



Northern Ireland
Assembly

Research and Library Service Bill Paper

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The Dogs (Amendment) Bill

NIAR 268-010

This paper provides an overview of the main proposals contained within the Bill. The paper also identifies those areas within the Bill which may prove to be contentious in the light of consultation responses received, the Departmental responses to the views received, and through a brief overview of similar dog control legislation within neighbouring countries.

Key Points

The Dogs (Amendment) Bill seeks to enhance and amend the existing legislation within Northern Ireland relating to all aspects of dog control by:

- Introducing compulsory microchipping of all dogs as part of the licensing process;
- Increasing the annual dog licence fee to £12.50 for an individual dog and to £32 for a block licence
- Standardising the fixed penalty system to £50 and making fixed penalties in relation to dogs payable to the local District Councils;
- Introducing a range of potential control conditions on a dog licence in a situation where a dog is believed to have committed an offence under the Dogs Order;
- Making it an offence to set a dog on or urge it to attack a dog owned by another person;
- Making it an offence to set a dog on another person, dog or livestock in a public place or on private property – with the exception that the attacked person dog or livestock are trespassing.

Based upon the analysis of public consultation responses received by the Department of Agriculture and Rural Development with regard to the proposed changes to dog legislation it would appear that most respondents were generally happy with most elements of the proposed legislation.

There are a number of proposals within the amended Bill which are potentially contentious largely due to the lack of specific detail within the Bill itself and a lack of detail regarding any guidance or secondary legislation that will either accompany or emerge in relation to the Bill. These issues are explored within this paper

Executive Summary

The issue of dog control has rarely been out of the headlines in Northern Ireland and the wider world in recent years. Whilst the media have tended to focus on high profile cases involving particular breeds of dog, sometimes with unfortunate fatal outcomes, there are many underlying issues central to effective dog control.

The number of stray dogs within Northern Ireland for example, whilst falling, still constituted 7,930 dogs in 2008 according to local government statistics, equating to 470 strays for every 100,000 people, the highest number across these islands. Combined with the fact that attacks by dogs on people and livestock remain relatively high and that the dog control costs to District Councils far exceeds dog licence income, it is not hard to see why changes and enhancements to the existing dog legislation are both required and make sense.

Against this background the Department of Agriculture and Rural Development (DARD) has brought forward the Dogs (Amendment) Bill which was introduced to the Northern Ireland Assembly on the 24th May 2010 following a period of public consultation which collected 129 responses. In bringing forward these proposals, DARD Minister Michelle Gildernew emphasised her primary motivation as being to make the public in general and children in particular safer through enhanced dog control.

The Dogs (Amendment) Bill proposes to update and enhance the legislation relating to the control of dogs within Northern Ireland by introducing the following:

- The compulsory microchipping of all dogs as part of the licensing process meaning that the identification of stray dogs and dogs engaged in the worrying of livestock or attacks on people or other dogs will be easier;
- An increase in the annual dog licence fee to £12.50 for an individual dog and to £32 for a block licence. The cost of a dog licence to those on means tested benefits will be £5 and those aged 65 and over will be entitled to a free dog licence for one dog;
- A standardised fixed penalty system with all fixed penalty offences costing £50 and making fixed penalties in relation to dogs payable to the local District Councils;
- A range of potential control conditions on a dog licence in a situation where a dog is believed to have committed an offence under the 1983 Dogs Order;
- Making it an offence to set a dog on, or urge it to, attack a dog owned by another person;
- Making it an offence to set a dog on another person, dog or livestock in a public place or on private property – with the exception that the attacked person dog or livestock are trespassing.

Based upon a synopsis of the public consultation responses received and by taking account of issues raised by individual Assembly Members whilst considering how other neighbouring jurisdictions deal with the issue of dog control, it is clear that the majority

of the changes proposed to dogs legislation contained within the Dogs (Amendment) Bill are generally sound and have been well received.

There are however a number of areas within the Amended Bill which have the potential to be contentious largely due to the lack of specific detail within the Bill itself and a lack of detail regarding any guidance or secondary legislation that will either accompany or emerge to support the Bill. These areas, which are examined further within this paper relate to:

- The need for the advocacy of a standardised microchipping database and actual brand of microchip within Northern Ireland;
- The potential costs of microchipping and how these could be managed effectively to the benefit of dog owners, District Councils and others;
- Alternatives to microchipping as a means of dog identification;
- Grounds for the imposition of dog control conditions in terms of what additional grounds might be useful;
- Spaying of female dogs as an additional control condition;
- Training for dogs and owners as an additional control condition that might also encourage responsible dog ownership;
- 3rd party insurance as an additional control condition.

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1 Introduction

The control of dogs within Northern Ireland is currently governed by the Dogs (Northern Ireland) Order 1983.¹ The 1983 Order requires District Councils to both license dogs and through the auspices of dog wardens to deal with dogs that stray, worry livestock or attack people.

Councils were also given the power to issue dog licences and the 1983 Dogs Order set the licence fee at an annual rate of £5, but allowed the Department to change the licence fee and to increase the fee for unsterilized dogs. The level of the licence fee has remained unchanged since 1983.

The enforcement of the conditions within the Dog's Order are also the responsibility of each of Northern Ireland's 26 District Councils, all of whom maintain dog warden services to deal with issues including licensing, seizure, rehoming, and disposal of stray dogs.

