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# Control of Dogs Act, 1986

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## **CONTROL OF DOGS ACT, 1986**

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#### SCHEDULE

#### Enactments Repealed

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## Acts Referred to

<u>Animals Act, 1985</u>	1985, No. 11
<u>Civil Liability Act, 1961</u>	1961, No. 41
<u>Diseases of Animals Act, 1966</u>	1966, No. 6
Dogs Act, 1871	1871, c. 56
Dogs Act, 1906	1906, c. 32
<u>Dogs (Protection of Livestock) Act, 1960</u>	1960, No. 17
<u>Dublin Police Act, 1839</u>	2 & 3 Vict. c. 78
<u>Dublin Police Act, 1842</u>	5 & 6 Vict. c. 24
<u>Finance Act, 1925</u>	1925, No. 28
<u>Finance Act, 1926</u>	1926, No. 35
<u>Finance Act, 1963</u>	1963, No. 23
<u>Finance Act, 1983</u>	1983, No. 15
<u>Foreshore Act, 1933</u>	1933, No. 12
<u>Local Government (Planning and Development) Act, 1976</u>	1976, No. 20
<u>Protection of Animals Act, 1911</u>	1911, c. 27
<u>Protection of Animals (Amendment) Act, 1965</u>	1965, No. 10
Protection of Animals Acts, 1911 and 1965	
<u>Public Health (Ireland) Act, 1878</u>	1878, c. 52
<u>Statute of Limitations, 1957</u>	1957, No. 6
<u>Summary Jurisdiction (Ireland) Act, 1851</u>	14 & 15 Vict. c. 92
<u>Towns Improvement (Ireland) Act, 1854</u>	17 & 18 Vict. c. 103
<u>Town Police Clauses Act, 1847</u>	10 & 11 Vict. c. 89
<u>Wildlife Act, 1976</u>	1976, No. 39




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*Number 32 of 1986*

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**CONTROL OF DOGS ACT, 1986**

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AN ACT TO PROVIDE FOR THE LICENSING AND CONTROL OF DOGS AND TO PROVIDE FOR THE PROTECTION OF LIVESTOCK FROM WORRYING BY DOGS AND OTHERWISE TO AMEND AND EXTEND THE LAW RELATING TO DOGS; AND TO PROVIDE FOR CERTAIN OTHER MATTERS CONNECTED THEREWITH. [17th December, 1986]

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:

Interpretation. **1.**—In this Act—

“damage” includes death or injury to any person (including any disease caused to a person or any impairment of his physical or mental condition) and includes injury to, or total or partial destruction of, property;

“dispose of” means to sell or to give away;

“dog” includes a bitch of any age or a dog of any age;

“dog licence” means a licence entitling a person to keep a dog;

“dog warden” means a person employed under section 15 of this Act to be a dog warden for the purposes of this Act;

“general dog licence” means a licence entitling a person to keep an unspecified number of dogs;

“greyhound” includes any whippet and any strain or cross of greyhound or whippet;

“licence” includes, as the context may require, a dog licence and a general dog licence;

“livestock” means cattle, sheep, swine, horses and all other equine animals, poultry, goats and deer not in the wild state;

“local authority” means—

(a) in the case of the administrative county of Dublin, other than the borough of Dún Laoghaire, the council of the county of Dublin,

(b) in the case of the borough of Dún Laoghaire, the corporation of the borough,

(c) in the case of a county borough, the corporation of the county borough, and

(d) in the case of any other administrative county, the council of the county,

and references to the functional area of a local authority shall be construed accordingly and local authority shall, as the context may require, include any other person with whom a local authority has entered into an arrangement pursuant to section 15 of this Act;

“the Minister” means the Minister for the Environment;

“occupier” includes a person who owns and occupies, as well as a person who occupies only, any premises and in relation to any land includes a person who is in possession of land under a letting in conacre or for the purposes of agistment or for temporary depasturage;

“owner” in relation to a dog includes the occupier of any premises where the dog is kept or permitted to live or remain at any particular time unless such occupier proves to the contrary: Provided always that where there is more than one dwelling in any house, the occupier of the dwelling in which the dog is kept, or is permitted to live or remain, shall, until the contrary is proved, be presumed to be the owner;

“person in charge of livestock” includes the occupier of any land on which the livestock are kept, or the owner of the livestock, or any member of the family of such occupier or owner, or any person authorised to take charge of the livestock by any of them;

“poultry” means domestic fowls, turkeys, geese, ducks, guinea-fowls, pigeons and peafowl and includes, whilst in captivity, pheasants, partridges, grouse and quail;

“premises” includes any house or land;

“prescribed” means prescribed by regulations made by the Minister;

“public place” means any street, road, seashore, park, land, field or other place to which the public have access, whether by right or by permission, and whether subject to or free of charge;

“sterilise” means to render permanently incapable of breeding;

“stray dog” has the meaning assigned to it by section 11 of this Act;

“Superintendent of the Garda Síochána” means the Superintendent of the Garda Síochána for the area in which a dog is, is found, or is shot;

“veterinary surgeon” means any person who is lawfully qualified to practise veterinary surgery in the State;

“worry” in relation to livestock, means to attack or kill or to chase livestock in such a way as may reasonably be expected to cause the death of or injury or suffering to the livestock or to result in financial loss to the owner of the livestock.

