***Changes to legislation:*** *The Dogs (Northern Ireland) Order 1983 is up to date with all changes known to be in force on or before 09 March 2022. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

STATUTORY INSTRUMENTS

# 1983 No.764 (N.I. 8)

# The Dogs (Northern Ireland) Order 1983

- - - - - - *18th May 1983*

## PART I

## INTRODUCTORY

### Title and commencement

**1.**—(1) This Order may be cited as the Dogs (Northern Ireland) Order 1983.

(2) Subject to paragraph (3), this Order shall come into operation on such day or days as the Head of the Department may by order appoint[F1].

(3) Articles 28 to 30 and Article 56(2) and Schedule 2 to the extent that they repeal the Dogs Act (Northern Ireland) 1960 and sections 1 and 4 of the Livestock (Protection from Dogs) Act (Northern Ireland) 1968 shall come into operation on the expiration of the period of 2 months from the day on which the order is made.

**F1** fully exercised by SR 1983/165,376

### Interpretation

**2.**—(1) The Interpretation Act (Northern Ireland) 1954 shall apply to Article 1 and the following provisions of this Order as it applies to a Measure of the Northern Ireland Assembly.

(2) In this Order—

"action" includes a counterclaim;

"attacking a person" means—

(a) attacking a person; or

(b) behaving in such a manner so as to cause a person apprehension of being attacked;

"block licence" means a licence issued under Article 8(1);

"breeding establishment" means any premises (including a private dwelling)—

(a) in which a dog is kept by a person who owns 3 or more unsterilised bitches any of which is used for the purposes of breeding; or

(b) in which an unsterilised bitch is kept by a person, not being the owner of the bitch, for the purposes of breeding;

"cattle" means bulls, bullocks, cows, heifers or calves;

"the Department" means the Department of Agriculture;

"dog" includes bitch and a dog of any age;

"dog licence" means a licence issued under Article 6(1);

"dog pound" means a dog pound established by a district council or used by a council under arrangements made under Article 40(a);

"guard dog" means a dog which is being used to protect—

(a) such places as the Department may, by order, specify; or

(b) goods kept at places so specified; or

(c) a person guarding places so specified or such goods;

"guard dog kennels" means any premises where a person in the course of business keeps a dog which (notwithstanding that it is used for other purposes) is used as a guard dog elsewhere, other than a dog which is used as a guard dog only at a place belonging to or occupied by its owner;

"issue" includes the issue of a licence by way of renewal;

"Kennel Club" means the club established for the registration of pedigree dogs in Great Britain and Northern Ireland;

"livestock" includes cattle, horses, asses, mules, hinnies, sheep, goats, pigs, poultry, deer in enclosed land where deer are usually kept, and, while in captivity, pheasants, partridges, grouse and quails;

"officer" means an officer of a district council authorised in writing by the council;

"poultry" means domestic fowls, turkeys, geese, ducks, guinea-fowls, pigeons and peacocks;

"prescribed" means prescribed by regulations;

**[**[F2]"public place" means any road or other place (whether or not enclosed) to which the public have or are permitted to have access whether for payment or otherwise and includes the common parts of a building containing two or more separate dwellings;**]**

"regulations" means regulations made by the Department subject to negative resolution;

"road" has the same meaning as in the Road Traffic (Northern Ireland) Order 1981;

"under control", in relation to a dog, means restrained by a chain or other sufficient leash held by a person exercising proper control over the dog;

"unsterilised" means not rendered permanently incapable of breeding by surgical methods;

"veterinary surgeon" has the meaning assigned to it by the Veterinary Surgeons Act 1966 and includes a veterinary practitioner within the meaning of that Act;

"worrying livestock" means—

(a) attacking or killing livestock; or

(b) chasing livestock in such a way as may reasonably be expected to cause the death of, or injury or suffering to, the livestock or to result in financial loss to the owner of the livestock.

**[**[F3](2A) An officer may, by an authorisation, delegate to another person such of his functions under this Order as are specified in the authorisation, but he shall remain responsible for securing that the functions are properly discharged.**]**

(3) Subject to paragraphs (4) to (6), a person is the keeper of a dog if—

(a) he owns the dog or has it in his possession; or

(b) he is the head of a household of which a member under the age of 16 owns the dog or has it in his possession;

and if at any time a dog ceases to be owned by or to be in the possession of a person, any person who immediately before that time was the keeper of the dog by virtue of the preceding provisions of this paragraph continues to be the keeper of the dog until another person becomes the keeper of the dog by virtue of those provisions.