The Dangerous Dogs (Northern Ireland) Order 1991² amended the 1983 Order by making it an offence to possess initially two, but currently the four following designated dog breeds:

- Pit Bull Terrier
- Japanese Tosa
- Dogo Argentino
- Fila Brasileiro

Following on from The Dangerous Dogs (Northern Ireland) Order 1991, The Dogs Compensation and Exemption Schemes Order (Northern Ireland) 1991, provided a mechanism by which a court could provide an exemption for an individual dog of one of the four banned breeds if the dog was not considered to be a danger and providing strict conditions for its ownership were met.

In November 2007 the Minister for Agriculture and Rural Development, Michelle Gildernew, announced a wide ranging review of all aspects of dog control. This review saw the Minister meet with a wide range of stakeholders and led to the development of proposals for the amendment of existing dog control legislation. Minister Gildernew has also stressed on numerous occasions that her primary motivation for introducing the Dogs (Amendment) Bill is to make the public in general, and children in particular, safer through enhanced dog control.

In addition, and as mentioned previously, changes and enhancements to the existing dog legislation are considered necessary as attacks by dogs on people and livestock

¹ [Dogs \(Northern Ireland\) Order, 1983](#)

² [The Dangerous Dogs \(Northern Ireland\) Order, 1991](#)

are relatively high and dog control costs to District Councils currently exceed dog licence income.

A public consultation exercise on these proposals ran from the 23rd November 2009 until the 1st February 2010 and a total of 129 responses were received.

2. Context for proposed changes to dog control measures

There are some positive trends relating to issues of dog control within Northern Ireland over the last 10 years.

As illustrated in figure 1 below the number of dogs licensed in Northern Ireland has increased steadily. There were 85,478 licences issued in 1999 compared to 114,208 being issued in 2008. This constitutes a growth of 25%.

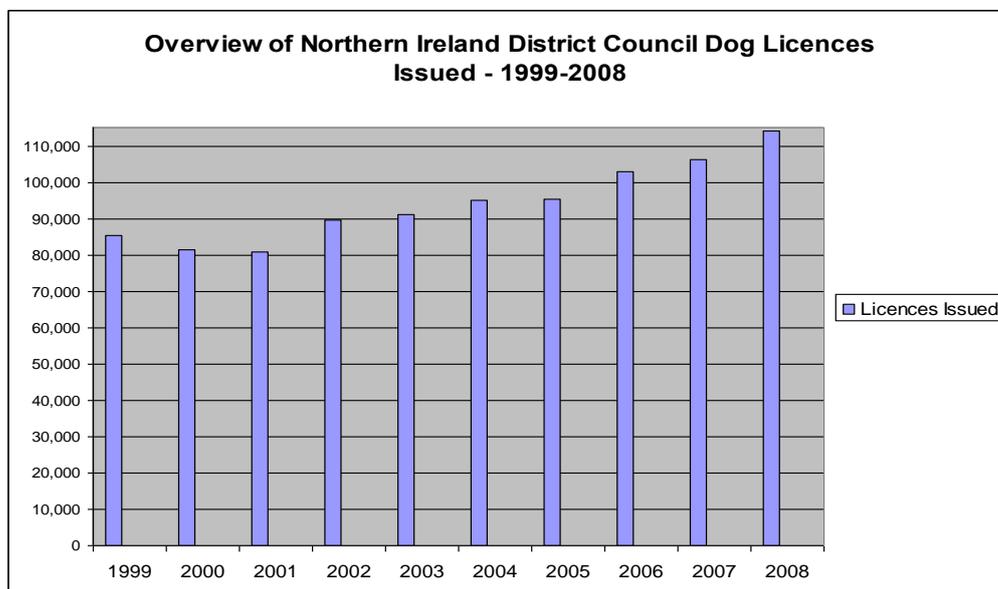


Figure 1: Overview of Dog Licences Issued in Northern Ireland 1999-2008³

Figure 2 also highlights the fact that there has been a fall in the number of stray dogs impounded by councils from 11,532 in 1999 to 7,930 in 2008. This constitutes a fall of 31%. It should be recognised however that the number of stray dogs has fluctuated over this period and that the trend has not always been downward between 1999 and 2008. For example the number of stray dogs impounded actually rose between 2002 and 2007 when compared to 2002.

In addition the number of unwanted dogs collected by District Councils has also fallen from 3,948 in 2008 to 2,889 in 2008. This constitutes a fall of 27%. Once again however the figures do not support the concept of a year on year downward trend. In a similar fashion to the figures for stray dogs however there is a level of fluctuation with the number of unwanted dogs collected actually increasing in a number of years.

