

SCHEDULE 4

Regulations 3 and 4

OFFENCE OF PERMITTING A DOG TO ENTER LAND FROM WHICH IT IS EXCLUDED 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 “Dogs Exclusion Order” in the form of order set out below) applies, at any time or during such times or periods as may be specified in the order, to take the dog onto, or to permit it to enter or to remain on, such land.

(2) No offence is committed where the person has a reasonable excuse for taking the dog onto, or permitting it to enter or remain on, the land, or the owner, occupier or other person or authority having control of the land has consented (generally or specifically) to the person doing so.

(3) The offence does not apply to a person with a disability (within the meaning of the Disability Discrimination Act 1995)⁽¹⁾ in respect of a dog kept or used by the person wholly or mainly for the purpose of assisting the person to carry out normal day-to-day activities.

2. In any Dogs Exclusion Order, the offence of taking a dog onto, or permitting it to enter or to remain on, land from which it is excluded 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 Dogs Exclusion Order providing for that offence is to be in the form of order given below, or in a form substantially to the like effect.

(1) 1995 c. 50

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 This draft has been replaced by a new draft, The Dog Control Orders (Prescribed Offences and Penalties, etc.)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 Exclusion ([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) 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), the person takes the dog onto, or permits the dog to enter or to remain on, any land to which this Order applies unless—

(a) the person has a reasonable excuse for doing so; or

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

(2) Nothing in this Article applies to a person with a disability (within the meaning of the Disability Discrimination Act 1995) in respect of a dog kept or used by the person wholly or mainly for the purpose of assisting the person to carry out normal day-to-day activities.

(3) For the purposes of this Article 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.

(a) Identify, either specifically or by description, the land to 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 making of the Order.

(e) Specify whichever is the case.

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

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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)

(a) 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.