(4) A veterinary surgeon in the conduct of his practice or the owner of boarding kennels in the conduct of the business of the kennels is not the keeper of a dog by virtue of his possession of it.

(5) Where a dog is taken into and kept in possession for the purpose of preventing it from causing damage or of restoring it to its owner, a person is not the keeper of it by virtue only of that possession.

(6) A person shall not be treated as the keeper of a dog by virtue of his possession of it if he proves that his possession of it is transitory and that some other person has habitual possession of it.

(7) The occupier of any land where any dog is found shall be deemed to be the person who keeps that dog unless he proves—

(a) that he is not the keeper of the dog; and

(b) that the dog was permitted to remain on the land without his knowledge.

**F2** 1991 NI 21
**F3** 1996 NI 11

# PART II

## LICENCES AND REGISTRATION

### *Licences*

#### Prohibition on keeping dog without a licence

**3.** Except as permitted by this Order, it shall be unlawful for any person to keep a dog of any description unless he holds a dog licence authorising him to keep a dog of that description.

#### Persons to whom dog licences may be issued

**4.**—(1) The person to whom a dog licence is issued shall be the keeper of the dog.

(2) The following persons shall be disqualified for obtaining or holding a dog licence—

(a) a person disqualified for keeping a dog under**[**[F4] Article 33A or**]****|**[F5]section 33 of the Welfare of Animals Act (Northern Ireland) 2011**]**;

(b) a person under the age of 16.

(3) A dog licence purporting to be held by a person disqualified by paragraph (2) for holding a licence shall be void.

**F4** 1991 NI 21
**F5** Words in art. 4(2)(a) substituted (11.7.2011) by Welfare of Animals Act (Northern Ireland) 2011 (c. 16), ss. 57(1), 59, **Sch. 4 para. 1** (with ss. 1(2), 52(1), 53, 54); S.R. 2011/245, **art. 2**, Sch. 1

### Exemptions

**5.** A dog licence shall not be required in respect of—

(a) a dog under the age of six months where that dog is kept by the person who at the time of its birth was the keeper of the bitch which gave it birth;

**[**F6(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;**]**

(c) a dog kept in a petshop licensed by the Department under section 8 of the Welfare of Animals Act (Northern Ireland) 1972 where the dog is on offer for sale to the public;

(d) a dog kept by a person to whom a block licence under Article 8(1) is issued where the dog is normally kept on the premises to which the block licence relates;

(e) a dog kept and used wholly for police purposes;

(f) a dog kept by such other person as may be prescribed.

**F6** Art. 5(b) substituted (28.7.2011) by Dogs (Amendment) Act (Northern Ireland) 2011 (c. 9), **ss. 1(2)**, 18(1); S.R. 2011/281, **art. 2**, Sch.

### Issue of dog licences

**6.**—(1) Dog licences shall be issued by district councils for dogs kept by persons resident in their districts.

(2) An application for a dog licence shall be in such form as may be prescribed.

(3) A dog licence shall be in such form as may be prescribed and shall, unless suspended, remain in force for such period as may be prescribed.

(4) Where a dog dies and the holder of the dog licence intends to become the keeper of another dog ( "the new dog") before that licence has expired, he may, before taking possession of the new dog, return that licence to the district council by which it was issued and that council shall issue to him a certificate ( "a transfer certificate") showing that the licence has been transferred so as to have effect in relation to the new dog.

(5) A transfer certificate shall be in such form as may be prescribed.

(6) A transfer certificate shall remain in force for the remainder of the period for which the dog licence is unexpired and shall be deemed to be part of the licence.

**[**F7(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.**]**

**[**F8(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).**]**

**F7** Art. 6(7)-(9) added (9.4.2012) by Dogs (Amendment) Act (Northern Ireland) 2011 (c. 9), **ss. 2(1)**, 18(1); S.R. 2012/131, art. 2

**F8** Art. 6(10) inserted (28.7.2011) by Dogs (Amendment) Act (Northern Ireland) 2011 (c. 9), **ss. 3(2)**, 18(1); S.R. 2011/281, **art. 2**, Sch.

**Fees for dog licences**

**[**F9**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) **[**F10a licence issued to a person who at the time of the application for the licence is—

(i) in receipt of an income-related benefit, or

(ii) a member of a couple in receipt of an income-related benefit;**]**

(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.**]**

**[**F11(10) In this Article "income-related benefit" means—

(a) universal credit under the Welfare Reform (Northern Ireland) Order 2015;

(b) state pension credit under the State Pension Credit Act (Northern Ireland) 2002;