

SCHEDULE 3

Regulations 3 and 4

OFFENCE OF NOT PUTTING AND KEEPING A DOG ON A LEAD, UNDER DIRECTION and FORM OF ORDER

1.—(1) Subject to sub-paragraph (2), 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 “Dogs on Leads by Direction Order” in the form of order set out below) applies, not to put, and thereafter keep, the dog on a lead or on a lead of a maximum length prescribed in the order, at any time or during such times or periods as may be specified in the order, when directed to do so by an authorised officer of a district council.

(2) No offence is committed where the person has a reasonable excuse for failing to comply with a direction to put and keep the dog on a lead, 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.

2. In any Dogs on Leads by Direction Order, the offence of not putting and keeping a dog on a lead, by direction, is to be set out in full as stated in Article 4 in the form of the order given below.

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

Draft Legislation: This is a draft item of legislation and has not yet been made as a Northern Ireland Statutory Rule. This draft has been replaced by a new draft, The Dog Control Orders (Prescribed Offences and Penalties, etc.) Regulations (Northern Ireland) 2012 ISBN 978-0-337-98636-9

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 Dogs on Leads by Direction ([X](a)) Order [X](b)

[X](c) makes the following Order—

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

Application

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

Interpretation

3. In this Order “an authorised officer of a district council” means an employee of the district council who is authorised in writing by the district council for the purpose of giving directions under this Order.

Offence

4.—a) Any person in charge of a dog is guilty of an offence if, [at any time][during the [times][periods] specified in Schedule 2](f), on any land to which this Order applies, the person does not comply with a direction received from an authorised officer of the district council to put and keep the dog on a lead [of not more than [X feet/inches] in length](g), 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) 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) an authorised officer of the district council may only give a direction under this Order to put and keep a dog on a lead if the authorised officer believes that such restraint is reasonably necessary to prevent a nuisance or behaviour by the dog likely to cause annoyance or disturbance to any other person on any land to which this Order applies or the worrying or disturbance of any animal or bird.

(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 whichever of the options in square brackets is to apply.

(g) If this is to be specified, insert maximum length of lead.

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Penalty

5. A person guilty of an offence under Article 4 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.