may order the destruction of the dog and shall do so unless he is satisfied that the dog is not a danger to the public.”.

(2) Where an order is made under sub-paragraph (a) of Article 25C(3), Part III of the Dangerous Dogs Compensation and Exemption Schemes Order (Northern Ireland) 1991 (SR No. 466) shall have effect as if—

- (a) any reference to 30th November 1991 were a reference to the expiration of the period of two months beginning with the date on which the order under that sub-paragraph is made; and
- (b) the fee payable to the district council were a fee of such amount as the Department of Agriculture and Rural Development may by order made subject to negative resolution prescribe.

Transitional provisions

3.—(1) This Act shall apply in relation to cases where proceedings have been instituted before the commencement of sections 1 and 2 (as well as in relation to cases where proceedings have been instituted after the commencement of those sections).

(2) Where a court has made an order under paragraph (1) or (1A) of Article 33 of the Dogs (Northern Ireland) Order 1983 (NI 8) directing a dog to be destroyed but the dog has not been destroyed before the commencement of section 1, that order shall cease to have effect and any person may apply to any court for an order under that paragraph in place of that order.

(3) Where a resident magistrate has under paragraph (3) of Article 25C of the Dogs (Northern Ireland) Order 1983 ordered the destruction of a dog to which Article 25A of that Order applies but the dog has not been destroyed before the commencement of section 2, the order under paragraph (3) of Article 25C shall cease to have effect and any person may apply to any resident magistrate for an order under that paragraph in place of that order.

Consequential repeal

4. Article 5 of the Dangerous Dogs (Northern Ireland) Order 1991 (NI 21) is hereby repealed.

Commencement

5. Sections 1 to 4 shall come into operation on the expiration of two months from the date of Royal Assent.

Short title

6. This Act may be cited as the Dogs (Amendment) Act (Northern Ireland) 2001.

© Crown copyright 2001

Printed and published in the UK by the Stationery Office Limited under the authority and superintendence of Carol Tullo, Controller of Her Majesty's Stationery Office, being the Government Printer for Northern Ireland and the officer appointed to print the Acts of the Northern Ireland Assembly

Published by The Stationery Office Limited

and available from:

The Publications Centre

(Mail, telephone and fax orders only)

PO Box 276, London SW8 5DT

General enquiries 0870 600 55 22

Order through the Parliamentary Hotline *Lo-Call* 0845 7 023474

Fax orders 0870 600 5533

Email orders bookorders@theso.co.uk

The Stationery Office Bookshops

123 Kingsway, London WC2B 6PQ

020 7242 6393 Fax 020 7242 6394

68-69 Bull Street, Birmingham B4 6AD

0121 236 9696 Fax 0121 236 9699

33 Wine Street, Bristol BS1 2BQ

0117 926 4306 Fax 0117 929 4515

9-21 Princess Street, Manchester M60 8AS

0161 834 7201 Fax 0161 833 0634

16 Arthur Street, Belfast BT1 4GD

028 9023 8451 Fax 028 9023 5401

The Stationery Office Oriel Bookshop

18-19 High Street, Cardiff CF1 2BZ

029 2039 5548 Fax 029 2038 4347

71 Lothian Road, Edinburgh EH3 9AZ

0870 606 5566 Fax 0870 606 5588

The Parliamentary Bookshop

12 Bridge Street, Parliament Square
London SW1A 2JX

Telephone orders 020 7219 3890

General enquires 020 7219 3890

Fax orders 020 7219 3866

Accredited Agents

(See Yellow Pages)

and through good booksellers

ISBN 0-10-595008-4



9 780105 950080