Prohibition on keeping a dog without a licence.

**2.—(1)** Subject to section 5 of this Act, it shall be unlawful for any person to—

(a) keep a dog unless he holds either—

(i) a dog licence for that dog, or

(ii) a general dog licence, or

(b) take possession, unless he is the holder of a general dog licence, of a dog, pursuant to a change of ownership, before the issue of a dog licence in respect of that dog, or

(c) transfer possession of a dog pursuant to a change of ownership to any other person unless the other person is the holder of a dog licence for that dog or a general dog licence.

(2) The occupier of any premises where a dog is found shall, for the purposes of this section, be deemed to be the person who keeps the dog unless he proves that—

(a) he is not the owner of the dog, and

(b) the dog was kept on the premises either—

(i) without his knowledge, or

(ii) by some other person who had a licence for the dog.

Issue of licences. **3.**—(1) A dog licence shall be issued to a person by the local authority for the functional area in which the dog is kept at, or is intended to be kept after, the issue of the licence.

(2) A general dog licence shall be issued to a person by the local authority and shall relate to all dogs kept by such person within the functional area of the local authority.

(3) A local authority may, with the consent of the Minister, enter into arrangements with any other person for the issue of licences on its behalf.

(4) A licence which, before the commencement of this Act, was issued pursuant to section 37 of the Finance Act, 1925, shall be deemed for all purposes to be a licence issued under this Act.

Persons disqualified from holding a licence. **4.**—A local authority shall not issue a dog licence or a general dog licence to any person who—

(a) is under the age of sixteen years, or

(b) is disqualified, pursuant to section 18 of this Act, from keeping a dog.

Exemption from holding a licence. **5.**—A licence shall not be required in respect of any dog—

(a) whilst such dog is in the possession of a local authority;

(b) whilst such dog is in the possession of the Irish Society for the Prevention of Cruelty to Animals or any other person with whom a local authority has entered into an arrangement pursuant to section 15 of this Act;

(c) which is kept by the Garda Síochána and wholly used by a member of the Garda Síochána in the execution of his duty;

(d) which is kept and wholly or mainly used for the purpose of guidance by a blind person or a person whose eyesight is so defective that he is unable to find his way about without guidance;

- (e) which is under the age of four months and is kept with its dam or foster-mother;
- (f) whilst such dog is in the possession of an inspector (within the meaning of the Diseases of Animals Act, 1966), or other officer of the Minister for Agriculture, or a member of the Garda Síochána, for the purposes of that Act;
- (g) which is imported into the State for a period not exceeding thirty days;
- (h) which is a greyhound and is purchased for export and which is exported from the State within thirty days after the date of purchase;
- (i) which is kept by such other class of person as may be prescribed by the Minister.

Transfer of dog licence. **6.**—(1) A dog licence issued to a person in respect of a dog may be transferred to any other person when possession of the dog is transferred to such other person.

(2) *Subsection (1)* of this section shall not apply in any case where the ownership of the dog is transferred to any other person.

Duration of licence. **7.**—A dog licence or a general dog licence shall be in the prescribed form and shall be valid for the period of twelve months from the date of its issue.

Fee for licence. **8.**—(1) The following fees shall be payable to a local authority in respect of the issue of a dog licence or a general dog licence, that is to say—

- (a) in respect of the issue of a dog licence, a fee of £5, and
- (b) in respect of the issue of a general dog licence, a fee of £100.

(2) The Minister may, by regulations, vary the rates specified in *subsection (1)* of this section and may specify different rates in respect of different classes of dogs.

Control of dogs. **9.**—(1) The owner or any other person in charge of a dog shall not permit the dog to be in any place other than—

- (a) the premises of the owner, or
- (b) the premises of such other person in charge of the dog, or
- (c) the premises of any other person, with the consent of that person,

unless such owner or such other person in charge of the dog accompanies it and keeps it under effectual control.

(2) If a dog worries livestock, the owner or any other person in charge of the dog shall be guilty of an offence unless it is established that at the material time the dog worried the livestock for the purpose of removing trespassing livestock and that having regard to all the circumstances the action was reasonable and necessary.

(3) A person who is guilty of an offence under *subsection (2)* of this section shall be liable on summary conviction to a fine not exceeding £500, or to imprisonment for a term not exceeding one month, or, at the discretion of the court, to both such fine and such imprisonment.

Control of greyhounds. **10.**—(1) A person shall not permit a greyhound to be in any public place unless such greyhound is being led by means of a sufficiently strong chain or leash.

(2) A person shall not lead or cause or permit to be led by any one person more than four greyhounds at a time in any public place.

Stray dogs. **11.**—(1) A dog warden shall take all reasonable steps to seize and detain any dog that appears to him to be a stray dog and he may enter any premises (other than a dwelling) for the purposes of such seizure and detention.

(2) A member of the Garda Síochána may seize and detain any dog that appears to him to be a stray dog and he may enter any premises (other than a dwelling) for the purposes of such seizure and detention.

