EXPLANATORY MEMORANDUM TO

The Dangerous Dogs (Designated Types) Order (Northern Ireland) 2024

SR 2024 No. 133

1. Introduction

1.1. This Explanatory Memorandum has been prepared by the The Department of Agriculture, Environment and Rural Affairs 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 25(1)(c) and (8) of The Dogs (Northern Ireland) Order 1983 (the 1983 Order) and is subject to the negative resolution procedure.

2. Purpose

2.1. The Statutory Rule designates a type of dog known as the XL Bully dog as being of a type to be bred for fighting or to have characteristics of a type bred for that purpose. The effect of the designation will take effect on 5 July 2024. From that date, this means that the owner of an XL Bully type dog must ensure they comply with the safeguards that relate to designated dogs as provided for in section 25A of The Dogs Order 1983. This includes ensuring their dog is kept on a lead and muzzled when in a public place. It also requires that XL Bully dogs are not; bred, sold, gifted, abandoned or exchanged, nor can they be permitted to stray. These safeguards will help to protect the public against XL Bully type dog attacks.

2.2. The Order also sets an 'appointed day' of 31 December 2024, after which it will be illegal to own an XL Bully dog without an Exemption Certificate, or if an exception exists. XL Bully dog owners will be able to keep their dogs beyond 31 December 2024 if they wish but will be required to seek an exemption to do so. The details and process for exemptions and compensation for will be provided in a separate future Order under powers from the 1983 Order. The maximum penalty on summary conviction is six months imprisonment and/or a fine up to £5,000.

3. Background

3.1. The overall aim of the policy is to introduce restrictions on the ownership of XL Bully type dogs, in order to protect the public from life changing or fatal attacks by this type of dog. This is because XL Bully type dogs have been involved in a disproportionate number of serious dog attacks, across the UK, when compared to other breed or types of dogs.

3.2. While the responsibility for a dog or any breed or type always rests with the owner and//or person in charge of a dog, it is considered necessary for these specific new safeguards on XL Bully dogs to be brought in following the rise in attacks in the rest of the UK. The legislation broadly mirrors that which has been introduced in England, Scotland and Wales.

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) of that Order, to add to the list of those dogs which are banned in NI.

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 Statutory Rule have been assessed. It is the Department's assessment that there are no equality, human rights or good relations issues associated with the Statutory Rule 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 being prepared for the entire XL Bully safeguarding policy and future compensation and exemption scheme. This SR will require XL Bully dogs to be muzzled and on a lead in public places therefore owners will incur the cost of these if they don't already possess these items.

6.2. The conditions of an exemption scheme will be set out in a future order and will place a 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. Should the owner decide to euthanise the dog, compensation towards the cost will be provided subject to requirements being met.

6.3. 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 no financial implications associated with making this SR above owners ensuring they have muzzles and leads for XL Bully type dogs when in a public place. A business case is under development for the second stage of legislation required to introduce compensation and exemption scheme. The exemption scheme will be managed by District Councils. Compensation will be paid by the Department. At this juncture it is expected that the total cost will not exceed £150k including local councils costs and approximately £10k of costs to the Department.

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 Statutory Rule, when made and operational, will create parity with corresponding approaches taken by England, Scotland, and Wales, in terms of applying safeguards against XL Bully type dogs.

11. Additional Information

11.1. Not applicable.