³ [Consultation on proposals for changes to dog control legislation, DARD, 23rd November 2009, page 7](#)

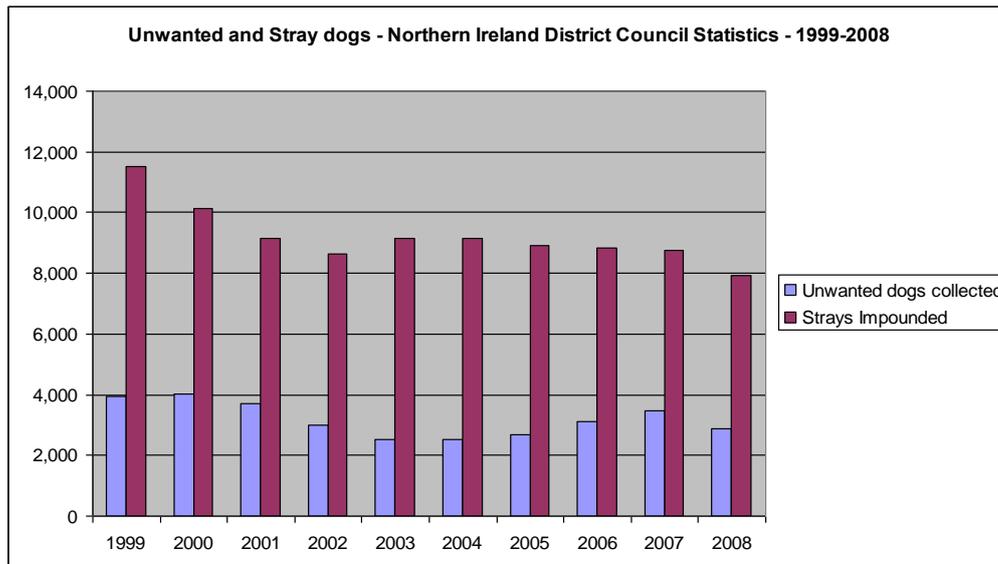


Figure 2 :Unwanted and stray Dogs - Northern Ireland Council Statistics 199-2008⁴

The picture is not wholly positive however given the following issues.

- In 2008 Northern Ireland had one of the highest number of stray dogs impounded per head of population across the British Isles – 470 strays for every 100,000 people, compared to 170 in the Republic of Ireland, 137 in England, 149 in Scotland and 333 in Wales;
- In 2008 Northern Ireland also destroyed 207 stray and unwanted dogs per 100,000 of population. This compares to recorded figures of 226 within the Republic of Ireland, 9 in Wales, 4 in England and 2 in Scotland;
- Northern Ireland also continues to have high level of attacks by dogs on people which have remained at 745 per year on average over the last 10 years. In a similar vein attacks by dogs on livestock over the last 10 years have shown no significant reduction with there being 328 attacks per year on average. (see figure 3) Indeed, in relation to both of these issues there has been some fluctuation in the years on a year on year basis with both rises and falls in the number of attacks;

⁴ [Consultation on proposals for changes to dog control legislation, DARD, 23rd November 2009, page 7](#)

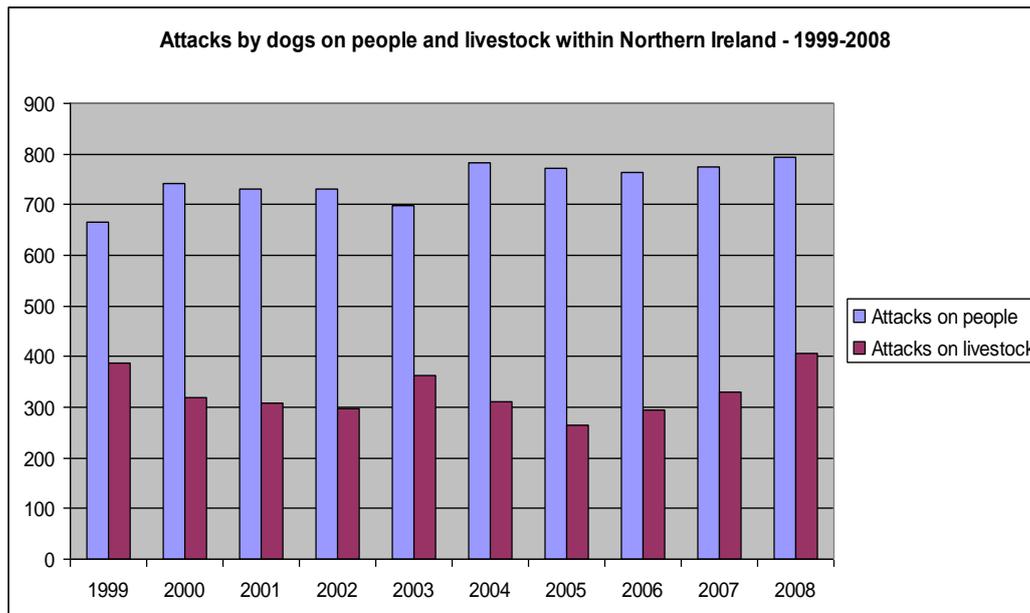


Figure 3: Attacks by dogs on people and livestock within Northern Ireland - 1999-2008⁵

- Children aged under 16 also appear to be at significantly higher risk of injury from dogs given the fact that they were more likely than adults to be admitted to hospital because of a dog attack despite only making up 25% of the entire population;
- There continue to be instances of attacks by dogs on other dogs. Whilst there are no figures on the actual number of attacks high profile media cases such as the recent death of an Alsatian in Cookstown⁶ following an attack by 3 other dogs continue to make the news on a regular basis;
- District Councils which have responsibility for the enforcement of dog control measures find that the associated costs are far in excess of council income from dog licensing (see figure 4);
- Income generated from the serving of fixed penalties on issues relating to dog control continues to be paid to the courts and not to District Councils. Once again this reduces the capability of the councils to meet the costs associated with the enforcement of dog control measures. Councils are mainly dependent upon income from the issuing of dog licences to meet dog control costs and as figure 4 below highlights income lags well below costs for those District Councils who provided data.

