EXPLANATORY MEMORANDUM TO

The Dog Control Orders (Prescribed Offences and Penalties, etc.) Regulations (Northern Ireland) 2012

1. Introduction

1.1. This Explanatory Memorandum has been prepared by the Department of the Environment to accompany the Statutory Rule (details above) which is laid before the Northern Ireland Assembly.

1.2. The Statutory Rule is made under section 40(4), 41(1) and 41(3) of the Clean Neighbourhoods and Environment Act (Northern Ireland) 2011 (the Act) and is subject to the draft affirmative resolution procedure.

2. Purpose

2.1. The Regulations implement sections 40 and 41 of the Act by prescribing the offences and penalties that may be provided for in a dog control order. In respect of the content and form of a dog control order, the Regulations specify the wording that must be used in providing for an offence as well as specifying the form of order that should be used.

3. Background

3.1. Dog control orders replace the previous system of byelaws for the control of dogs and also the dog fouling provisions under Article 4 of the Litter (Northern Ireland) Order 1994 which will be repealed.

4. Matters of Special Interest to the Environment Committee

4.1. None

5. Consultation

5.1. The Department consulted on the proposed Regulations from 23 March to 15 June 2011. There were 31 responses to the consultation and in general district councils welcomed the proposed introduction of the Dog Control Order process as a streamlined replacement for the current byelaw system. Other organisations and members of the public commented that there must be a sustained education and enforcement programme put in place if the system is to be effective, especially when dealing with the problems of dog fouling.

5.2. A copy of the synopsis of responses is available on the Department's website at www.doeni.gov.uk/clean_neighbourhoods.htm

6. Parity or Replicatory Measure

6.1. The Regulations replicate the relevant England and Wales provisions under the corresponding Act.

7. Equality Impact

7.1. As a result of a screening analysis carried out during consultation on the draft Clean Neighbourhoods and Environment Bill, the Department considered that there would be no significant implications for equality of opportunity as a result of the draft regulations.

7.2. However, the Department would point out that it has developed the policy to take into account the needs of those with disabilities who rely on assistance dogs by providing exemptions from certain dog control orders in such cases.

8. Regulatory Impact

8.1. A regulatory impact assessment on the effect of the Clean Neighbourhoods and Environment Bill (Northern Ireland) is available on the Department's website (dog control orders are dealt with on pp.15 to 16). A separate regulatory impact assessment has not been produced for these Regulations as they have no impact on the cost to business.

9. Financial Implications

9.1. The Regulations have no measurable financial implications.

10. Section 24 of the Northern Ireland Act 1998

10.1. The Department has considered its obligations under section 24 of the Northern Ireland Act 1998 and is satisfied that the Regulations are not incompatible with the Convention rights, are not incompatible with Community law, do not discriminate against a person or class of person on the grounds of religious belief or political opinion; and do not modify an enactment in breach of section 7 of the Northern Ireland Act 1998.

11. EU Implications

11.1. Not applicable

12. Additional Information

12.1. Not applicable