



## Dangerous Dogs in Northern Ireland

The control of dogs is governed by the Dogs Order (NI) 1983 (as amended by the Dangerous Dogs (Northern Ireland) Order 1991 and the Amendment Acts 2001 and 2011). Dog fighting and baiting are also offences under the Welfare of Animals Act (Northern Ireland) 1972. Recently a new Animal Welfare Strategy has been published and a new Welfare Act proposed (DARDNI, 2006).

*What are the main provisions of the Dogs (NI) Order 1983 (as amended)?*

The Dogs (NI) Order provides for licensing of dogs and the registration of guard dog kennels and breeding establishments by District Councils. The legislation sets out provisions with respect to control of dogs, stray dogs and makes it an offence to attack a person or to worry livestock.

The legislation also designates certain types of dogs that it is an offence to breed from, sell or exchange.

*What types of dogs are prohibited under the legislation?*

The legislation prohibits the types of dog known as pit bull terrier, Japanese Tosa, Dogo Argentino and Fila Brasileiro. It is an offence to breed, sell, offer for sale or make a gift of a dog of a banned type. If you are found guilty of any of these offences you face a sentence of up to six months' imprisonment and a fine of £5,000.

*Who is responsible for enforcement of the legislation in Northern Ireland?*

In Northern Ireland it is the responsibility of District Councils to enforce the Dogs Order, including the provisions regarding dogs bred for fighting.

*What action can be taken if a person is found to own or keep a dangerous dog?*

District Councils are responsible for enforcing this legislation and may seize any dog that appears to be a banned type and which is in a public place. Enforcement officers may also seize any dog that appears to be attacking a person. Attacking a person does not only mean where a dog bites someone, for example, but also includes where dogs **behave in a manner so as to cause a person apprehension of being attacked**.

*What happens if a dangerous dog is kept on private property?*

Where an enforcement officer has grounds to believe that an offence regarding a dangerous dog is being committed, the officer can seek a warrant from a magistrate to enter any premises to search for and seize such a dog.

*What are the penalties for owning a dangerous dog?*

The maximum penalty for owning a banned dog type is, on conviction, up to 6 months imprisonment, or a fine of up to £5,000, or both.

*What happens if an owner disputes that a dog is a pit bull terrier?*

In the legislation, dangerous dogs are classified by type, not by a breed label. This means that whether a dog is considered a dangerous type, and is therefore prohibited, will depend on a judgement about its characteristics, and whether they match the description of a prohibited type. This assessment of the characteristics is made by a court. However, if it is alleged by the prosecution that a dog is a banned type, it will be assumed by the court that it is, unless the owner can provide the court with sufficient evidence to the contrary.

### *What action can be taken when a dog attacks a person?*

The legislation allows a court to make an order directing that a dog be destroyed or to specify measures that need to be taken to ensure that the dog is not a danger to the public (e.g. muzzling).

If a dog attacks someone, the keeper of the dog is guilty of an offence and may be liable to up to 6 months imprisonment, or a fine of up to £5,000, or both.

#### **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.

.....

(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.”.

### *What is the position with respect to keeping dogs on leashes or having them muzzled when in public places?*

District Councils can, under the Local Government Act (NI) 1972, make such bye-laws. It is common practice to make bye-laws which require dogs to be leashed in parks and also provide for penalties for fouling, outside designated areas in parks for example. There are also provisions under the Dogs Order (NI) for dogs to be kept under control.

The Dogs (Amendment) Act (Northern Ireland) 2011 adds a new section on control conditions, which allow councils to impose licensing, muzzling, control in public places and, interestingly, that the keeper must attend a suitable course of training. However I do not believe this has yet been used by any councils.

NB Find out what your local bye-laws are!

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## **Controlling your dog in public** (<https://www.nidirect.gov.uk/articles/controlling-your-dog-public>)

### **When is your dog 'under control'?**

A dog is considered 'under control' if it is on a lead held by someone able to control the dog. For example, a large dog would not be under control if its lead was held by a child who would be unable to restrain the dog if it strained against the lead.

It isn't necessary for dogs to be leashed at all times. However, dogs must be kept on a lead in designated pedestrian zones and on land where livestock is present. Councils have bye-laws to show the areas where leashing is required, such as in public parks.

## **Dogs which behave dangerously**

It is an offence to allow a dog to attack or cause serious injury to a person or livestock, or to behave in such a way that makes a person worried that it might attack them.