(3) Whenever a member of the Garda Síochána seizes or detains a dog pursuant to *subsection (2)* of this section, he may deliver the dog to the local authority in whose functional area the dog was found.

(4) Whenever a stray dog is seized or detained pursuant to this section by a dog warden or a member of the Garda Síochána, the local authority or, as the case may be, the Superintendent of the Garda Síochána shall give notice to the owner or other person in charge of the dog, if the name of such owner or other person is known to it or him or can be readily ascertained, that the dog has been seized and detained and that the dog will be disposed of, or destroyed, after five days from the date of the giving of the notice, if such dog is not claimed and all expenses relating to its seizure and detention are not paid by the owner or, as the case may be, the person in charge of the dog.

(5) If any person claims a dog which has been seized and detained pursuant to this section, the local authority or the Superintendent of the Garda Síochána shall give the dog to such person if such person—

(a) satisfies the local authority or the Superintendent of the Garda Síochána, as the case may be, that he is the owner of the dog or has been authorised by the owner to claim the dog,

(b) makes a declaration in the prescribed form stating that he is either such owner or has been so authorised to claim the dog, and

(c) pays the amount of the expenditure incurred by the local authority or by the Garda Síochána in respect of the seizure and detention of the dog.

(6) Whenever a stray dog is seized or detained pursuant to this section by a dog warden or a member of the Garda Síochána, the local authority, or as the case may be, the Superintendent of the Garda Síochána shall cause an entry to be made in the register required to be kept under *section 14* of this Act.



(7) Five days following the making of an entry in the register pursuant to *subsection (6)* of this section, or following the giving of a notice pursuant to *subsection (4)* of this section, whichever is the later, the local authority, or the Superintendent of the Garda Síochána, as the case may be, if no person has been given the dog pursuant to *subsection (5)* of this section and paid all expenses relating to its seizure and detention, may, subject to *subsection (8)* of this section, dispose of the dog or arrange for its destruction in a humane manner.

(8) A local authority or a Superintendent of the Garda Síochána, as the case may be, shall not dispose of a dog pursuant to *subsection (7)* of this section for the purposes of animal experimentation.

(9) A local authority may, before disposing of a dog under this section, sterilise, or arrange to have sterilised, the dog.

(10) Where a local authority or a Superintendent of the Garda Síochána disposes of a dog under this section, the person to whom the dog is given shall become the owner of the dog and the title of its previous owner shall thereupon become extinguished.

(11) In this Act "stray dog" includes any dog which appears to be unaccompanied by a person unless such dog is on the premises of its owner or of some other person who has the dog in his charge or of any other person with that person's consent.

(12) The Minister may, by regulations, vary the period of days specified in *subsections (4)* and *(7)* of this section.

Unwanted dogs. **12.**—(1) A local authority may accept from its owner, or from a person authorised by the owner, an unwanted dog and, subject to *subsection (2)* of this section, may dispose of such dog or arrange for its destruction in a humane manner.

(2) A local authority shall not dispose of a dog pursuant to *subsection (1)* of this section for the purposes of animal experimentation.

(3) A local authority may, before disposing of a dog under this section, sterilise, or arrange to have sterilised, the dog.

(4) Where a local authority disposes of a dog under this section, the person to whom the dog is given shall become the owner of the dog and the title of its previous owner shall thereupon become extinguished.

Finding of stray dogs. **13.**—(1) Any person, other than a dog warden or a member of the Garda Síochána, who finds and takes possession of a stray dog shall, forthwith—

(a) return the dog to its owner, or

(b) deliver the dog to a dog warden, or

(c) detain the dog and give notice in writing containing a description of the dog, the address of the place where it was found, and the address of the place where it is detained to the member in charge at the nearest Garda Station to the place where the dog was found, or to a dog warden.

(2) In particular and without prejudice to the provisions of *subsection (1)* of this section, where any person has reasonable grounds for believing that a stray dog has worried or is about to worry livestock, such person may seize the dog and shall forthwith deliver it to a dog warden.

(3) Where a person has found a stray dog and has retained possession of the dog for a year after the date on which he gave the notice referred to in *subsection (1)* of this section, and the dog has not been claimed by its owner within that year, such person shall become the owner of the dog and the title of the former owner to the dog shall be extinguished.

(4) *Subsection (3)* of this section shall not apply if, during the period of a year specified in that subsection, the person who found the dog has ascertained who is the owner of the dog, whereupon such person shall notify the owner that the dog is in his possession and that the dog can be collected from him.

(5) Notwithstanding the provisions of *section 2* of this Act, a person who is not the holder of a general dog licence and who detains a stray dog pursuant to this section shall not be required to obtain a dog licence relating to that dog until he has kept the dog in his possession for a period of not less than twenty-eight days, and the said *section 2* shall be construed and have effect accordingly.

Register of  
seized dogs.

**14.**—(1) Every local authority shall keep a register of all dogs—

(a) seized by a dog warden employed by it, and

(b) detained by any other person and notified to such dog warden.

