AN BILLE UM RIALÚ MADRAI, 1986
CONTROL OF DOGS BILL, 1986

EXPLANATORY AND FINANCIAL MEMORANDUM

GENERAL

1. The purposes of this Bill are to consolidate, amend and extend the law relating to the control of dogs. The Bill proposes to achieve these purposes mainly by devolving responsibility for control of dogs to the major local authorities, by requiring these local authorities to employ dog wardens, by empowering dog wardens to seize stray dogs and by providing that dogs must at all times be kept under effectual control. The local authorities will be authorised to delegate their dog control functions to the Irish Society for the Prevention of Cruelty to Animals or to other bodies connected with animal welfare.

FINANCIAL IMPLICATIONS

2. Under the Bill the dog licence fees will be collected by the local authorities for the purpose of providing revenue to meet the costs of implementing the controls. In the initial period some funding from the Exchequer will be required but it is estimated that, when potential revenue is realised, the service should be self-financing in most local authority areas. The potential revenue from dog licences at current rates is estimated at £2.5 million. Actual revenue for 1985 was £0.4 million which reflects the failure of large numbers of people to license their dogs. The Exchequer aid to the local authorities for dog control will, it is estimated, be of the order of £125,000 in 1986. It is likely that further charges on the Exchequer will arise in 1987 and 1988. At least one dog warden will be employed in most of the 32 local authorities involved, but it is expected that, as revenue increases, additional numbers may be employed.

DETAILED PROVISIONS

3. Section 1 contains definitions. In what follows, apart from specific reference to the Minister for Agriculture, reference to "the Minister" means the Minister for the Environment.

4. Section 2 makes it unlawful to keep a dog without a licence. It also provides that a licence must be obtained in advance of the purchase of a dog. The occupier of a premises where a dog is found will be deemed to be the person who keeps the dog and consequently will be required to license it.

5. Section 3 provides for the issue of dog licences and general dog licences by local authorities and that a general dog licence shall relate to all dogs kept by a person within the functional area of the local authority which issued it. At present a general licence issued under...
Section 33, Finance Act, 1963, relates to all dogs kept by a person in the State. A local authority will be empowered to make arrangements with another person to issue the licences on its behalf.

6. Section 4 prohibits the granting of licences to persons under 16 years or to persons disqualified from keeping a dog due to a Court conviction for cruelty.

7. Section 5 lists categories of persons who will be exempt from licensing a dog. The categories comprise local authorities, animal welfare bodies, the Garda Síochána, blind persons, keepers of pups under 4 months of age still with the dam, officers of the Minister for Agriculture operating under the Diseases of Animals Act, 1966 and persons who import dogs into the State for not more than 30 days. The Minister will also be empowered to prescribe other classes of persons who would be similarly exempted.

8. Section 6 provides that a dog licence may be transferred to another person along with possession of the dog, except when there is a change of ownership.

9. Section 7 prescribes the form of the licence and provides that it shall be valid for twelve months from the date of issue. At present the licence operates on a calendar year basis (section 37, Finance Act, 1925).

10. Section 8 fixes the licence fees at their present rates of £5 for a dog licence and £100 for a general dog licence and provides that the Minister may vary the rates by way of regulations and may specify different rates for different classes of dogs.

11. Section 9 extends the provisions of the Dogs Order, 1966 and the Dogs (Protection of Livestock) Act, 1960 by providing that a dog, when outside the premises where it is being kept, must be accompanied and kept under effective control. It also provides that where a dog worries livestock the owner or person in charge of the dog shall be guilty of an offence.

12. Section 10 repeats sections 19 and 20 of the Protection of Animals (Amendment) Act, 1965 by providing for the control of greyhounds in a public place, requiring that they be led by chain or leash at all times and that one person shall not lead more than 4 greyhounds at a time.

13. Section 11 defines as a stray dog any dog which appears to be unaccompanied and is outside the premises where it is being kept. The Section provides for the seizure of such stray dogs by dog wardens or members of the Garda Síochána and for their disposal or humane destruction if they are not claimed by their owners or their agents and the necessary expenses paid. Section 3 of the Dogs Act, 1906 at present empowers the Garda Síochána to seize stray dogs found in a highway or place of public resort and section 3 of the Dogs (Protection of Livestock) Act, 1960 empowers them to seize unaccompanied dogs found worrying livestock.

14. Section 12 provides for the acceptance of unwanted dogs by local authorities and for their subsequent disposal or humane destruction.

15. Section 13 updates section 4 of the Dogs Act, 1906 and section 17 of the Protection of Animals (Amendment) Act, 1963 and details procedures for dealing with dogs found and detained by persons. It also repeats, in an amended form, section 3 (2) of the Dogs (Protection of Livestock) Act, 1960 by providing that any person may seize a
stray dog which he or she believes has worried or is about to worry livestock and deliver it to a dog warden within 72 hours.

