STATUTORY RULES OF NORTHERN IRELAND

2012 No. 114

DOGS

CONTROL OF DOGS

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

Laid before the Assembly in draft

Made - - - -	*14th March 2012*
Coming into operation-	*1st April 2012*

The Department of the Environment makes the following Regulations in exercise of the powers conferred by section 40(4) and 41(1) and (3) of the Clean Neighbourhoods and Environment Act (Northern Ireland) 2011(**1**).

Citation and commencement

1. These Regulations may be cited as the Dog Control Orders (Prescribed Offences and Penalties, etc) Regulations (Northern Ireland) 2012 and come into operation on 1st April 2012.

Interpretation

2. In these Regulations "the Act" means the Clean Neighbourhoods and Environment Act (Northern Ireland) 2011.

Prescribed offences and penalties

3.—(1) For the purposes of section 40(4) of the Act, the offences capable of being provided for in a dog control order are those set out in paragraph 1 of each of Schedules 1 to 5.

(2) The penalty to be provided in relation to any offence in a dog control order is, on summary conviction, a fine not exceeding level 3 on the standard scale.

(3) A dog control order may specify the times at which, or the periods during which, an offence is to apply.

(**1**) 2011 c. 23 (N.I.)

Specified wording to be used in, and the form of, a dog control order

4. A district council which makes a dog control order shall—

(a) in providing for any offence, use the wording specified in the Schedule applying to that offence (under the heading "offence"); and

(b) in all other respects make the order in the form set out in that Schedule, or in a form substantially to the like effect.

Amendment of a dog control order

5. A district council which amends a dog control order it has made shall do so in accordance with Schedule 6.

Sealed with the Official Seal of the Department of the Environment on 14th March 2012.

L.S.

Wesley Shannon
A senior officer of the Department of the Environment

SCHEDULE 1

Regulations 3 and 4

OFFENCE OF FAILING TO REMOVE DOG FAECES and FORM OF ORDER

1.—(1) Subject to sub-paragraphs (2) and (3), it is an offence for any person when being in charge of a dog on land to which a dog control order (described as a "Fouling of Land by Dogs Order" in the form of order set out below) applies, not to remove forthwith faeces deposited by the dog at any time or during such times or periods as may be specified in the order.

(2) No offence is committed where the person has a reasonable excuse for failing to remove the faeces, or the owner, occupier or other person or authority having control of the land has consented (generally or specifically) to the person failing to do so.

(3) The offence does not apply to a person who—

(a) is registered as blind or partially sighted in Northern Ireland in a register maintained by or on behalf of a health and social services trust;

(b) is registered as a blind or partially sighted person in a register compiled under section 29 of the National Assistance Act 1948; or

(c) has a disability which affects the person's sight, mobility, manual dexterity, physical co-ordination or ability to lift, carry or otherwise move everyday objects, in respect of a dog trained by Dogs for the Disabled (registered charity number 700454), Support Dogs (registered charity number 1088281), Guide Dogs for the Blind Association (registered charity number 209617) or Canine Partners for Independence (registered charity number 803680) and upon which the person relies for assistance.

2. In any Fouling of Land by Dogs Order, the offence of failing to remove dog faeces is to be set out in full as stated in Article 3 in the form of order given below.

3. In all other respects, a Fouling of Land by Dogs Order providing for that offence is to be in the form of order given below, or in a form substantially to the like effect.

Form of Order

The Clean Neighbourhoods and Environment Act (Northern Ireland) 2011

The Dog Control Orders (Prescribed Offences and Penalties, etc.) Regulations (Northern Ireland) 2012 (S.R. 2012 No. [ ])

The Fouling of Land by Dogs ([X](a)) Order [X](b)

[X](**c**) makes the following Order—

Commencement

1. This Order comes into operation on [X](**d**).

Application

2. This Order applies to the land specified in [the Schedule] [Schedule 1](**e**).

Offence

3. —a) If a dog defecates [at any time] [during the periods specified in Schedule 2](**f**) on land to which this Order applies and any person who is in charge of the dog at that time fails to remove forthwith the faeces from the land, that person shall be guilty of an offence unless—

(a) the person has a reasonable excuse for failing to do so; or

(b) the owner, occupier or other person or authority having control of the land has consented (generally or specifically) to the person failing to do so.

(2) Nothing in this Article applies to a person who—

(a) is registered as blind or partially sighted in Northern Ireland in a register maintained by, or on behalf of, a health and social services trust;

(b) is registered as blind or partially sighted in a register compiled under section 29 of the National Assistance Act 1948; or

(c) has a disability which affects the person's sight, mobility, manual dexterity, physical co-ordination or ability to lift, carry or otherwise move everyday objects, in respect of a dog trained by a prescribed charity and upon which the person relies for assistance.

(1) Identify, specifically or generally, the land in respect of which the Order applies.
(b) Insert year in which Order is made.
(c) Insert name of district council making the Order.
(d) Insert date Order comes into force, being at least 14 days after the making of the Order.
(e) Specify whichever is the case.
(f) Specify periods if the Order is to apply only during certain periods of the year.

(3) For the purposes of this Article—

(a) a person who habitually has a dog in their possession shall be taken to be in charge of the dog at any time unless at that time some other person is in charge of the dog;

(b) placing the faeces in a receptacle on the land which is provided for the purpose, or for the disposal of waste, shall be a sufficient removal from the land; and

(c) being unaware of the defecation (whether by reason of not being in the vicinity or otherwise), or not having a device for or other suitable means of removing the faeces shall not be a reasonable excuse for failing to remove the faeces;

(d) each of the following is a "prescribed charity"—

(i) Dogs for the Disabled (registered charity number 700454);

(ii) Support Dogs (registered charity number 1088281);

(iii) Canine Partners for Independence (registered charity number 803680);

(iv) Guide Dogs for the Blind Association (registered charity number 209617).

Penalty

4. A person guilty of an offence under Article 3 is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

[Date]

[Attestation clause]

[SCHEDULE][SCHEDULE 1]**(a)**
[Specification/description of land, or lands, to which the Order applies]**(b)**

[SCHEDULE 2]
[Specification of times or periods during which the offence is to apply]**(c)**

(1) Specify whichever is the case.
(b) Identify, either specifically or by description, the land to which the Order applies.
(c) If applicable, include Schedule 2 specifying times or periods.