DOG ATTACK ON PERSON

The Dogs (NI) Order 1983 (as amended)

29. - (1) Any person who sets a dog on any other person is guilty of an offence or, if the dog injures the person attacked, an aggravated offence under this paragraph.

(2) If a dog attacks any person, then—
(a) the keeper of the dog; and
(b) if it is in the charge of a person other than its keeper, that person,
is guilty of an offence or, if the dog injures the person attacked, an aggravated offence under this paragraph.

Maximum Sentence

The Dogs (NI) Order 1983, Art.29(3)&(4)

Offence under Art.29(1) or (2) other than an aggravated offence
Summarily Only: 6 months imprisonment and/or Level 5 fine (£5,000)

Aggravated offence under Art.29(1) or (2)
Indictment: 2 years imprisonment and/or an unlimited fine
Summarily: 6 months imprisonment and/or Level 5 fine (£5,000)

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 29(1)	Non-'aggravated' Offence (i.e. the dog does not injure the person attacked)	Community Order + Destruction Order + Compensation Order	Fine to 3 months custody + Destruction Order + Disqualification Order + Compensation Order
	'Aggravated' Offence (i.e. the dog injures the person attacked)	2 months custody + Destruction Order + Disqualification Order + Compensation Order	Community Order to 6 months custody + Destruction Order + Disqualification Order + Compensation Order
Offence under Article 29(2)	Non-'aggravated' Offence (i.e. the dog does not injure the person attacked)	Fine + Destruction Order + Disqualification Order + Compensation Order	Fine to Community Order + Destruction Order + Disqualification Order + Compensation Order
	'Aggravated' Offence (i.e. the dog injures the person attacked)	Fine + Destruction Order + Disqualification Order + Compensation Order	Fine to 3 months custody + Destruction Order + Disqualification Order + Compensation Order

Examples of Possible Aggravating Factors of Offence	Examples of Possible Mitigating Factors of Offence
1. Victim was engaged in providing a service to the public at time of attack (e.g. Postal worker, Dog Warden). 2. Sustained or repeated attack. 3. Victim was a child or vulnerable person. 4. Offence motivated by, or demonstrating, hostility to victim on account of his membership of a racial group, religious group, sexual orientation group, disability or presumed disability.* 5. Failing to respond to warnings or concerns expressed by others about the dog's behaviour. 6. Goading, or allowing goading, of the dog. 7. Dog used as a weapon or to intimidate victim. 8. Nature of injuries (including scarring).	1. Offender made attempts to regain control or intervene. 2. Provocation of dog by victim. 3. Offender had taken all reasonable safety or control measures in relation to the dog.

9. The dog is a 'dangerous' dog as defined by Articles 25A and 25B of the 1983 Order. 10. Presence of children or other vulnerable persons.	

Relevant Cases

NI Cases	*English Cases*
N/A	N/A

Notes

1. Community Orders are Probation Orders, Community Service Orders or a combination of both, Combination Orders. Community Orders are direct alternatives to custody; the appropriateness of Community Orders must be considered before imposing short custodial sentences (i.e. 12 months or less). Community Orders involve significant intervention into offender's lives and impose demanding obligations. The focus is protection of the public by reducing offending whilst also directly punishing the offender for the harm caused. If an offender breaches a Community Order the Order may be revoked and the offender resentenced.
2. *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.
3. 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].
4. Where a person is convicted of an offence under Article 29 the court may order that person to be disqualified from keeping a dog for such period as the court thinks fit. – Article 33A(1) of the 1983 Order.