EXPLANATORY MEMORANDUM TO

The Dangerous Dogs (Compensation and Exemption Schemes) Order (Northern Ireland) 2024

SR 2024 No. 155

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 and is subject to the negative resolution procedure.

2. Purpose

2.1. SR 2024/133 'The Dangerous Dogs (Designated Types) Order (Northern Ireland) 2024' designated a type of dog known as the XL Bully under the powers contained in the 1983 Order as a "dog bred for fighting". The effect of that designation took effect on 5 July 2024. It also set an appointed day, after which it will be illegal to possess an XL Bully type dog without a certificate of exemption. The appointed day is 31 December 2024. As a result of adding XL bully type dogs to the list of dogs restricted under Article 25A of the 1983 Order, the Department is also required to introduce a compensation and exemption scheme.

3. Background

3.1. The purpose of 'The Dangerous Dogs (Compensation and Exemption Schemes) Order (Northern Ireland) 2024' is to provide for compensation to be paid to XL Bully dog owners who do not wish to keep their dogs; an exemption scheme for those owners who do wish to keep their dogs long term and certain other matters relevant to the operation of these schemes.

3.2. Keepers of XL Bully type dogs may apply to their district council for an exemption from the prohibition under Article 25A from 9 August 2024, when this SR takes effect, if they wish to legally keep their dogs beyond 31 December 2024. Conditions for exemption include; keeping the dog at the same address at all times (except for 30 days a year to allow for holidays etc.), to notify the relevant district council of any permanent change of address, ensure requirements for insurance, neutering and microchipping are all met, that the dog is on a lead and muzzled in a public place and that the dog is kept in secure conditions.

3.3. For compensation to be payable, owners/rehoming organisations must arrange for the XL Bully type dog to be euthanised prior to 31 December 2024. Claims for compensation must be submitted to the Department for processing by 28 February 2024 along with the required evidence. For XL Bully dog owners £100 compensation is payable in respect of the dog and

£100 towards the veterinary fees for euthanising the dog. Rehoming organisations can claim £100 towards the veterinary fees for euthanasia.

3.4. The Order sets out the circumstances when it will remain legal to possess an XL Bully dog after 31 December 2024 including receiving an exemptiont. It also details how applications for exemptions can be made.

4. Consultation

4.1. There is no legal requirement to consult under Article 25A of the 1983 Order. Article 54 of the 1983 Order enables the Department to make an order under Article 25A (dogs bred for fighting), to provide exemption and compensation schemes for keepers of dogs added to the list of "dogs bred for fighting".

5. Equality Impact

5.1. In accordance with its duty under section 75 of the Northern Ireland Act 1998, and the DAERA Equality Scheme, the equality implications of the SR have been assessed. It is the Department's assessment that there are no equality, human rights or good relations issues associated with the SR including among Section 75 groups as any ban will impact all XL Bully dog owners.

6. Regulatory Impact

6.1. The regulatory impact of this legislation has been assessed as part of a wider regulatory impact assessment prepared for the entire XL Bully safeguarding policy including the addition of XL Bully type dogs to the list of "dogs bred for fighing" as designated in 'The Dangerous Dogs (Designated Types) Order (Northern Ireland) 2024'. This SR, the 'Dangerous Dogs (Compensation and Exemption Scheme) Order (Northern Ireland) 2024' provides for compensation to be paid to XL Bully dog owners who do not wish to keep their dogs long term and certain other matters relevant to the operation of these schemes.

6.2. This SR sets out the details of a compensation scheme for any owners who decide not to keep their XL Bully type dog long term. The Department will pay compensation claims for XL Bully dogs euthanised before the 31 December 2024 and subject to requirements being met. It is estimated that the total cost for this will not exceed £10k.

6.3. The conditions of an exemption scheme are set in this Order and will place a financial burden on XL Bully dog owners as they will have to pay an exemption fee, obtain third-party insurance and neuter their dog if they haven't already done so.

6.4. District Councils will incur costs for implementing and enforcing the legislation as the relevant statutory agency. This is anticipated to include enhancing IT systems, training dog wardens, administering applications and enforcement costs. Departmental officials are working closely with councils to determine exact costs.

7. Financial Implications

7.1. There are financial implications associated with making this SR. The Department has allocated £100k towards the costs for implementing the

policy in 2024/25. The exemption scheme will be managed by District Councils and the Department is considering what additional costs it can fund. They are expected to include upgrading IT systems and training for dog wardens. Direct costs to the Department for paying compensation is not expected to exceed £10k.

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. The legislation does not have any EU implications.

10. Parity or Replicatory Measure

10.1. The SR, when made and operational will create parity with corresponding approaches taken by England, Scotland, and Wales, in terms of compensation and exemption schemes for XL Bully type dogs.

11. Additional Information

11.1. Not applicable.