



Dogs (Amendment) Act (Northern Ireland) 2011

2011 CHAPTER 9

An Act to amend the law relating to dogs.

[8th March 2011]

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

Dog licences

Exemptions

- 1.—(1) Article 5 of the Dogs Order (exemptions) is amended as follows.
- (2) For paragraph (b) substitute—
 - “(b) a dog kept and used by a disabled person (within the meaning of the Disability Discrimination Act 1995 (c. 50)) wholly or mainly for the purpose of assisting that person to carry out normal day-to-day activities;”.

Microchipping

- 2.—(1) In Article 6 of the Dogs Order (issue of dog licences) at the end add—
 - “(7) A district council shall not—
 - (a) issue a dog licence in respect of a dog, or
 - (b) issue a transfer certificate in respect of a new dog,

unless that dog has been microchipped; and any licence or transfer certificate purporting to be issued in respect of a dog which has not been microchipped is void.

(8) For the purposes of paragraph (7) a dog is microchipped if (and only if)—

- (a) a microchip has been implanted in the dog before the coming into operation of section 2(1) of the Dogs (Amendment) Act (Northern Ireland) 2011; or
- (b) a microchip is implanted in the dog in accordance with regulations under Article 31(1)(f).

(9) Paragraph (7) does not apply if the keeper of the dog produces to the council a certificate signed by a veterinary surgeon to the effect that implantation (or continued implantation) of a microchip in the dog would have an adverse effect on the health of the dog.”.

(2) In Article 31(1) of the Dogs Order (regulations with respect to dogs) after sub-paragraph (e) insert—

“(f) prescribe and regulate the microchipping of dogs and regulate the reading of any microchip implanted in a dog.”.

(3) In Article 31 of the Dogs Order after paragraph (1) insert—

“(1A) Regulations under paragraph (1)(f) may in particular provide—

- (a) for the use of microchipping as a means of—
 - (i) identification of a dog and its keeper;
 - (ii) licence identification;
- (b) for conferring powers on officers in connection with such identification;
- (c) that a dog is microchipped for the purposes of Article 6(7) if (and only if)—
 - (i) the microchip is of a prescribed class or description or of a class or description approved by a prescribed body or person;
 - (ii) the microchip is implanted in the dog by a person of a prescribed class or description;
 - (iii) any prescribed conditions in relation to the keeping and making available to councils of information in connection with the use of the microchip as mentioned in sub-paragraph (a) are satisfied; and
 - (iv) any other prescribed conditions are satisfied.”.

Commencement Information

II [S. 2](#) in operation at 9.4.2012 by [S.R. 2012/131](#), [art. 2](#)

Licensing of dangerous dogs

3.—(1) Article 6 of the Dogs Order (issue of dog licences) is amended as follows.

(2) After paragraph (9) (inserted by section 2) insert—

“(10) A district council shall not—

(a) issue a dog licence in respect of a dog to which Article 25A applies,
or

(b) issue a transfer certificate in respect of such a dog,

unless the dog is exempted from the prohibition in Article 25A(3).”.

Fees

4.—(1) For Article 7 of the Dogs Order substitute—

“Fees for dog licences

7.—(1) On the issue of a dog licence, the person to whom the licence is issued must pay the appropriate fee.

(2) Paragraph (1) does not apply to—

(a) a licence issued to a person over the age of 65 in respect of the first or only dog kept by that person;

(b) a licence issued to any prescribed person or in any prescribed circumstances.

(3) The appropriate fee is £5 in the case of—

(a) a licence issued to a person over the age of 65, other than a licence falling within paragraph (2)(a);

(b) a licence issued to a person in receipt of an income-related benefit (within the meaning of the Social Security Administration (Northern Ireland) Act (Northern Ireland) 1992 (c. 8)) at the time of the application for the licence;

(c) a licence issued in respect of a sterilised dog.

(4) In any other case the appropriate fee is £12.50.

(5) Paragraphs (2) and (3) do not apply in the case of a licence issued in respect of a dog to which Article 25A applies (and accordingly in the case of such a licence the appropriate fee is that mentioned in paragraph (4)).

(6) The Department may by order made with the consent of the Department of Finance and Personnel amend a sum for the time being specified in paragraph (3) or (4).

(7) An order under paragraph (6) shall not be made unless the Department has consulted such organisations as appear to the Department to be representative of interests substantially affected by the order.

(8) Where within 30 days from the date of the issue of a dog licence—

- (a) the holder of the licence does not take possession of a dog, or
- (b) the holder takes possession of a dog but subsequently disposes of the dog, or
- (c) the dog dies,

the holder of the licence may apply to the district council by which the licence was issued for a refund of the sum paid on the issue of the licence.

(9) An application for a refund under paragraph (8) shall be in the prescribed form.”.

(2) In Article 8(4) of the Dogs Order (fee for block licence) for “£12.50” substitute “ £32 ”.

Control of dogs

Contingent destruction orders where no prosecution

5.—(1) Article 25C of the Dogs Order (seizure of dangerous dogs) is amended as follows.

(2) In paragraph (3) for sub-paragraphs (a) and (b) substitute “the district judge (magistrates' court) may order the destruction of the dog and shall do so unless satisfied that the dog will not be a danger to the public.”.

(3) After paragraph (3) insert—

“(4) If—

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

the district judge (magistrates' 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.”.

Setting on or urging dog to attack

6 For Article 28 of the Dogs Order (setting on or urging dog to attack) substitute—

“Attacks on livestock and certain other animals

28.—(1) Any person who sets a dog on—

- (a) any livestock, or
- (b) any other animal owned by another person,

is guilty of an offence and liable on summary conviction to a fine not exceeding level 4 on the standard scale.

(2) If a dog—

- (a) worries livestock, or
- (b) attacks and injures any other animal owned by another person,

the keeper of the dog and, if it is in the charge of a person other than its keeper, that person is guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(3) This Article does not apply to a dog while being used—

- (a) for police purposes;
- (b) for such other purposes as the Department may by order specify.

(4) A person is not guilty of an offence under this Article by reason of anything done by the dog if at the material time—

- (a) the livestock or other animal is trespassing on any land; and
- (b) the dog is—
 - (i) kept by, or in the charge of, the occupier of that land; or
 - (ii) in the charge of a person authorised by the occupier to remove the livestock or other animal from that land.

(5) The keeper of a dog shall not be convicted of an offence under paragraph (2) if he shows that at the material time the dog was in the charge of some other person whom he reasonably believed to be a fit and proper person to be in charge of the dog.”.

Attacks on persons

7 For Article 29 of the Dogs Order (attacks on persons and worrying livestock) substitute—