EXPLANATORY MEMORANDUM TO

The Controls on Dogs (Non-application To Designated Land) Order (Northern Ireland) 2012

S.R. 2012 No. 34

1. Introduction

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

1.2. The Statutory Rule is made under section 42(3) of the Clean Neighbourhoods and Environment Act (Northern Ireland) 2011 (the Act) and is subject to the negative resolution procedure.

2. Purpose

2.1. Under section 42 of the Act a dog control order can be made in respect of any land which is open to the air and to which the public are entitled or permitted to have access (with or without payment). The Department has the power under this section to designate types of land, which, although they fall within the definition above, are not to be subject to all or some dog control orders.

2.2. This Order designates land held by the Department of Agriculture and Rural Development (DARD) for the purposes of any of its functions under the Forestry Act (Northern Ireland) 2010 in respect of all dog control orders. This is because DARD has its own byelaw making powers which provide it with greater flexibility than would dog control orders.

2.3. The Order also designates land which is or forms part of a road, but only in respect of dog control orders excluding dogs from land specified in the order. This provision is intended to ensure that dogs are not excluded from roads in respect of which rights of way exist.

3. Background

3.1. Dog control orders replace the previous system of byelaws for the control of dogs and also the dog fouling provisions under Article 4 of the Litter (NI) Order 1994 which will be repealed.

4. Matters of Special Interest to the Environment Committee

4.1. None

5. Consultation

5.1. The Department consulted on the proposed Regulations from 23 March to 15 June 2011. There were 31 responses to the consultation and in general district councils welcomed the proposed introduction of the Dog Control Order

process as a streamlined replacement for the current byelaw system. Other organisations and members of the public commented that there must be a sustained education and enforcement programme put in place if the system is to be effective, especially when dealing with the problems of dog fouling.

5.2. A copy of the synopsis of responses is available on the Department's website at www.doeni.gov.uk/clean_neighbourhoods.htm

6. Parity or Replicatory Measure

6.1. The Regulations replicate the relevant England and Wales provisions under the corresponding Act.

7. Equality Impact

7.1. Not applicable

8. Regulatory Impact

8.1. A regulatory impact assessment on the effect of the Clean Neighbourhoods and Environment Bill (Northern Ireland) is available on the Department's website (dog control orders are dealt with on pp.15 to 16). A separate regulatory impact assessment has not been produced for this Order as it has no impact on the cost to business.

9. Financial Implications

9.1. The Order has no measurable financial implications.

10. Section 24 of the Northern Ireland Act 1998

10.1. The Department has considered its obligations under section 24 of the Northern Ireland Act 1998 and is satisfied that the Regulations are not incompatible with the Convention rights, are not incompatible with Community law, do not discriminate against a person or class of person on the grounds of religious belief or political opinion; and do not modify an enactment in breach of section 7 of the Northern Ireland Act 1998.

11. EU Implications

11.1. Not applicable

12. Additional Information

12.1. Not applicable