(2) Every Superintendent of the Garda Síochána shall keep a register of all dogs—

(a) seized by a member of the Garda Síochána under his control, and

(b) detained by any other person and notified to the member in charge of any Garda Station within his area, and

(c) shot by any person and reported to the member in charge of any Garda Station within his area.

(3) Every register maintained under this section shall contain the following particulars, that is to say:

(a) a description of the dog;

(b) in the case of a dog seized by a dog warden or a member of the Garda Síochána, the date of the seizure of the dog and particulars of the manner in which the dog is disposed of or, as the case may be, destroyed;

(c) in the case of a dog which was detained by any other person, the date of notification of the detention to, as the case may be, the dog warden or the member in charge of the Garda Station concerned, the place where the dog was found, and the place where the dog is detained.

(4) Every register maintained under this section shall be open for inspection at all reasonable times by any interested person.

(5) Every entry in a register maintained under this section shall be retained therein for a period of not less than one year.

Duties of a local authority.

**15.—**(1) Every local authority shall employ one or more persons to be dog wardens for the purposes of this Act and every person so employed shall be furnished with a certificate of his appointment and when exercising a power under this Act shall, if requested by any person thereby affected, produce such certificate for inspection by the person.

(2) Every local authority shall establish and maintain one or more shelters for dogs seized, accepted or detained under any of the provisions of this Act and may, with the consent of the Minister, enter into arrangements with any person for the provision and maintenance of such shelters and for the exercise by such person of the functions of the local authority under this Act in respect of the acceptance, detention, disposal and destruction of stray and unwanted dogs.

(3) Subject to the provisions of this Act, a local authority may enter into arrangements with any other local authority, or with the Irish Society for the Prevention of Cruelty to Animals, or, with the consent of the Minister, with a person connected with animal welfare, for the exercise of all or any of its functions, other than its functions under section 17 or section 30 of this Act, under this Act by, as the case may be, such other local authority, such Society or such person.

(4) A local authority may assist any person providing homes or shelters for stray or unwanted dogs by helping that person in money or kind or by the provision of services or facilities (including the services of staff).

Powers of dog wardens.

**16.—**(1) A dog warden may—

(a) where he has reasonable grounds for believing that a person is committing, or has committed, an offence under this Act or under any regulation or bye-law made thereunder, request of the person his name and address and may request that any information given be verified;

(b) seize any dog and detain it in order to ascertain whether an offence under this Act is being or has been committed and may enter any premises (other than a dwelling) for the purposes of such seizure and detention;

(c) enter any premises (other than a dwelling) for the purpose of preventing or ending

—

(i) an attack by a dog on any person, or

(ii) the worrying of livestock;

(d) enter any premises (other than a dwelling)—

(i) which are registered in accordance with regulations made under section 19 of this Act, or

(ii) where he has reasonable grounds for believing that more than five dogs which are aged over four months are kept,

and therein examine such dogs as he may find there and the kennels or part of the premises in which the dogs are kept;

(e) request any person who owns, is in charge of, or is in possession of a dog to produce, as the case may be, a dog licence or a general dog licence, within ten days of the date of the request, for examination by the dog warden.

(2) A dog warden, in exercising a power of entry into any premises under this Act, may bring with him into such premises such other persons as he believes to be necessary for the purpose of assisting him in the exercise of his powers and functions under this Act and the dog warden and any such other person may take with them into the premises such equipment as they consider to be necessary.

(3) Any person who—

(a) obstructs or impedes a dog warden in the exercise of his functions under this Act, or

(b) refuses to give his name and address to a dog warden when requested so to do, or who gives a name or address which is false or misleading when so requested,

shall be guilty of an offence and shall be liable on summary conviction to—

(i) in case the offence is an offence under *paragraph (a)* of this subsection, a fine not exceeding £500, or to imprisonment for a term not exceeding one month, or, at the discretion of the court, to both such fine and such imprisonment, or

(ii) in case the offence is an offence under *paragraph (b)* of this subsection, a fine not exceeding £100.

(4) Where a member of the Garda Síochána is of opinion that a person is committing or has committed an offence under this section, he may arrest the person without warrant.

Bye-laws.

**17.—**(1) A local authority may make bye-laws relating to the control of dogs within its functional area.

(2) Without prejudice to the generality of *subsection (1)* of this section, bye-laws made under this section may make provision for all or any of the following matters:

- (a) require the person in charge of a dog to have the faeces removed immediately where the dog has fouled a public place which is situated in such part of the functional area of the local authority as may be specified in the bye-laws;
- (b) specify areas in such part of the functional area of the local authority as may be specified in the bye-laws in which the person in charge of a dog shall be required to keep the dog on a leash;
- (c) specify areas in such part of the functional area of the local authority as may be specified in the bye-laws in which a dog, other than a dog being used by a blind person or by a person whose eyesight is so defective that he is unable to find his way without guidance, shall not be allowed.

(3) Bye-laws made under this section may contain such incidental, supplementary and consequential provisions as appear to the local authority to be necessary.

(4) The provisions of sections 221 and 223 of the Public Health (Ireland) Act, 1878, shall apply to bye-laws made under this section as if these bye-laws made under this section were bye-laws made under that Act.