⁵ [Consultation on proposals for changes to dog control legislation, DARD, 23rd November 2009, page 9](#)

⁶ [Tyrone Courier, 'Pitbull type' dogs kill German Shepherd at popular Cookstown walk, 16th June 2010](#)

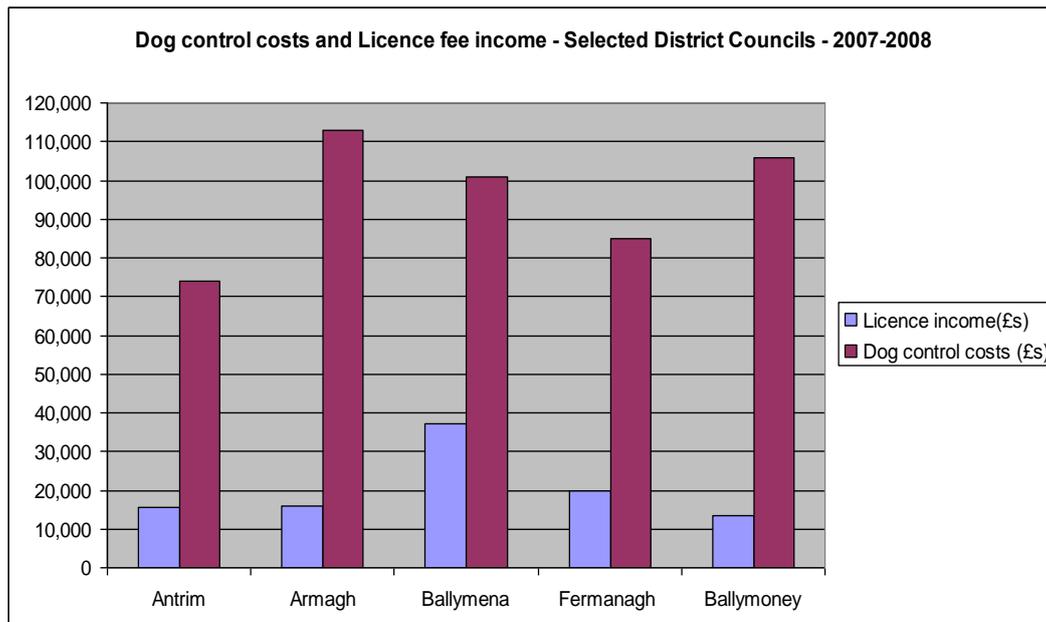


Figure 4 : Dog control costs and licence fee income - Selected district councils, 2007-2008⁷

3. Overview of the Clauses

The Dogs (Amendment) Bill contains 18 clauses and 2 schedules which propose a number of significant changes to the existing legislation as regards dog control. 14 of the clauses propose substantive changes to the existing legislation under the three broad themes of dog licensing, dog control and fixed penalties and these proposed alterations and additions can be summarised as follows:

Dog licensing Issues

Clause 1 – extends the exemption from the requirement to have a dog licence from guide dogs to all assistance dogs used by a disabled person wholly or mainly for the purpose of assisting that person to carry out day to day activities.

Clause 2 – introduces a requirement to have a dog implanted with a microchip before a licence is issued. Also empowers DARD to make subordinate legislation to regulate a compulsory micro chipping system.

Clause 3 – provides a means by which a District Council may licence a dog of the type prohibited by the Dogs Order but only if that dog has been exempted from the prohibition in Article 25A(3) of the Dogs Order.

Clause 4 – provides for an increase in both the individual and block dog licence fees (to £12.50 and £32 respectively). Also empowers DARD, with the consent of the Department of Finance and Personnel, to make subordinate legislation amending the level of fees payable for dog licences.

⁷ [Consultation on proposals for changes to dog control legislation, DARD, 23rd November 2009, page 10](#)

Control of Dogs

Clause 5 – amends the Dogs Order to enable a seized prohibited breed dog (Pitbull Terrier, Japanese Tosa, Dogo Argentino and Fila Brasileiro) to be exempted from prohibition so long as a district judge is satisfied that the dog will not be a danger to the public and will be kept under strict conditions.

Clause 6 – makes it an offence to set a dog on or urge it to attack a dog owned by another person. Also makes it an offence to set a dog on another person or on livestock in a public place or on private property.

Clause 7 – ensures that a person shall not be guilty of an offence if that person's dog attacks another person, another dog or livestock which are trespassing on that person's land.

Clause 8 – enables District Council dog wardens to attach certain control conditions to a dog licence in situations where a dog is believed to have committed an offence under the Dogs Order. Control conditions available to dog wardens are to be as follows:

- Muzzling of the dog when in public;
- Keeping the dog under control at all times;
- When not under control be kept securely confined;
- Be kept from any specified place;
- If male, be neutered.

Clause 9 – amends article 33 of the 1983 Dogs Order relating to the power of a court to order the destruction of a dog. The amendment will mean that unless a prohibited dog breed dog is exempted, within a period of 2 months it will be destroyed.

Clause 10 – enables an officer (of a district council) to enter any land for the purpose of preventing a dog attacking another dog or ending any such attack.

Fixed Penalties

Clause 11 – amends the list of offences to which fixed penalties apply and now includes failure to notify the transfer of a dog subject to control conditions and failure to comply with control conditions linked to a dog licence.

