
DRAFT STATUTORY RULES OF NORTHERN IRELAND

2013 No.

The Welfare of Animals (Dog Breeding
Establishments and Miscellaneous Amendments)
Regulations (Northern Ireland) 2013

PART III

AMENDMENT, SUSPENSION AND REVOCATION OF A LICENCE

Grounds for amendment and suspension

9. A district council may at any time amend or suspend a licence on being satisfied that—
- (a) the licence conditions are not being complied with;
 - (b) there has been a breach of these Regulations;
 - (c) information supplied by the licence holder is false; or
 - (d) it is necessary to protect the welfare of an animal.

Procedure for suspension and amendment

10.—(1) If a licence is amended or suspended the district council must notify the licence holder in writing, without undue delay, by way of notice in accordance with paragraph (3).

(2) Subject to regulation 14(3) an amendment or suspension under regulation 9 has effect at the end of the period of 7 days beginning with the date of service of the notice of amendment or notice of suspension.

- (3) A notice of amendment or suspension shall—
- (a) state the district council's grounds for amendment or suspension;
 - (b) state when it comes into effect;
 - (c) specify any measures that the district council considers are necessary in order to remedy the grounds; and
 - (d) set out the right to make representations to a district council under regulation 14(1) and the right of appeal to the magistrates' court under regulation 14(4).

Reinstatement of licence

11.—(1) A district council shall reinstate a suspended licence by way of notice once it is satisfied that the grounds specified in the notice of suspension have been or will be complied with.

(2) Where a licence is reinstated under paragraph (1) the period for which it is issued may be varied.

Grounds for revocation of a licence

12.—(1) The district council may revoke a licence on being satisfied that—

- (a) the licence conditions are not being complied with;
- (b) there has been a breach of these Regulations;
- (c) information supplied by the licence holder is false;
- (d) it is necessary to protect the welfare of an animal; or
- (e) a licence has been suspended for more than 28 days, unless there is an outstanding appeal to the magistrates' court.

(2) Where a licence holder is disqualified under any of the enactments listed in regulation 6 their licence is automatically revoked when the time limit for any appeal against that disqualification expires or, if an appeal is made, when that appeal is refused.

Notice of revocation

13.—(1) When a district council revokes a licence it must notify the holder in writing and the notice of revocation shall have effect at the end of the period of 7 days beginning with the date of service of the notice of revocation.

(2) A notice of revocation shall—

- (a) state the district council's grounds for revocation;
- (b) state when it comes into effect; and
- (c) set out the right to make representations to a district council under regulation 14(1) and the right of appeal to the magistrates' court under regulation 14(4).

Appeals

14.—(1) Any person who is aggrieved by the refusal to grant a licence under regulation 5(3), a decision to amend or suspend a licence under regulation 9 or the decision to revoke a licence under regulation 12 may within 7 days of the refusal or decision make representations in writing to the district council.

(2) Where representations are made under paragraph (1) in relation to a decision made under regulation 9 the amendment or suspension shall not have effect until the district council considers the representations and makes a determination in accordance with paragraph (3).

(3) The district council shall make a determination on the representations and inform the aggrieved person of its determination in writing within 7 days from the date of its determination.

(4) A person aggrieved by the determination of the district council under paragraph (3) may appeal to a magistrate's court.

(5) The procedure on an appeal to a magistrates' court under paragraph (4) is by way of complaint, and the Magistrates' Courts (Northern Ireland) Order 1981(1) applies to the proceedings.

(6) The period within which an appeal may be brought is 28 days beginning with the day following the date on which the decision is notified under paragraph (3).