(5) Bye-laws made under this section shall not apply to a dog being used—

- (a) in the execution of his duty by a member of the Garda Síochána, or
- (b) for such other purpose as the Minister may prescribe.

(6) (a) Where any part of the boundary of the functional area of a local authority is a line of high water of the sea, or a tidal river, or a tidal lake, the local authority may, in making bye-laws under this section, extend the area of operation of such bye-laws to the foreshore, or to such part of the foreshore, as may be specified in the bye-laws.

(b) Where the area of operation of bye-laws is extended pursuant to this subsection, such extended area may be defined by reference to a map or otherwise.

(c) In this subsection “foreshore” has the meaning specified in the Foreshore Act, 1933.

Disqualification from keeping a dog. **18.**—(1) Any person who is convicted under the Protection of Animals Acts, 1911 and 1965, of the offence of cruelty to a dog may, in addition to any penalty imposed under those Acts, be disqualified from keeping a dog for such period as the Court thinks fit.

(2) Notwithstanding anything contained in any enactment, where a person is so convicted and disqualified the Court may make such order as it thinks fit for the disposal or humane destruction of any dog kept by such person, and may order that the expense incurred in the disposal or humane destruction of a dog under this section, including the expense of any veterinary surgeon, shall be paid by the person convicted in addition to any other penalty which the Court may impose.

(3) Any person who makes default in the payment of any expenses ordered to be paid pursuant to *subsection (2)* of this section, shall be guilty of an offence and shall be liable on summary conviction thereof to imprisonment for a term not exceeding one month.

(4) Where the Court orders, pursuant to *subsection (2)* of this section, the destruction of a dog, the Court may direct that the dog be delivered to a dog warden or any suitable person for that purpose, and the person to whom the dog is delivered shall, as soon as possible, destroy the dog, or cause it to be destroyed, in a humane manner.

Regulation of premises and dogs.

**19.**—(1) The Minister may, by regulations, specify standards for premises in which more than five dogs aged over four months are kept and may make provision for the use and control of dogs.

(2) Without prejudice to the generality of *subsection (1)* of this section, regulations under this section may—

- (a) declare, in respect of any premises where more than five dogs aged over four months are kept, that such premises may not be used for such purpose as may be specified in the regulations unless such premises are registered with the relevant local authority;
- (b) make provision, in relation to premises of the type referred to in *paragraph (a)* of this subsection, for—
  - (i) the form of the register of such premises to be maintained by a local authority;
  - (ii) the requirements to be complied with to enable any such premises to be registered;
  - (iii) the circumstances in which registration of any such premises may be refused or cancelled;
  - (iv) the construction and operation of kennels in any such premises;
  - (v) the keeping of records by the owner or occupier of such premises and the inspection of any such records;
- (c) make provision for the regulation of the use of guard dogs in the course of business;
- (d) make provision for the muzzling of dogs in specified circumstances and for the keeping of dogs under control;
- (e) make provision for the identification of the ownership of dogs by the wearing by the dog of a collar or harness bearing the name and address of the owner inscribed thereon or on a plate, badge or disc attached thereto;
- (f) make provision for any other means of the identification of dogs;
- (g) require that a dog shall carry a means of licence identification whether by means of a disc, badge or plate attached to its collar or harness or by any other means;

(h) make provision for the exemption from all or any of the provisions of the regulations of an inspector (within the meaning of the Diseases of Animals Act, 1966) or other officer of the Minister for Agriculture, an officer of a local authority or a member of the Garda Síochána when a dog is in the possession of such person for the purposes of that Act.

Amendment of Protection of Animals Act, 1911. **20.**—(1) Section 1 of the Protection of Animals Act, 1911, (as amended by section 4 of the Protection of Animals (Amendment) Act, 1965) is hereby amended by the deletion in subsection (1) of all words from “such person shall be guilty” to the end of the subsection and the substitution therefor of the following:

“such person shall be guilty of an offence of cruelty within the meaning of this Act and shall be liable on summary conviction thereof—

- (i) in respect of a first or a second offence to a fine not exceeding £500, or to imprisonment for a term not exceeding three months, or, at the discretion of the Court, to both such fine and such imprisonment;
- (ii) in respect of a third or any subsequent offence, to a fine not exceeding £500, or to imprisonment for a term not exceeding six months, or, at the discretion of the Court, to both such fine and such imprisonment.”.

(2) The Minister for Agriculture may by regulations vary the maximum amount of the fine specified in section 1 (as amended by this Act) of the Protection of Animals Act, 1911.

(3) Where regulations are proposed to be made under *subsection (2)* of this section, a draft of the regulations shall be laid before each House of the Oireachtas and the regulations shall not be made until a resolution approving of the draft has been passed by each such House.

Liability of owner for damage by dog. **21.**—(1) The owner of a dog shall be liable in damages for damage caused in an attack on any person by the dog and for injury done by it to any livestock; and it shall not be necessary for the person seeking such damages to show a previous mischievous propensity in the dog, or the owner's knowledge of such previous propensity, or to show that such injury or damage was attributable to neglect on the part of the owner.