Clause 12 - amends Article 37 of the 1983 Dogs Order by making fixed penalties in relation to dogs payable to the local district councils rather than the courts.

Clause 13 – adds an element to Article 37 permitting district councils to use fixed penalty receipts only for the purposes of its functions under this Order.

Clause 14 – revises and standardises the fixed penalty amount to £50.

More detail on each of these clauses can be found within the Explanatory and Financial Memorandum.

4. Areas of possible contention within the Bill

Whilst the Dogs Amendment Bill and the clauses within it appear largely logical and reasonable, an analysis of the 129 consultation responses to DARD's proposals for changes to dog control legislation highlights the fact that there are a small number of areas and issues around which there was a lack of consensus amongst stakeholders and consultation respondents in terms of how the legislation should go forward.

4.1 Microchipping

Based upon the total consultation responses a small majority of respondents welcomed the introduction of proposed introduction of compulsory microchipping as a condition of access to a dog licence.

It should be noted that there would have been greater support for the proposals by at least 20 respondents if particular issues around microchipping were addressed.

4.1.1 The need for more detail regarding implementation and management of a dog microchip identification scheme

The majority of these issues could be generally classified as procedural concerns around how a compulsory microchipping and registration scheme would actually be implemented. The majority of District Councils for example, who would continue to have responsibility for dog licensing and as a result would have to verify that a dog was microchipped before issuing a licence, were concerned about access to and management of registration data. The Bill, as it currently stands, could be undoubtedly described as 'light' on these details. However there does need to be a recognition that much of this detail should be contained in the forthcoming secondary legislation that will accompany this Bill.

It will also be useful to consider the type of guidance that DARD will be issuing to District Councils. A particular question here would relate to which microchip database will be recommended for use by the District Councils. At present within the UK there are 3 different dog microchip databases as follows:

- PETtrac⁸ – commercial scheme run by microchip manufacturer Avid Plc;
- PEtlog⁹ – the 'national database for chipped pets' run by the Kennel Club;
- Anibase¹⁰ – run by Animalcare a specialist veterinary products company.

Whilst microchip readers can read the chips provided by all these databases it may be useful to advocate one of these providers as the 'standard' database and microchip

⁸ [PETtrac website](#)

⁹ [Petlog website](#)

¹⁰ [Anibase website](#)

provider in Northern Ireland in the absence of DARD either creating or managing such a system.

It would also be useful to look at the work being done by the Microchip Advisory Group¹¹ (MAG) involved in the sale or use of microchips. This group which is made up of animal microchip manufacturers; distributors; database representatives; major purchasers and major implanters is supported in its operation by the British Small Animal Veterinary Association (BSAVA). Amongst its objectives the group includes the agreement of procedures for the sale and implantation of microchips and to agree standards of training for persons intending to implant microchips.

4.1.2 Costs of microchipping

The advocacy of a particular microchip/database provider may also help to address other concerns around microchipping raised by consultation respondents in relation to cost. Estimates for the current cost of dog microchipping and registration are in the range of £20 to £30 based upon figures from a number of local district councils including Belfast¹².

In their response to the concerns raised around the expense of dog microchipping DARD declared that microchipping can in many instances be “..carried out much more cheaply or sometimes for free by animal charities, local authorities and responsible breeders.”¹³ During the second stage of the Dogs (Amendment) Bill DARD Minister Michelle Gildernew also revealed that the Dogs Trust plans to make 500 free microchips available for each of Northern Ireland’s 26 district councils (13,000 in total)¹⁴.

There is a real need for further detail around how secondary legislation can best be developed to ensure that dog microchipping is as cost effective as possible for both owners and district councils. It would for example, seem logical to explore further the particular roles and responsibilities in terms of who should pay for the provision of dog microchips. A specific question relates to whether the Dogs Trust will want, or be able to, continue to be the main provider of dog microchips within Northern Ireland as this would appear to put a major financial burden on a charitable organisation.

Part of the problem here is that there is no accurate figure for the total dog population in Northern Ireland. In the absence of such a figure it would also be useful to know exactly how many of the 114,208 licensed dogs in Northern Ireland in 2008 were microchipped as this may give an indication of the total number of microchips required. The establishment of such a figure would theoretically enable the Dogs Trust and the 26 District Councils to work collectively to secure a bulk purchase of a common chip

¹¹ [Microchip Advisory Group details, British Small Animal Veterinary Association website](#)

¹³ [Consultation on proposals for changes to dog control legislation, Analysis of consultation outcome and Departmental response, DARD, June 2010](#)

¹⁴ [Dogs \(Amendment\) Bill, Second Stage, Official Report, 7th June 2010, Minister Gildernew's summing up statement](#)

and access to a common database as stated previously. This would not only bring uniformity but would also have the potential to decrease the individual unit cost of microchips.

4.1.3 Alternatives to microchipping

Paragraph 9 under the Issue of Dog Licences section within the Amended Bill makes provision for dogs to be exempt from the condition of mandatory microchipping providing that the keeper of the dog is in possession a certificate issued by a vet outlining how the implantation of a microchip would have an adverse impact on the health of the dog.

