EXPLANATORY MEMORANDUM TO

The Dogs (Guard Dog Kennels) Regulations (Northern Ireland) 2013

S.R. 2013 No. 44

1. Introduction

1.1 This Explanatory Memorandum has been prepared by the Department of Agriculture and Rural Development (DARD) to accompany the above-named Statutory Rule which is laid under the negative resolution process before the Northern Ireland Assembly.

1.2 The Rule is made under powers conferred by The Dogs (Northern Ireland) Order 1983 and will come into operation on 1st April 2013.

2. Purpose

2.1 These Regulations partly replace the Dogs (Breeding Establishments and Guard Dog Kennels) Regulations (Northern Ireland) 1983.

The Regulations—

(a) prescribe the information to be contained in a register of guard dog kennels and the form in which it is required; and

(b) prescribe the information to be included in the application for registration of guard dog kennels.

The Schedule prescribes the standards of construction of guard dog kennels and stipulates that the premises must be of durable construction, capable of being cleansed and disinfected and of suitable size for the number of occupants.

They also require the provision of secure escape proof accommodation, exercising facilities, adequate water supply, drainage, lighting and ventilation.

3. Background

3.1 The Dogs (Breeding Establishments and Guard Dog Kennels) Regulations (Northern Ireland) 1983 contain requirements for the registration of guard dog kennels as well as breeding establishments.

3.2 The Department has considered the sections that deal with dog breeding establishments separately and have dealt with this aspect in the new Welfare of Animals (Dog Breeding Establishments and Miscellaneous Amendments) Regulations (Northern Ireland) 2013. These new Regulations deal solely with guard dog kennels.

3.3 The provisions in the 1983 Regulations which covered guard dog kennels worked well and there was no reason to change them. The

Department has therefore remade this element of the 1983 Regulations with no changes.

4. Consultation

4.1 The Department included a specific question on the remaking of the Guard Dog Regulations without any change in the Dog Breeding Establishments Regulations consultation. That 12 week consultation with stakeholders was undertaken between 1 October 2011 and 10 January 2012. Consultees fully supported this proposal and the Assembly's Agriculture and Rural Development Committee agreed at their meeting on the 11 December 2012 that the Regulations should be remade without any change. Following the Assembly approval of the new Dog Breeding Establishment Regulations we will remake the new Guard Dog Kennels Regulations 2013 by negative resolution under the Dogs Order. The new Guard Dog Kennels Regulations will come into operation simultaneously with the Dog Breeding Establishment Regulations on the 1 April 2013.

5. Equality Impact

5.1 Under Section 75 of the Northern Ireland Act 1998 DARD has considered and assessed the Regulations for any equality implications. A full equality impact assessment has not been carried out as the policy has been screen out. No equality differentials were identified in respect of Section 75 groups.

6. Regulatory Impact

6.1 A Regulatory Impact Assessment has been carried out and confirms that there will be no additional impact on guard dog kennels following the introduction of the new Regulations.

7. Financial Implications

7.1 The Regulations do not have any financial implications for the Department, district councils or guard dog kennel operators.

8. Section 24 of the Northern Ireland Act 1998

8.1 The Regulations set out the required conditions that shall be met when seeking registration of a guard dog kennels with a district council. The Regulations are therefore deemed to comply 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 This is stand alone legislation for Northern Ireland and there is no impact on GB devolved administrations.

10.2 In England provisions are contained within the Guard Dogs Act 1975.

10.3 In Ireland the registration of guard dog kennels is required under the Control of Dogs Act, 1986 (Guard Dogs) Regulations 1988.

11. Additional Information

11.1 Not applicable.

12. Contact

12.1 Kate Davey at the Department of Agriculture and Rural Development. Telephone: 028 9052 4408 or e-mail: kate.davey@dardni.gov.uk may be contacted to provide any additional information.