(2) Where livestock are injured by a dog on land on to which they had strayed, and either the dog belonged to the occupier of the land or its presence on the land was authorised by the occupier, a person shall not be liable under this section in respect of injury done to the livestock, unless the person caused the dog to attack the livestock.

(3) A person is liable in damages for any damage caused by a dog kept on any premises or structure to a person trespassing thereon only in accordance with the rules of law relating to liability for negligence.

(4) (a) Any damage or injury for which a person is made liable under this section shall be deemed to be attributable to a wrong within the meaning of the Civil Liability Act, 1961, and the provisions of that Act shall apply accordingly.

(b) Sections 11 (2) (a) and 11 (2) (b) of the Statute of Limitations, 1957 , shall apply to such damage.

Dangerous dogs. **22.**—(1) Where—

(a) on a complaint being made to the District Court by any interested person that a dog is dangerous and not kept under proper control, or

(b) on the conviction of any person for an offence under section 9 (2) of this Act,

it appears to the Court that the dog is dangerous and not kept under proper control, the Court may, in addition to any other penalty which it may impose, order that the dog be kept under proper control or be destroyed.

(2) Whenever the Court orders the destruction of a dog pursuant to *subsection (1)* of this section, the Court may—

(a) direct that the dog be delivered to a dog warden or any suitable person to be destroyed, and

(b) direct that the expenses of the destruction of the dog be paid by the owner of the dog.

(3) Whenever a dog is delivered to a dog warden or any other person pursuant to an order of the Court to be destroyed, the person to whom the dog is delivered shall, as soon as possible, destroy the dog, or cause it to be destroyed, in a humane manner.

(4) Any sums payable by the owner of a dog pursuant to a direction of the Court under *subsection (2) (b)* of this section may be recovered by a local authority as a simple contract debt in any court of competent jurisdiction.

(5) Where a dog is proved to have caused damage in an attack on any person, or to have injured livestock, it may be dealt with under this section as a dangerous dog which has not been kept under proper control.

Defence in  
action for  
damages for  
shooting dog.

**23.**—(1) It shall be a defence to any action for damages against a person for the shooting of a dog, or to any charge arising out of the shooting of a dog, if the defendant proves that

—

(a) the dog was shot when it was worrying, or was about to worry, livestock and that there were no other reasonable means of ending or preventing the worrying; or

(b) (i) the dog was a stray dog which was in the vicinity of a place where livestock had been injured or killed, and

(ii) the defendant reasonably believed that the dog had been involved in the injury or killing, and

(iii) there were no practicable means of seizing the dog or ascertaining to whom it belonged; and



(c) he was the person in charge of the livestock; and

(d) he notified within forty-eight hours the member in charge at the nearest Garda Station to the place where the dog was shot of the incident.

(2) The provisions of *subsection (1) (a)* and *subsection (1) (b) (i)* and *(iii)* of this section shall be deemed to have been satisfied if the defendant believed that those provisions had been satisfied and he had reasonable grounds for that belief.

Burial of  
carcasses.

**24.**—(1) Subject to *subsection (2)* of this section, a person shall not without reasonable excuse permit the carcase of any livestock to remain unburied in any field or other place to which a dog can gain access.

(2) *Subsection (1)* of this section shall not apply to any carcase or part of a carcase which has been treated with poison in any case where the provisions of section 8 of the Protection of Animals Act, 1911 (as extended by section 14 of the Protection of Animals (Amendment) Act, 1965 , and restricted by section 34 of the Wildlife Act, 1976 ) have been complied with.

Nuisance by  
barking dogs.

**25.**—(1) Where, on a complaint being made to the District Court by any person, it appears that a nuisance has been created as a result of excessive barking by a dog, the court may—

(a) order the occupier of the premises in which the dog is kept to abate the nuisance by exercising due control over the dog;

(b) make an order limiting for such period as may be specified in the order the number of dogs to be kept by the respondent on his premises;

(c) direct that the dog be delivered to a dog warden to be dealt with by him in accordance with the provisions of this Act as if the dog were an unwanted dog.

(2) Before any person makes a complaint to the District Court in relation to a nuisance caused by the excessive barking of a dog, he shall serve notice in the prescribed form, within such time as may be specified in the notice, of his intention to make such a complaint on the occupier of the premises in which the dog is kept.

Search warrants. **26.**—(1) If a Justice of the District Court or a Peace Commissioner is satisfied by the information on oath of a member of the Garda Síochána that there were reasonable grounds for believing that—

(a) a dog has attacked a person or has worried livestock, and

(b) in consequence of the attack or the worrying, the owner of the dog has committed an offence under this Act, and

(c) a person is in possession in any premises of a dog which the member of the Garda Síochána has reasonable grounds for believing to be the dog involved in the said attack or the said worrying,

the District Justice or, as the case may be, the Peace Commissioner may issue a search warrant under this section.

(2) A search warrant under this section shall be expressed, and shall operate, to authorise the member of the Garda Síochána named in the search warrant, along with such other members of the Garda Síochána as may be necessary, to enter the premises specified in the search warrant and search for the dog.

