EXPLANATORY MEMORANDUM TO

DANGEROUS DOGS (COMPENSATION AND EXEMPTION SCHEMES) (AMENDMENT) ORDER (NORTHERN IRELAND) 2026

S.R. 2026 No. 124

1. Introduction

1.1. This Explanatory Memorandum has been prepared by the Department of Agriculture, Environment and Rural Affairs (DAERA) 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 by Article 25A(3), (5) and (6) of The Dogs (Northern Ireland) Order 1983 (the 1983 Order) and is subject to the negative resolution procedure.

2. Purpose

2.1. This Staturoty Rule amends The Dangerous Dogs (Compensation and Exemption Schemes) Order (Northern Ireland) 1991 and The Dangerous Dogs (Compensation and Exemption Schemes) Order (Northern Ireland) 2024 to remove the requirement for owners of prohibited breeds to have in place third-party liability insurance in respect of these dogs and introduces a new exemption condition which requires that children under the age of 12 not be left in close proximity to a prohibited breed in a home or private setting without adult supervision.

3. Background

3.1. There are currently five types of dogs designated for the purposes of Article 25A of the 1983 Order; these are, the Pit Bull Terrier, the Japanese Tosa, the Fila Brasileiro, the Dogo Argentino and the XL Bully. It is unlawful to own a dog of any of these types unless it has been exempted either through an exemption scheme or by way of a Contingent Destruction Order issued by a migistrate.

3.2. The Dangerous Dogs (Compensation and Exemption Schemes) Order (Northern Ireland) 1991 and The Dangerous Dogs (Compensation and Exemption Schemes) Order (Northern Ireland) 2024 provide the exemption conditions associated with ownership of a prohibited breed. These include that the dog must be kept at the same address as the owner, except for 30 days in a 12-month period; the owner must obtain third-party liability insurance in respect of the dog; and the dog must be neutered. Exemption conditions for XL Bully dogs also include a requirement that the dog must be microchipped.

3.3. The only organisation which supplies third party public liability insurance for prohibited breeds will no longer be providing this product from 01 July 2026. Consequently, with no other providers of this insurance product, this Statutory Rule is necessary to ensure that owners of prohibited breeds are not being legally compelled to comply with a condition that cannot be fulfilled.

3.4. The Statutory Rule also introduces a new exemption condition within the two Orders being amended. It requires that exempted dogs must not come into close contact with a child under 12 years of age in non public places unless either the dog or the child is under the supervision of a person aged 18 or over.

3.5. Evidence indicates that younger children, particularly those under 12, face the highest risk of serious harm from dogs in domestic settings, with the majority of recorded fatal incidents involving prohibited breeds occurring within this age group. This reflects wider research showing that children under 12 are disproportionately affected by dog bite injuries in the home, often involving familiar dogs, due to their reduced ability to recognise risk and their greater vulnerability to severe injury.

3.6. Supporting evidence further demonstrates that the risk of serious injury is greatest where young children are in close, unsupervised contact with dogs, particularly in private environments such as homes and gardens where interactions are more frequent and less controlled. The introduction of a requirement for supervision by an adult aged 18 or over in such circumstances reflects an evidence based, targeted intervention to mitigate this risk. This approach balances the need to enhance child safety with the continued ability for exempted dogs to remain within family settings where appropriate supervision or separation arrangements are in place..

4. Consultation

4.1. Article 54 of the 1983 Order enables the Department to make an order under Article 25A (dogs bred for fighting), to provide compensation and exemption schemes for keepers of dogs added to the list of restricted breeds. Legislation made under Article 25A does not require public consultation and is subject to negative resolution procedure in the Assembly.

5. Equality Impact

5.1. The Statutory Rule does not involve any new administrative actions for government, councils or owners. The equality and rural needs implications are considered to be limited. The Department has assessed the proposed Statutory Rule in line with section 75 of the Northern Ireland Act 1998 and concluded that it has no significant adverse equality implications overall, as the removal of the insurance requirement will apply equally to all owners of prohibited breeds and the new child safety condition is a proportionate, evidence-based measure intended to protect children under 12.

6. Regulatory Impact

6.1. A Regulatory Impact Assessment has been prepared to assess potential impacts of the amendments. The Statutory Rule provides a proportionate and workable framework following the withdrawal of third-party liability insurance for prohibited dogs. By removing a requirement that will become impossible to meet from 01 July 2026, it prevents widespread non-compliance, enforcement difficulties, and associated risks, while offering greater legal certainty for owners. It introduces a targeted child safety measure, delivers savings to owners, and reduces administrative

burdens on councils, with limited one-off costs, representing a practical and enforceable solution that enhances public safety while removing an unworkable requirement.

7. Financial Implications

7.1. The proposed Statutory Rule has limited financial implications and represents the most proportionate and deliverable approach. It would result in a modest one-off cost to councils to reissue Exemption Certificates, while delivering direct savings to owners through the removal of the ongoing insurance requirement. Although victims would need to rely on civil action rather than compulsory insurance to seek compensation, this option avoids the potentially significant enforcement, kennelling and legal costs that would arise if an unworkable insurance requirement were retained.

8. Section 24 of the Northern Ireland Act 1998

8.1. This Statutory Rule complies with the requirements of section 24 of the Northern Ireland Act 1998.

9. EU Implications

9.1. Not applicable

10. Parity or Replicatory Measure

10.1. The Statutory Rule mirrors measures taken by other UK administrations to remove the insurance requirement for prohibited breeds, and aligns with steps taken in England and Wales to introduce a child safety measure through a new exemption condition.

11. Additional Information

11.1. The Statutory Rule departs from the established 21-day rule, under which a minimum period of 21 days is ordinarily afforded between the laying of a Statutory Rule subject to the negative resolution procedure and its coming into operation. This departure is considered necessary in the circumstances to ensure that the amendment removing the insurance requirement takes effect by 1 July 2026, at which point third-party insurance products for prohibited breeds will no longer be available. Without this timely intervention, owners would be placed in a position where compliance with the existing legislative requirement to have in place such insurance would be impossible, thereby creating significant enforcement challenges and exposing individuals to the risk of inadvertent non-compliance.