

EXPLANATORY MEMORANDUM TO
THE DOGS (FIXED PENALTY) REGULATIONS (NORTHERN IRELAND) 2011

S.R. 2011 No. 278

1. Introduction

1.1 This Explanatory Memorandum has been prepared by the Department of Agriculture and Rural Development to accompany the Statutory Rule (details above) which is laid before the Northern Ireland Assembly.

1.2 The Statutory Rule is made under powers conferred on it by Articles 36(4) and 38(4) of the Dogs (Northern Ireland) Order 1983; as amended by the Dogs (Amendment) Act (NI) 2011 to be commenced on 3 October 2011 and is subject to the negative resolution procedure.

1.3 The Rule complies with the 21 day rule and will come into operation on 3 October 2011.

2. Purpose

2.1 These Regulations allow for the enforcement of new fixed penalty arrangements introduced by the Dogs (Amendment) Act (NI) 2011. They allow fixed penalty notices to be issued for offences relating to control conditions, and allows individual district councils to set their own levels of fixed penalty within the range of £50-£80.

3. Background

3.1 The Dogs Amendment Act (NI) 2011 was granted Royal Assent on 8 March 2011. The Act gave new powers for district council dog wardens to attach control conditions to dog licences and allowed fixed penalties to be issued for offences under the control conditions regime. It also aligned the fixed penalty regime with the Clean Neighbourhoods and Environment Act (NI) 2011, as requested by the Agriculture and Rural Development (ARD) Committee during their scrutiny of the Act.

3.2 These Regulations remake the Dogs (Fixed Penalty) (Procedure) Regulations (NI) 1983 and update them to reflect the new offences that attract a fixed penalty notice.

3.3 The proposed Regulations also prescribe the limits within which councils can set fixed penalty levels (between £50 and £80) and provide for a lower rate of penalty (£50) where early payment is made, in line with the Clean Neighbourhoods and Environment Act (NI) 2011.

3.4 In order to bring forward the changes to the fixed penalty regime introduced by the Dogs (Amendment) Act, and in keeping with Better Regulation guidance, the Dogs (Fixed Penalty) (Procedure) Regulations (NI) 1983 will be revoked and replaced with these new Regulations meaning that all legislation relating to fixed penalties under the 1983 Dogs Order is in one place.

4. Consultation

4.1 The Department consulted on proposals for new dog control legislation in late 2009, the outcome of which was the 2011 Act. The Act was passed by the Assembly on 8 February 2011 and this Rule is necessary for the enforcement of some of the changes agreed at that time. The Department has also worked with council enforcement officers during the drafting of the legislation.

4.2 In March 2011, the Minister wrote to all councils to outline the maximum fixed penalty level which they could apply and the minimum level which could be set for early payment and that this would, as requested by the ARD Committee during the passage of the Act through the Assembly, be aligned to the Clean Neighbourhoods Act 2011.

5. Equality Impact

5.1 In accordance with the Department's obligations under Section 75 of the Northern Ireland Act 1998, the equality implications of the proposed Regulations have been assessed.

5.2 The legislation has been screened for equality issues and none were identified. It is not expected that these Regulations will impact differentially across any of the section 75 groups.

6. Regulatory Impact and Financial Implications

6.1 This Regulation has no impact on business, charities, social enterprise or voluntary bodies. As a regulatory impact assessment was carried out on the Dogs (Amendment) Act (NI) 2011, no further assessment is necessary. These Regulations create no administrative burden on the agri-food sector.

6.2 Income from fixed penalties issued as a result of the Regulations will be retained by councils for the purposes of enforcing dog control legislation.

7. Section 24 of the Northern Ireland Act 1998

7.1 The Rule is deemed to comply with the requirements of section 24 of the Northern Ireland Act 1998.

8. EU Implications

8.1 There are no EU implications.

9. Position in GB and ROI

9.1 There is no dog control system in GB comparable to the dog licensing regime. However, the fixed penalty regime introduced by the Dogs (Amendment) Act 2011 mirrors that available for dog related offences under the Clean Neighbourhood and Environment Act 2005.

9.2 In ROI on the spot fines for dog control offences range from €20 to €30.

10. Contact

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