1983 No. 382

DOGS

Dogs (Fixed Penalty) (Procedure) Regulations (Northern Ireland) 1983

Made . . . . . *22nd November 1983*

Coming into operation . . . *19th December 1983*

The Department of Agriculture, in exercise of the powers conferred on it by Articles 36(4) and 37(4) of the Dogs (Northern Ireland) Order 1983(**a**) and of every other power enabling it in that behalf, hereby makes the following regulations:

Citation and commencement

1. These regulations may be cited as the Dogs (Fixed Penalty) (Procedure) Regulations (Northern Ireland) 1983 and shall come into operation on 19th December 1983.

Interpretation

2. In these regulations—

"bye-law" means a bye-law made under section 90 of the Local Government Act (Northern Ireland) 1972(**b**);

"the Order" means the Dogs (Northern Ireland) Order 1983.

Fixed penalty notice

3.—(1) A notice under Article 36 of the Order offering the opportunity, by payment of a fixed penalty, of the discharge of any liability to conviction of an offence to which Articles 36 to 39 of the Order apply shall be as specified in the form set out in the Schedule.

(2) A notice in specifying an alleged offence shall contain a reference to the provision of the enactment creating the offence or, where appropriate, the bye-law relating to the offence.

Information to clerks of petty sessions

4.—(1) A district council shall, as soon as practicable, send to the clerk of petty sessions to whom the fixed penalty is payable particulars of any fixed penalty notice issued by an officer of that council.

(2) The particulars mentioned in paragraph (1) shall include:—

(*a*) the serial number of the notice;

(*b*) the name and address of the person to whom it was issued;

(*c*) the offence specified on the notice;

(*d*) the amount of the fixed penalty;

(*e*) the date of the notice; and

(*f*) the date by which the fixed penalty may be paid.

(**a**) S.I. 1983/764 (N.I. 8)
(**b**) 1972 c. 9 (N.I.)

(3) Where criminal proceedings in respect of the act or omission constituting the offence specified in a notice are taken by the district council notification thereof shall, as soon as possible, be given by or on behalf of the district council to the clerk of petty sessions specified in the notice.

Sealed with the Official Seal of the Department of Agriculture for Northern Ireland on 22nd November 1983.

(L.S.) *S. R. Armstrong*
Assistant Secretary

SCHEDULE Regulation 3(1)

PART I

NOTICE OF OPPORTUNITY TO PAY FIXED PENALTY

Dogs (Northern Ireland) Order 1983

Serial No. .....

To: .....

Address: .....

.....

A dog of the following description:—

.....

was seen at/in .....

on ..... at ..... in circumstances giving me reason to believe that an offence, details of which are given at ( ) below was being committed or had been committed.

A. The dog was kept by you and:—

(1) there was no valid licence held in respect of that dog. (Article 17(1) of the Dogs (Northern Ireland) Order 1983).

(2) the dog was not wearing a collar with the name and address of the keeper inscribed on it or on a plate or badge attached to it in contravention of Regulation 6(1) of the Dogs (Licensing and Identification) Regulations (Northern Ireland) 1983. (Article 31(2) of the Dogs (Northern Ireland) Order 1983).

(3) a valid identification was not attached to the dog's collar in contravention of Regulation 7(1) of the Dogs (Licensing and Identification) Regulations (Northern Ireland) 1983. (Article 31(2) of the Dogs (Northern Ireland) Order 1983).

B. The dog was kept by you/in your charge and the dog:—

(1) was straying. (Article 22(1) of the Dogs (Northern Ireland) Order 1983).

(2) was in a road in respect of which there is an order under Article 77 of the Planning (Northern Ireland) Order 1972 or was on land where livestock were present and had a right to be there and was not controlled. (Article 25(3) of the Dogs (Northern Ireland) Order 1983).

(3) was a greyhound in a public place and was not controlled and muzzled. (Section 1(2) of the Control of Greyhounds, etc., Act (Northern Ireland) 1950).

(4) was one of more than two greyhounds being exercised or led by one person in a public place. (Section 2(2) of the Control of Greyhounds, etc., Act (Northern Ireland) 1950).

C. The dog was in your charge and was permitted to foul the footway of a street or public place in contravention of Bye-law No. of Bye-laws 19 . (Section 92(1) of the Local Government Act (Northern Ireland) 1972).

Signature..... Authorised Officer

..... District Council

If before the end of ..... days from ..... (date) the sum of £ ..... being the fixed penalty for the offence is paid to the clerk of petty sessions at ..... proceedings will not be taken for the offence and any liability to conviction of the offence will be discharged. Payment may be made in person or by post. Cheques, postal orders or money orders should be made payable to the clerk of petty sessions in the city or town shown above. If cash is being sent this should be by registered post. In the case of payment made by post, sufficient time must be

allowed to ensure that the payment is received by the clerk of petty sessions within the time specified for payment.

Part II of this notice must accompany the payment to the petty sessions office or alternatively the serial number of the notice must be quoted. If the fixed penalty is not paid legal proceedings may be instituted.

PART II

Serial No. of Notice.....

To Clerk of Petty Sessions .....

.....

(insert name and address of clerk of petty sessions)

I enclose the sum of £ as payment of the fixed penalty for the offence mentioned in Part I of this notice.

Name (in block capitals) .....

Address (in block capitals) .....

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These regulations prescribe the form of the fixed penalty notice which is to be given by an authorised officer of a district council to the keeper or person in charge of a dog under the procedure in Part IV of the Dogs (Northern Ireland) Order 1983 whereby certain offences may be punished without prosecution. The notice offers the opportunity of discharging (by payment of a fixed penalty to the clerk of petty sessions by a given date) any liability to conviction of the offence specified in the notice. Such offences may relate to:—

(i) keeping a dog without a licence (Article 17(1) of the Dogs (Northern Ireland) Order 1983);

(ii) a dog straying (Article 22(1) of the Dogs (Northern Ireland) Order 1983);

(iii) control of dogs on certain roads and on land (Article 25(3) of the Dogs (Northern Ireland) Order 1983);

(iv) failure to display identification of keeper on a dog's collar or on a plate or badge attached to it (Regulation 6(1) of the Dogs (Licensing and Identification) Regulations (Northern Ireland) 1983 and Article 31(2) of the Dogs (Northern Ireland) Order 1983);

(v) failure to attach licence identification to a dog's collar (Regulation 7(1) of the Dogs (Licensing and Identification) Regulations (Northern Ireland) 1983 and Article 31(2) of the Dogs (Northern Ireland) Order 1983);

(vi) greyhounds not controlled and muzzled in a public place (Section 1 of the Control of Greyhounds, etc., Act (Northern Ireland) 1950);

(vii) more than two greyhounds being exercised or led by one person in a public place (Section 2 of the Control of Greyhounds, etc., Act (Northern Ireland) 1950); and

(viii) breaches of bye-laws on fouling.

The regulations also prescribe the information to be supplied by district councils to clerks of petty sessions in relation to fixed penalty notices.