This provision may appeal to more dog owners than is presently envisaged due to the concerns around the health impacts of dog microchip implantation. The British Small Animal Veterinary Association's Microchip Adverse Reaction Scheme for example received reports of 61 adverse reactions representing a rate of one per 19,869 chips¹⁵. There have also been a number of rare instances where cancerous tumours have developed at the site of an implanted chip¹⁶. In emphasising the rareness of these impacts it needs to be realised that no matter how small, some dog owners will not be prepared to take any risk with the health or well being of their dog or dogs.

The Bill in its current form however fails to provide details on how an exempt dog under this condition should then be identifiable. The most likely means of identification in such an instance would appear to be tattooing which is commonly used in conjunction with microchipping and tagging in many countries including Belgium and Finland¹⁷. Within the UK there is a National Dog Tattoo Register¹⁸ which uses a network of accredited tattooists (with only one member in Northern Ireland) and which currently advocates a standard charge of £25 for the tattooing and registration of an adult dog.

4.2 Dog Licence control conditions

The majority of consultation participants were in favour of the imposition of dog control conditions for individual dogs. Some concerns were raised in relation to a number of issues however.

4.2.1 The need for more detail regarding implementation, administration and enforcement of dog control conditions on a licence.

The qualified support from the majority of District Councils in relation to dog control conditions was mainly linked to concerns around implementation, administration and enforcement. As in the case of microchipping, there is a real need for further legislation

¹⁵ [Swift, S, 2000, 'Microchip adverse reactions', Journal of Small Animal Practice, Vol 41, page 232, May 2000](#)

¹⁶ [Vascellari, M, 2003, 'Liposarcoma at the site of an implanted microchip in a dog', Veterinary Journal, 168, \(2004\), pg 188-190](#)

¹⁷ [Stray Animal Control Practices \(Europe\), WSPA and RSPCA Report, 2006](#)

¹⁸ [The National Dog Tattoo Register, website](#)

or detailed guidance to ensure that District Council officers implement, administer and enforce dog control conditions in a consistent, fair, and transparent way. Without this detail it is easy to understand the concerns that District Councils and dog owners alike will have regarding the use of measures which are generally agreed to be a good idea.

4.2.2 Grounds for imposition of dog control conditions

The Dogs (Amendment) Bill currently proposes 4 areas under which an offence could be committed that would result in the imposition of control condition as follows:

- Article 22(1) – dog straying
- Article 25 (3) – control of dogs on certain roads or lands
- Article 28 (1) or (2) – setting on or urging dog to attack
- Article 29 (1) or (1A) – dog attacking person, livestock or other dog

The Bill does not currently have provision for threatening behaviour by a dog to be the trigger for the imposition of a control condition, which was an issue raised by a number of members during the second reading of the Bill on 7th June 2010.

The Control of Dogs(Scotland) Act 2010¹⁹ has such a provision as it enables a dog control notice to be served in instances where a dog's behaviour gives rise to alarm or apprehensiveness on the part of any individual regarding their own safety, the safety of some other person or the safety of an animal other than the dog in question.

Similarly Lord Redesdale's proposed private member's Dog Control Bill²⁰ which was due to have its second reading in the House of Lords on the 9th July 2010 contains proposals that would enable a dog warden or police officer to serve a control notice if a dog is aggressive or is intimidating people or other animals.

4.2.3 Specific control condition – spaying of female dogs.

The neutering of male dogs is incorporated as a control condition within the Amended Bill but there is no provision for the spaying of female dogs. Research conducted by JC Wright²¹ found that unneutered male dogs were involved in 70% to 76% of reported dog bite incidents.

In recognising the greater threat from male dogs, the research also highlighted the fact that *"..unspayed females that are not part of a carefully planned breeding program may attract free roaming males, which increases bite risk to people through increased exposure to unfamiliar dogs. Dams (bitches) are protective of their puppies and may bite those who try to handle the young. Unspayed females may also contribute to the population of unwanted dogs that are often acquired by people who do not understand the long-term commitment they have undertaken"*

¹⁹ [Control of Dogs \(Scotland\) Act, 2010](#)

²⁰ [House of Lord's private members bill on Dog Control, Lord Redesdale, 2010](#)

²¹ Wright JC. Canine aggression toward people: bite scenarios and prevention. *Vet Clin North Am Small Anim Pract* 1991;21:299–314.

With this in mind the spaying of female dogs may be worth considering as an addition to the range of control conditions available to District Council dog wardens under the Amended Bill. In this regard this condition could be applied to dogs which are deemed to pose a risk to either other dogs or people.

4.2.4. Specific control condition – training for dog and owner

Most individuals who responded to the consultation were keen on the idea of dogs and owners having to undertake training as a specific control condition. Concerns around the availability of training and a lack of consensus on the range of approaches available have been noted by DARD as possible reasons why a training condition may not be contained in the final legislation.

This provision exists within the Control of Dogs (Scotland) Act²² currently awaiting royal assent which contains the following clause;

“Owner, with the dog, attending and completing a course of training in the control of dogs (being a course which may, but need not, be specified in the notice).”

Based upon this option, local authorities in Scotland are currently considering how best to actually implement this condition. All indications are that this will be a local authority decision and that further guidance in this regard will not be forthcoming from the Scottish Parliament. This situation is likely to lead to a diverse range of training courses across different local authorities and this may be detrimental to the effectiveness of such a measure.

