

SCHEDULE 5

Regulations 3 and 4

OFFENCE OF TAKING MORE THAN A SPECIFIED
NUMBER OF DOGS ONTO LAND and FORM OF ORDER

1.—(1) Subject to sub-paragraph (2), it is an offence for any person when being in charge of more than one dog on land to which a dog control order (described as a “Dogs (Specified Maximum) 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 more than the maximum number of dogs specified in the order onto that land.

(2) No offence is committed where the person has a reasonable excuse for taking more than the specified maximum number of dogs onto 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.

2. In any Dogs (Specified Maximum) Order, the offence of taking more than a specified number of dogs onto land is to be set out in full as stated in Article 4 in the form of order given below.

3. In all other respects, a Dogs (Specified Maximum) 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. This draft has since been made as a Northern Ireland Statutory Rule: The Dog Control Orders (Prescribed Offences and Penalties, etc.) Regulations (Northern Ireland) 2012 No. 114

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 (Specified Maximum) ([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).

Maximum number of dogs

3. On land to which this Order applies, the maximum number of dogs which a person may take onto that land is [X](f).

Offence

4.—a) Any person in charge of more than one dog is guilty of an offence if, [at any time][during the [times][periods] specified in Schedule 2](g), the person takes onto any land in respect of which this Order applies more than the maximum number of dogs specified in Article 3 of this Order, 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) 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) Insert desired maximum number.

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

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)

(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.