16. **Section 14** provides for the keeping by local authorities and Superintendents of the Garda Síochána of a register of dogs seized or notified to them. The keeping of a register was provided for in section 3 of the Dogs Act, 1906.

17. **Section 15** requires every local authority to employ one or more dog wardens for the purposes of the Act and to establish and maintain dog shelters. The Section authorises local authorities, with the consent of the Minister, to make arrangements with any person for the provision and maintenance of these shelters and to carry out the limited functions of detaining, disposing of and destroying stray and unwanted dogs. The Section also authorises local authorities to delegate all or any of its functions under the Act, except the making of bye-laws and the prosecution of offenders, to another local authority, to the Irish Society for the Prevention of Cruelty to Animals or, with the consent of the Minister, to a person connected with animal welfare. The local authority will also be empowered to aid persons providing homes or shelters for stray or unwanted dogs.

18. **Section 16** details the powers of the dog warden and provides that it shall be an offence to obstruct a dog warden, to refuse to give him/her a name and address or to give a false name and address. A member of the Garda Síochána will be empowered to arrest without warrant a person suspected of an offence under this section.

19. **Section 17** provides for the making of bye-laws by local authorities, if they so wish, governing the control of dogs within their areas. This will permit such authorities to introduce controls which would have particular local relevance. The Section also authorises the Minister to extend, for the purposes of the bye-laws, the functional areas of the local authorities to adjoining beaches, which, being below high water mark, are not within the functional areas of such local authorities.

20. **Section 18** repeats the provisions in section 18 of the Protection of Animals (Amendment) Act, 1965 which provide for the disqualification by a Court of a person convicted of cruelty to a dog from keeping a dog for such period as the Court thinks fit.

21. **Section 19** authorises the Minister to make regulations covering such matters as:

   (i) registration and standards for premises where more than 5 adult dogs are kept;

   (ii) regulation of the use of guard dogs;

   (iii) muzzling and control of dogs;

   (iv) means of identification.

22. **Section 20** amends the Protection of Animals (Amendment) Act, 1965 by increasing the maximum fine to £500 and providing that the Minister for Agriculture may alter the fine by Regulation.

23. **Section 21** repeats section 1 of the Dogs Act, 1906 as amended by section 3 of the Animals Act, 1985 which makes the owner of a dog responsible for damage or injury caused by the dog to a person or livestock.

24. **Section 22** empowers the District Court to deal with dangerous dogs and is derived from section 2 of the Dogs Act, 1871.

25. **Section 23** extends the existing provision of section 4 of the Dogs (Protection of Livestock) Act, 1960 by providing a defence to
(i) the shooting of any dog worrying or about to worry livestock where such worrying could not be stopped by other means or 
(ii) the shooting of a stray dog, which could not be seized or identified otherwise, where livestock had been injured or killed.

26. Section 24 repeals the provision in the Dogs Act, 1906 which obliges stockowners to bury animal carcases which might otherwise attract dogs onto land.

27. Section 25 provides recourse to the District Court for persons aggrieved by the nuisance of dogs barking.

28. Section 26 provides for the issue of search warrants to the Garda Síochána for the purpose of searching dwellings for dogs believed to have been involved in an attack on a person or the worrying of livestock.

29. Section 27 identifies offences and specifies penalties.

30. Section 28 provides for “on-the-spot” fines in respect of 
   (i) keeping an unlicensed dog, 
   (ii) taking or transferring possession of a dog before the issue of a licence, 
   (iii) failing to keep a dog under effectual control and 
   (iv) failing to comply with the control measures for greyhounds.

31. Section 29 empowers local authorities to prosecute offences and, in a prosecution for keeping an unlicensed dog, places on the person charged the onus of proof that an offence was not committed.

32. Section 30 gives the Minister power to make Regulations.

33. Section 31 details the methods of serving notices on persons.

34. Section 32 provides that moneys accruing to local authorities under this Act will be disposed of in accordance with Regulations to be made by the Minister.

35. Section 33 enables the Minister to make grants to local authorities and to persons who provide homes or shelters for stray or unwanted dogs or who are concerned with the welfare of dogs.

36. Section 34 provides for the payment of expenses incurred by the Minister out of monies provided by the Oireachtas.

37. Section 35 enables the provisions of this Bill as they relate to unwanted dogs, provision of shelters, and aid to bodies providing shelters, to be applied to other domesticated animals such as cats.

38. Section 36 repeals existing legislation as set out in the Schedule.

39. Section 37 contains the short title and provides for the commencement of the Act by Ministerial Order.

An Roinn Talmhaíochta,  
Meitheamh, 1986.

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