(3) A member of the Garda Síochána who is authorised by a search warrant under this section to enter a premises may use such force as may be reasonably necessary to secure entry into the premises.

(4) Any dog which is found during a search pursuant to a search warrant under this section may be removed from the premises and detained by the Garda Síochána for examination.

Offences and penalties.

**27.**—(1) Any person who keeps a dog without a licence contrary to section 2 of this Act shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding £100 in respect of each such dog kept by such person.

(2) Any person who—

- (a) takes or transfers possession of a dog before the issue of a licence in respect of the dog contrary to section 2 of this Act, or
- (b) fails to comply with the provisions of section 13 (1) or 13 (2) of this Act, or
- (c) fails to produce a licence when requested so to do under section 16 of this Act by a dog warden, or
- (d) is in breach of any bye-law made by a local authority under section 17 of this Act, or
- (e) is in breach of any regulation relating to any matter specified in section 19 (2) (d), (e), (f) or (g) of this Act,

shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding £100.

(3) Any person who—

- (a) is in breach of any regulation made pursuant to section 19 (2) (a), (b) or (c) of this Act, or
- (b) permits the carcass of any livestock to remain unburied contrary to section 24 of this Act,

shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding £500.

(4) Any person who—

- (a) fails to comply with the provisions of section 9 (1) of this Act, or
- (b) fails to comply with the provisions of section 10 (1) of this Act, or

(c) leads, or causes or permits to be led by any one person more than four greyhounds at a time in a public place contrary to section 10 (2) of this Act, or

(d) keeps a dog while he is disqualified from holding a licence under section 18 of this Act,

shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding £500, or, to imprisonment for a term not exceeding one month, or, at the discretion of the court, to both such fine and such imprisonment.

(5) The Minister may, by regulations, vary the maximum amount of a fine specified in *subsection (1), (2), (3) or (4)* of this section or in section 9 or section 16 of this Act.

(6) Where regulations are proposed to be made under *subsection (5)* of this section, a draft of the regulations shall be laid before each House of the Oireachtas and the regulations shall not be made until a resolution approving of the draft has been passed by each such House.

Provisions regarding certain offences. **28.**—(1) Where a dog warden has reasonable grounds for believing that a person is committing or has committed an offence under section 27 (1), 27 (2) (a), 27 (4) (a), 27 (4) (b) or 27 (4) (c) of this Act, he may serve the person with a notice in the prescribed form stating that the person is alleged to have committed an offence and specifying the offence, and that the person may during the period of 21 days beginning on the date of the notice, make to the local authority specified in the notice a payment of the prescribed amount accompanied by the notice and that a prosecution in respect of the alleged offence will not be instituted during the period specified in the notice and, if the payment specified in the notice is made during that period, no prosecution in respect of the alleged offence will be instituted.

(2) Where notice is given under *subsection (1)* of this section—

(a) a person to whom the notice applies may, during the period specified in the notice, make to the local authority so specified the payment specified in the notice accompanied by the notice;

(b) the local authority specified in the notice may receive the payment, issue a receipt for it and retain the money so paid for disposal in accordance with this Act, and any payment so received shall not be recoverable in any circumstances by the person who made it;

(c) a prosecution in respect of the alleged offence shall not be instituted in the period specified in the notice, and, if the payment so specified is made during that period, no prosecution in respect of the alleged offence shall be instituted.

(3) In a prosecution for an offence under section 27 (1), 27 (2) (a), 27 (4) (a), 27 (4) (b) or 27 (4) (c) of this Act, the onus of proving that a payment pursuant to a notice under this section has been made shall lie on the defendant.

Amendment of **29.—** Section 27 of the Protection of Animals (Amendment) Act, 1965 , is hereby  
 Protection of amended by the substitution for subsection (1) of the following subsection:  
 Animals  
 (Amendment)  
 Act, 1965.

“(1) A person in respect of whom an order under section 26 (2) of this Act or under section 18 (1) of the *Control of Dogs Act, 1986*, is made may, at any time after the expiration of three months from the date of the order and from time to time, apply to the Court by which the order was made to remove the disqualification imposed by the order, and on any such application the Court may, if it thinks it proper, having regard to the character of the person disqualified, his conduct subsequent to the order, the nature of the offence and the other circumstances of the case, by order remove the disqualification as from such date as may be specified in the order.”.

Prosecution of **30.—**(1) An offence under this Act may be prosecuted by the local authority in whose  
 offences. area the offence was committed.

(2) In a prosecution under this Act in relation to the keeping of an unlicensed dog, it shall be presumed, until the contrary is shown by the defendant, that, at the time the alleged offence was committed, a licence was required in respect of the dog and that the defendant did not, at that time, hold a licence for that dog.

Regulations. **31.—**(1) The Minister may make regulations for prescribing any matter referred to in this Act as prescribed or to be prescribed or in relation to any matter referred to in this Act as the subject of regulations (other than a regulation under section 20 of this Act).