In terms of identifying a widely available and standardised form of training, the Kennel Club’s Good Citizen Dog Scheme²³ appears to offer a possible solution. This scheme takes dogs and their owners through a range of tests focussed on dog behaviour, control and health and is the largest dog training scheme in the UK, having been undertaken by over 250,000 dog owners with their dogs. There are currently 13 Kennel Club affiliated Dog Training Clubs in Northern Ireland providing this training and the following table highlights the names and locations of these clubs. It should be noted that the geographic distribution of these clubs may make the delivery of the Good Citizen Dog Scheme on a region wide basis challenging given that some areas are a considerable distance from their nearest Kennel Club affiliated Dog Training Club.

Club Name	Venue
Ballywalter Clickers	Ballywalter
Bangor District Dog Training Club	Bangor
Castlereagh and District Dog Training Club	Castlereagh
City of Belfast Dog training Club	Belfast
Coleraine Dog Obedience Club	Coleraine

²² [Control of Dogs \(Scotland\) Act 2010](#)

²³ [The Kennel Club , website. Good Citizen Dog Scheme information](#)

Dog Training Services	Belfast
Down District Dog Training Club	Hillsborough
Glandore Dog Training Club of Ulster	Mallusk and Holywood
Lisburn and District Dog Training Club	Lisburn
Paws 4 Thot	Larne
Take the Lead Puppy and Pet Dog Classes	Dromore, County Down
Vale College	Lisburn
Wag and Bone Club	Belfast

Table 1: Kennel Club Affiliated Dog Training Clubs in Northern Ireland, sourced from Kennel Club website, July 2010

The Austrian Approach – training as a pre-condition for dog ownership

At another level entirely is the type of training required to be undertaken by some dog owners in Austria. The city of Vienna has recently passed legislation²⁴ meaning that the owners of 13 breeds of ‘fighting dog’ including the pitbull, rottweiler, and mastiff amongst others will have to complete a written 30 page test. In addition, the owner and their dog will have to successfully complete 3 independently assessed practical tests relating to handling, obedience and behaviour in everyday situations. Failure to comply with this condition will see dog owners facing fines up to a maximum of €14,000.

4.2.5 Possible additional control condition – 3rd party insurance

In March 2010 the Department of the Environment, Food and Rural Affairs (DEFRA) conducted a public consultation on the various options that the Department was considering for the control of dangerous dogs within England and Wales. One of the proposals within the consultation document was for the introduction of compulsory third party insurance for dogs and their owners so that victims of dog attacks are financially recompensed.

This proposal was met with considerable opposition from some sections of the press²⁵ who felt that it would unduly penalise people on low incomes such as pensioners and would also amount to the creation of a tax on responsible dog owners who would have to meet the costs of the irresponsible. In complete contrast the proposal was warmly welcomed by the Communication Workers Union (CWU) whose membership of over 250,000 people includes postal workers. In their response to the consultation²⁶ the CWU highlighted the fact that 5000 to 6000 postal workers were attacked by dogs each year as well as 300 to 400 British Telecom Engineers across the UK. The CWU cited the fact that many of these attacked workers required hospital treatment and that some had been forced to give up their work as a result of injuries received.

²⁴ [American Dog Owners Association website, 'Vienna, Austria: compulsory testing for owners of certain breeds', 17th May 2010.](#)

²⁵ [The Times Online, Dog curbs are barking up the wrong tree, 10th March 2010](#)

²⁶ [CWU response to the Dangerous Dogs Public Consultation, June 2010](#)

In two specific cases CWU members had received similar disfiguring injuries which meant that they were forced to leave their jobs and which could adversely affect their chances of future employment. In one of these cases the dog owner was well off and insured and as a result the worker received over £100,000 in compensation. In the other instance the dog owner was penniless and uninsured and the worker received no compensation.

As pointed out by the CWU the Dogs Trust²⁷ currently offers a third party insurance scheme for dogs which costs just £20 per year (£10 if aged over 60) and which provides cover up to £1,000,000 per claim if the owner's dog causes damage or injury to another person, their property or pets (An excess of £200 applies for the UK and a £500 excess for claims made in Republic of Ireland).

Whilst the proposal was withdrawn by the government following the aforementioned negative press reaction there may be scope for once again looking at this as both a control condition that could be attached to a licence or as a compulsory feature for all dog owners or particular breeds of dog. Such a scheme would have the potential to promote more responsible dog ownership whilst ensuring that people, dogs or other animals that are attacked by dogs are compensated.

Appendix 1 - Dog Control measures within other neighbouring jurisdictions

The following table outlines some of the differences in dog control legislation between Northern Ireland and other 'local' administrations. Matters relating to Northern Ireland within this table are based upon the proposals within the Dogs (Amendment) Bill.

