

CONTROL OF DOGS ACT, 1986 - MAIN PROVISIONS

The main provisions of the Act are as follows:

Section 2 makes it an offence for a person to keep a dog unless he/she holds a licence for that dog or a general licence covering a number of dogs.

Section 8 sets the licence fee at €12.70 per dog and the general licence fee for an unlimited number of dogs at €253.94 and enables the Minister to increase or reduce the fees or to specify different fees for different classes of dogs.

Section 9 requires that a dog, when not on the premises of its owner or of another person in charge of the dog, must be accompanied by and be under the effective control of its owner or of another person. The Section also makes the owner guilty of an offence if a dog worries livestock.

Section 11 enables dog wardens and the Gardai to seize stray dogs, including dogs not under proper control. Such dogs, if not claimed by their owners within 5 days, may be destroyed or disposed of.

Section 12 enables local authorities to accept unwanted dogs and if not rehomed to destroy or otherwise dispose of them.

Section 13 requires a person who finds and takes possession of a stray dog to return it to its owner or to deliver it to a dog warden or to notify a dog warden or a Garda that he/she has the dog. If not claimed by its owner within one year, the finder becomes the owner of the dog.

Section 14 requires local authorities and the Gardai to keep registers of dogs seized by them and of dogs detained by other persons and notified to them. The register is open for inspection by interested persons.

Section 15 requires local authorities to employ dog wardens and to provide dog shelters. Local authorities may enter into arrangements for this purpose with each other or with the Irish Society for the Prevention of Cruelty to Animals (ISPCA) or, with the consent of the Minister, with a person or body connected with animal welfare. Local authorities may assist, financially or otherwise, persons providing homes or shelters for stray or unwanted dogs.

Section 16 sets out the powers of dog wardens. These include the power to request the name and address of a person where there are reasonable grounds for believing that the person is committing, or has committed an offence, under the Act, to seize and detain any dog and to enter any premises, other than a dwelling house, for the purpose of such seizure and detention. A person obstructing or impeding a dog warden in the course of his/her duty, or refusing to give his/her name and address or giving a false or misleading name and

address, is guilty of an offence. A Garda may arrest a person who is committing, or has committed, an offence under this section.

Section 17 enables local authorities to make bye laws in relation to specified areas requiring the removal of dog faeces, the keeping of dogs on leashes and the banning of dogs from certain areas.

Section 18 provides that a Court may disqualify a person convicted of an offence of cruelty to a dog, under the Prevention of Cruelty Acts, 1911 and 1965, from keeping a dog.

Section 21 provides that the owner of a dog is liable for injury or damage caused by his/her dog to persons or livestock.

Section 23 allows for a defence against a claim for damages arising out of the shooting of a dog on the basis that the dog was shot when worrying, or about to worry, livestock or was a stray dog in the area where livestock had been killed or injured and the dog was believed to have been involved.

Section 25 enables a Court, on application, to make an order requiring the abatement of nuisance caused by excessive barking of a dog or limiting the number of dogs kept on a premises or directing that a dog be delivered to a dog warden as an unwanted dog.

Section 27 prescribes the maximum penalties for conviction of breaches of the provisions of the Act.

Penalties

Offence	Fines	Penalty
No dog licence	On-the-spot fine: €31.74 payable to your local authority	Failure to pay on-the-spot fines can lead to prosecution in District Court with a maximum fine of €1,269.74 and/or 3 months imprisonment.
No identification on dog	On-the-spot fine: €31.74 payable to your local authority.	Failure to pay on-the-spot fines can lead to prosecution in District Court with a maximum fine of €1,269.74 and/or imprisonment.
Stray dog	Dog pound re-claim fee of €12.70. Change of €6.35 for every night dog is in pound.	Dogs not re-claimed from the dog pound within 5 days are put down/disposed of.

Dog not kept under control	On-the-spot fine €31.74 euro payable to your local authority.	Failure to pay on-the-spot fines can lead to prosecution in District Court with a maximum fine of €1,269.74 euro and/or 3 months imprisonment.
Breach of bye-laws (setting out times when dog may be unleashed in public)	Fines up to 1,904.61 euro on conviction	
Dog fouling public place	Owners/handlers who do not dispose of dog faeces in a responsible manner may receive an on-the-spot fine or €31.74.	Failure to pay on-the-spot fines can lead to prosecution in District Court with a maximum fine of €1,269.74 and/or 3 months imprisonment.