DOG ATTACK ON OTHER ANIMAL / WORRYING LIVESTOCK

The Dogs (NI) Order 1983 (as amended)

28. - (1) Any person who sets a dog on—
(a) any livestock, or
(b) any other animal owned by another person,
is guilty of an offence ...

(2) If a dog—
(a) worries livestock, or
(b) attacks and injures any other animal owned by another person,
the keeper of the dog and, if it is in the charge of a person other than its keeper, that person is guilty of an offence …

Maximum Sentence

1. Offence under Article 28(1):
The Dogs (NI) Order 1983, Art.28(1)
Summarily Only: Level 4 fine (£2,500)

2. Offence under 28(2):
The Dogs (NI) Order 1983, Art.28(2)
Summarily Only: Level 3 fine (£1,000)

Assessment of Offence

(Starting points and ranges based on 1st time offender convicted following contest)

Nature of Offence	Starting Point	Sentencing Range
Offence under Article 28(1)	£750 Fine + Destruction Order + Compensation Order	£500 - £2,500 Fine + Destruction Order + Compensation Order
Offence under Article 28(2)	£350 Fine + Destruction Order + Compensation Order	£150 - £1,000 Fine + Destruction Order + Compensation Order

Examples of Possible Aggravating Factors of Offence	Examples of Possible Mitigating Factors of Offence
1. Sustained or repeated attack. 2. Failing to respond to warnings or concerns expressed by others about the dog's behaviour. 3. Goading, or allowing goading, of the dog. 4. Dog used as a weapon or to intimidate other animal owners. 5. Severity of injury caused by the attack. 6. Offence committed as a form of revenge against the owner of the animal or livestock or in the context of an ongoing dispute with the owner. 7. Offender involves children in the offending. 8. Offence motivated by, or demonstrating, hostility to the victim (animal's owner) on account of his membership of a racial group, religious group, sexual orientation group, disability or presumed disability.* 9. Distress caused to owner. 10. Use of technology, including circulating details/photographs/videos etc of the offence on social media, to record, publicise or promote cruelty.	1. Offender made attempts to regain control or intervene. 2. Provocation of dog by owner of other animal. 3. Offender had taken all reasonable safety or control measures in relation to the dog.

Relevant Cases

NI Cases
N/A

English Cases
N/A

Notes

1. Where it appears to a court that a dog has attacked any person or has worried livestock, the court shall, unless exceptional mitigating factors exist-
(a) make an order directing the dog to be destroyed; or
(b) make an order directing the dog to be destroyed unless such measures as are specified in the order are taken to prevent the dog being a danger to the public or to livestock. Such an order may include provision requiring the dog to be-
(i) securely fitted with a muzzle sufficient to prevent the dog biting any person;
(ii) kept confined in a building, shed, yard or other enclosure from which it cannot escape;
(iii) excluded from places specified in the order;
(iv) neutered (if it appears to the court that the dog is a male).
[Article 33 of the 1983 Order].
2. Article 33A of the 1983 Order (Disqualification Order) does not apply to offences under Article 28.
3. *Where a court finds the offence was aggravated by 'hostility' it shall state in open court that the offence was so aggravated (Criminal Justice (No.2)(NI) Order 2004, Article 2).