²⁷ [Dogs Trust website, membership benefits](#)

Issue	Northern Ireland	England and Wales	Scotland	Republic of Ireland
Individual Dog licensing	Required for all dogs – with exception of people with a disability who's dog assists them in carrying out normal day to day activities, dogs sold in a licensed pet shop, police dogs, Cost of licence will rise in line with inflation from £5 to £12.50 per year. Licence fee will remain at £5 for persons over 65, those in receipt of income related benefits, and for those whose dog has been neutered.	Not applicable - Abolished in 1987	Not applicable - Abolished in 1987	Required for all dogs over 4 months of age – with exception of guide dogs for the blind and dogs held by Gardai, County Council, and Irish Society for the Prevention of Cruelty to Animals. Cost of a licence is currently €12.70 per year.
Block dog licensing	Cost of block licence will rise in line with inflation from £12.50 to £32. Applies in instances where 3 or more dogs are kept on 1 premises by the same person.	Not applicable – Abolished in 1987	Not applicable – Abolished in 1987	Currently costs €253.95 per year for multiple dogs. Mainly aimed at owners of kennels and no upper limit on number of dogs covered.
Micro chipping of dogs	Will become a compulsory condition of issue of a dog licence.	Voluntary at present but being considered by DEFRA. Outline proposal contained in DEFRA public consultation on changes to Dangerous Dogs Act that finished in early June 2010	Voluntary	Voluntary
Prohibited/restricted dog breeds	<ul style="list-style-type: none"> • Pit Bull terrier; • Japanese Tosa; • Dogo Argentino; • Fila Brasileiro. 	<ul style="list-style-type: none"> • Pit Bull terrier; • Japanese Tosa; • Dogo Argentino; • Fila Brasileiro. 	<ul style="list-style-type: none"> • Pit Bull terrier; • Japanese Tosa; • Dogo Argentino; • Fila Brasileiro. 	<ul style="list-style-type: none"> • American Pit Bull terrier; • Bull Mastiff; • Doberman Pinscher; • English Bull Terrier; • German Shepard (Alsatian); • Japanese Akita; • Japanese Tosa; • Rhodesian Ridgeback; • Rottweiler;

				<ul style="list-style-type: none"> Staffordshire Bull Terrier. <p>Also applies to every other strain or cross breed or type of dog described above.</p>
Dogs attacking other dogs as an offence	Will constitute an offence – ‘Any person who sets a dog on or urges a dog to attack, any dog owned by another person’.	Lord Redesdale’s proposed private member’s Dog Control Bill which is due its second reading in the House of Lords on the 9 th July 2010 contains a clause that ‘ no person shall keep a dog that has attacked a person or another protected animal without reasonable cause’ ²⁸ An attack is defined as occurring if a dog has bitten, mauled or injured a person or another animal.	The Control of Dogs (Scotland) Act 2010 provides for the issuing of a dog control notice in instances where ‘a dog is out of control and its behaviour gives rise to apprehension to the safety of an animal other than the dog in question.’ ²⁹	The Control of Dogs Acts 1986 which was further amended in 1992 only refers to attacks by dogs on ‘livestock’ as an offence. Livestock are defined as cattle, sheep, swine, horses and all other equine animals, poultry, goats and deer not in the wild state. ³⁰
Dog control conditions	Control conditions which can be placed on a dog licence by a dog warden. <ul style="list-style-type: none"> Fitting of a muzzle; Being kept under control in a public place; When not under control be kept securely confined in a building, yard or other enclosure; Be excluded from any place or type of place specified in the order; That the dog (if male) be neutered. 	Lord Redesdale’s proposed private member’s Dog Control Bill which is due its second reading in the House of Lords on the 9 th July 2010 contains proposals for the following dog control notices. These can be issued by an officer of a police force or local authority. <ul style="list-style-type: none"> Keeping the dog muzzled in public; Keeping the dog on a lead when in public; Arranging for a dog to be neutered; Placing a microchip in the dog; Arranging for the dog to undergo training; 	The Control of Dogs (Scotland) Act 2010 provides for the issuing of the following dog control notices by an authorised officer within a local authority. <ul style="list-style-type: none"> Muzzling of the dog in a place which the public have access to; Keeping the dog on a lead whenever it is in such a place; Neutering the dog (if male); Keeping the dog away from a place or category of places, specified in the notice; Proper person (owner) with 	Under the Control of Dogs Act 1986, local authorities have the power to make the following bye laws relating to the control of dogs within their area. <ul style="list-style-type: none"> Require the person in charge of a dog to have the faeces removed immediately where the dog has fouled in a public place; Specify areas in which the person in charge of a dog shall be required to keep the dog on a leash; Specify areas where, with the exception of guide dogs, dogs will not be allowed.

²⁸ [House of Lord's private members bill on Dog Control, Lord Redesdale, 2010](#)

²⁹ [Control of Dogs \(Scotland\) Act, 2010](#)

³⁰ [Control of Dogs Act, 1986](#)

		<ul style="list-style-type: none"> • Arranging for the dog to be rehomed. 	the dog attending and completing a course of training in the control of dogs (being a course which may, but need not, be specified in the notice).	
Levels of fixed penalty and subsequent fines for breach of dog control conditions	All fixed penalties to be standardised at £50. Fines following successful prosecution for an offence can be up a maximum level 4 fine of £2,500.	Default amount for a fixed penalty notice is £75. If prosecuted for the offence, a person can liable to a maximum level 3 fine of up to £1,000	Local councils are still developing both fixed penalty and fines levels as a result of the Control of Dogs (Scotland) 2010. Speaking to Dog Control staff in Dumfries and Galloway Council the feeling is that fixed penalties and fines will match those for dog fouling of £40 fixed penalty with a fine of up to £500 following prosecution or failure to pay.	On the spot fines of €30. Failure to pay can lead to prosecution in District Court with a maximum fine of €1904.61 and/or 3 months imprisonment.
Retention of fixed penalty fines by local authorities	Local councils to retain fixed penalty income	Local authorities retain fixed penalty income	Local authorities retain fixed penalty income	Local authorities retain fixed penalty income