(2) Every regulation made by the Minister under this Act, other than a regulation made under section 27 of this Act, shall be laid before each House of the Oireachtas as soon as may be after it is made and, if a resolution annulling the regulation is passed by either such House within the next twenty-one days on which that House has sat after the regulation is laid before it, the regulation shall be annulled accordingly but without prejudice to the validity of anything previously done thereunder.

(3) Every regulation made by the Minister under this Act may contain such incidental, supplementary and consequential provisions as appear to the Minister to be necessary.

Service of **32.—**Where a notice is required or authorised by this Act to be given to a person, the  
 notices. notice shall be addressed to that person and shall be given to him in one of the following ways:

(a) by delivering it to him,

(b) by leaving it at the address at which he ordinarily resides,

(c) by sending it by post in a prepaid registered letter addressed to him at the address at which he ordinarily resides.

Grants to local authorities and other bodies. **33.**—The Minister may, with the consent of the Minister for Finance, make grants towards the expenses of a local authority incurred under this Act or to any person concerned with the provision of homes or shelters for stray or unwanted dogs or with the welfare of dogs.

Expenses of Minister. **34.**—The expenses incurred by the Minister in the administration of this Act shall, to such extent as may be sanctioned by the Minister for Finance, be paid out of moneys provided by the Oireachtas.

Extension of Act to other animals. **35.**—The Minister may by regulations extend the provisions of section 12 of this Act, of sections 15 (2) and 15 (4) of this Act and of section 33 of this Act to other species of animal, members of which are commonly domesticated.

Repeals. **36.**—Each of the enactments specified in the Schedule to this Act is hereby repealed to the extent specified in the third column of that Schedule.

Short title and commencement. **37.**—(1) This Act may be cited as the Control of Dogs Act, 1986.

(2) This Act or any specified provision of this Act shall come into operation on such day or days as the Minister may appoint by order.

## SCHEDULE

### Enactments Repealed

#### Section 36

Session and Chapter or Number and Year	Short Title	Extent of Repeal
2 & 3 Vict. c. 78	<u>Dublin Police Act, 1839</u>	Section 15.
5 & 6 Vict. c. 24	<u>Dublin Police Act, 1842</u>	In section 14 (2), the words <p>“or suffer to be at large any unmuzzled ferocious Dog, or set on or urge any Dog or other Animal to attack, worry, or put in Fear any Person, Horse, or other Animal”.</p>

10 &amp; 11 Vict. c. 89

Town Police Clauses Act, 1847

In section 28, the words

“Every Person who suffers to be at large any unmuzzled ferocious Dog, or sets on or urges any Dog or other Animal to attack, worry or put in fear any Person or Animal:

Every Owner of any Dog who suffers such Dog to go at large, knowing or having reasonable Ground for believing it to be in a rabid State, or to have been bitten by any Dog or other Animal in a rabid State:

Every Person, who after public Notice given by any Justice directing Dogs to be confined on account of Suspicion of canine Madness, suffers any Dog to be at large during the Time specified in such Notice:”.

14 &amp; 15 Vict. c. 92

Summary Jurisdiction (Ireland) Act, 1851

In section 10 (1) the words

“or set on or urge any dog or other animal to attack or worry any person, horse, or other animal,” ;

section 10 (7).

17 &amp; 18 Vict. c. 103

Towns Improvement (Ireland) Act, 1854

In section 72, the words

“Every Person who suffers to be at large any unmuzzled ferocious Dog or sets on or urges any Dog or other Animal to attack, worry, or put in fear any Person or Animal, shall be liable to a Fine not exceeding Ten Shillings:

Every Owner of any Dog who suffers such Dog to go at large, knowing or having reasonable Ground for believing it to be in a rabid State, or to have been bitten by any Dog or other Animal in a rabid State, shall be liable to a Fine not exceeding Ten Shillings:

Every Person who, after public Notice given by any Justice or Justices at Petty Sessions, Chief Magistrate, or Chairman of Commissioners, directing Dogs to be confined on account of Suspicion of canine Madness, suffers any Dog to be at large during the Time specified in such Notice, shall be liable to a Fine not exceeding Ten Shillings:”.

1871, c. 56	Dogs Act, 1871	The whole Act.
1906, c. 32	Dogs Act, 1906	The whole Act.
No. 28 of 1925	<u>Finance Act, 1925</u>	<u>Sections 37 to 39</u> .
No. 35 of 1926	<u>Finance Act, 1926</u>	<u>Section 41</u> .
No. 17 of 1960	<u>Dogs (Protection of Livestock) Act, 1960</u>	The whole Act.
No. 23 of 1963	<u>Finance Act, 1963</u>	<u>Section 33</u> .
No. 10 of 1965	<u>Protection of Animals (Amendment) Act, 1965</u>	<u>Part III</u> .
No. 6 of 1966	<u>Diseases of Animals Act, 1966</u>	<u>Section 56</u> .

No. 20 of 1976	<u>Local Government (Planning and Development) Act, 1976</u>	Paragraphs (d) and (k) of <u>section 43</u> (1).
No. 15 of 1983	<u>Finance Act, 1983</u>	<u>Section 65</u> .
No. 11 of 1985	<u>Animals Act, 1985</u>	<u>Section 3</u> .