Dogs which behave dangerously may be seized by the council dog warden, and their owners prosecuted. The dogs may be destroyed if the magistrate considers that they are a danger to the public.

## **Control conditions**

As well as any conditions imposed by a court where your dog has attacked a person or worried livestock, a council dog warden can impose similar conditions where certain breaches of the Dogs Order have occurred (whether or not you are prosecuted for those breaches).

If your dog has strayed, attacked a person, livestock or someone else's pet, or been out of control on certain specified roads or on land where there is livestock, a dog warden may issue a notice requiring you to keep your dog:

- muzzled when in a public place
- under control (which means on a lead held by someone strong enough to restrain the dog) when in a public place
- securely confined in a building, yard or other enclosure when not under control
- away from any specified place or any type of place
- neutered (if male) within 30 days of the date on which the notice comes into effect

The notice may also require you to undergo a course of specified training within a six month timescale.

If you fail to observe any of these conditions and do not take all reasonable steps to make sure that the condition is fulfilled, you commit an offence punishable by a fine of up to £2,500.

When six months have passed from the issue of the notice imposing a control condition (or conditions) you can ask the council which issued the notice, to review the continuing need for the conditions.

Or you can formally appeal against the imposition of any control condition to a magistrate's court. You should take legal advice on the procedures to be followed when giving notice of such an appeal.

If your dog is subject to any control condition you must tell the council which issued the notice, if you intend to sell or give the dog away. You must also inform the council of the name and address of the person you are selling or giving the dog to. Failure to do so is an offence punishable by a fine of up to £1,000.

## **Dog attacks and the penalties for owners and dogs**

The definition of attack includes your dog 'behaving in such a manner so as to cause a person apprehension of being attacked'. The recent Amendment states that both the keeper and the person in charge of the dog at that time may be guilty of a criminal offence.

Your dog does not need to bite someone for you to have committed an offence. If your dog's behaviour is aggressive or threatening you may be prosecuted. If an offence is committed it is punishable by up to six months' imprisonment and a fine of £5,000.

If your dog does injure the person attacked, you could be sentenced to two years' imprisonment and a £5,000 fine.

If your dog worries livestock you are guilty of an offence punishable by a fine of up to £1,000. Worrying livestock does not just mean attacking or killing cattle or sheep. If your dog chases livestock in such a way as could reasonably be expected to cause any form of suffering to the animals or a financial loss to their owner, it will be considered to have worried the livestock.

If your dog attacks and injures another person's pet, you are guilty of an offence punishable by a fine of up to £1,000. If you deliberately set your dog on livestock or another person's pet you could be fined up to £2,500.

If your dog has attacked a person or worried livestock a court may order that your dog be destroyed.

### **Fixed penalties**

Certain offences attract fixed penalties, as well as other sanctions, as an alternative to prosecution. A dog warden may offer you a fixed penalty for the offence, instead of going to court. You can choose not pay the fixed penalty and have the matter dealt with in court.

The offences which can attract a fixed penalty are:

- keeping a dog without a licence
- straying
- failing to keep a dog under control on certain roads and where livestock is present
- failing to display identification information on a collar/tag
- failing to notify the council of the transfer of a dog whose licence is subject to a control condition
- contravention of any control condition

The default level for a fixed penalty is £75, although a council may set its own level between £50 to £80 and allow a discount for early payment.

### **Who enforces the law**

An authorised council officer may seize a dog, without a warrant, that is in a public place or on any land where the dog appears to be attacking a person. The council officer may detain the dog until the relevant court case.

Welfare organisations or charities have no powers under the Dogs Order, although councils may make arrangements with animal charities to provide dog pound facilities.

### **Useful links**

- [The Dogs \(NI\) Order 1983 \(http://www.legislation.gov.uk/nisi/1983/764/contents\)](http://www.legislation.gov.uk/nisi/1983/764/contents)
- [The Dogs \(Amendment\) Act 2011 \(http://www.legislation.gov.uk/ni/2011/9/crossheading/dog-licences\)](http://www.legislation.gov.uk/ni/2011/9/crossheading/dog-licences)
- [Welfare of dogs \(https://www.nidirect.gov.uk/information-and-services/dogs/welfare-dogs\)](https://www.nidirect.gov.uk/information-and-services/dogs/welfare-dogs)