



<b>Subject:</b>	Update on the DAERA New safeguarding measures for XL Bully Breed Type dogs and Likely Impact on Dog Warden Service
<b>Date:</b>	Tuesday 11 <sup>th</sup> June 2024
<b>Reporting Officer:</b>	Siobhan Toland, Director of City Services
<b>Contact Officer:</b>	Helen Morrissey, City Protection Manager

**Restricted Reports**

**Is this report restricted?** Yes  No

**Please indicate the description, as listed in Schedule 6, of the exempt information by virtue of which the council has deemed this report restricted.**

Insert number

1. Information relating to any individual
2. Information likely to reveal the identity of an individual
3. Information relating to the financial or business affairs of any particular person (including the council holding that information)
4. Information in connection with any labour relations matter
5. Information in relation to which a claim to legal professional privilege could be maintained
6. Information showing that the council proposes to (a) to give a notice imposing restrictions on a person; or (b) to make an order or direction
7. Information on any action in relation to the prevention, investigation or prosecution of crime

**If Yes, when will the report become unrestricted?**

<b>After Committee Decision</b>	<input type="checkbox"/>
<b>After Council Decision</b>	<input type="checkbox"/>
<b>Sometime in the future</b>	<input type="checkbox"/>
<b>Never</b>	<input type="checkbox"/>

**Call-in**

**Is the decision eligible for Call-in?** Yes  No

<b>1.0</b>	<b>Purpose of Report/Summary of Main Issues</b>
1.1	To provide a further update to Members about the new safeguarding measures for XL Bully breed type dogs in NI and in particular the amended timeline for introduction and additional details regarding finance and resource implications.
<b>2.0</b>	<b>Recommendation</b>
2.1	The Committee is asked to note the report.
<b>3.0</b>	<b>Main Report</b>
3.1	<p><u>Timeline</u></p> <p>Members will be aware that on 5<sup>th</sup> March 2024 DAERA Minister Andrew Muir announced his intention to introduce new safety measures for XL Bully breed type dogs in Northern Ireland as DAERA believe it is the most appropriate way to protect public safety.</p>
3.2	<p>The proposed legislative timeline is outlined in Appendix 1 and includes:</p> <ul style="list-style-type: none"> <li>• 1st Stage – May 2024: Subordinate Legislation; The Dangerous Dogs (Designated Type) (Northern Ireland) Order 2024; This was approved by the Agriculture, Environment and Rural Affairs Committee on 23<sup>rd</sup> May 2024, and will be put forward for consideration at the next scheduled Executive Committee meeting on 6<sup>th</sup> June 2024. Subject to its approval, the intention is to make the legislation on 7<sup>th</sup> June 2024, to come in to operation on 28<sup>th</sup> June 2024.</li> <li>• 2nd Stage – July 2024: The Dangerous Dogs (Compensation and Exemption Schemes) (Northern Ireland) Order 2024.</li> <li>• From December 2024 it will be illegal to own an XL Bully dog without an exemption certificate.</li> </ul>
3.3	Although the proposed legislation mirrors current legislation in the rest of the UK, the application process in Northern Ireland will differ significantly from that in the rest of the UK as it will be managed by local councils. DAERA is also currently reviewing sections relating to the transfer of ownership and the revocation of exemption certificates.
3.4	When the legislation comes into effect in Northern Ireland, it will be illegal to breed, sell, gift, exchange, abandon an XL Bully type dog, or permit it to stray. DAERA is liaising with a number of interested groups including The Dog Control Coalition and Veterinary Northern Ireland (Vet NI) on the new safeguarding measures for XL Bully breed type dogs.

3.5	<p><u>Judicial Review</u></p> <p>A dog owner and the campaign group 'Don't Ban Me, Licence Me' are taking legal action against the Department for Environment Food and Rural Affairs (Defra) and were given permission to take an appeal to the High Court against the UK-wide ban on the XL Bully breed.</p>
3.6	<p><u>Guidance</u></p> <p>DAERA will develop guidance and practical support to allow owners to understand the impending legislative changes, including how to identify an XL Bully breed type dog using the current Defra Conformation Standard developed by the UK Government.</p>
3.7	<p>It remains the case that owners are responsible for controlling their dog, both at home and in public. DAERA have published advice and guidance on 'responsible dog ownership' and 'sharing your house with a dog' and it is intended that this information will also be included in upcoming messaging on XL Bully type dogs.</p>
3.8	<p>Owners will be required to self-assess their dog using the XL Bully breed conformation standard and where the dog meets a substantial number of the characteristics outlined, it will be considered an XL Bully breed type.</p>
3.9	<p>Guidance is also available for enforcement officers applying the XL Bully breed type conformation standard.</p>
3.10	<p><u>Self-Certification/Exemption Scheme</u></p> <p>Owners of XL Bully type dogs will be required to self-assess their dog using the conformation standard developed by Defra. An application may be made to local councils for an Exemption Certificate within a specific timeframe. After this period, it will be illegal to own an XL Bully type dog in Northern Ireland.</p>
3.11	<p>Details of the exemption scheme are yet to be finalised; however, it is anticipated that the application window for exemption certificates will be open from mid-summer until the end of December 2024, providing almost five months for applications to be submitted.</p>
3.12	<p>If an owner believes their dog to be an XL Bully type dog, they should start to prepare for the safeguarding measures being introduced which will broadly mirror those already in place in the rest of the UK.</p>

3.13	<p><b><u>Compensation Scheme</u></b></p> <p>DEARA also propose to introduce ‘The Dangerous Dogs (Compensation and Exemption Schemes) (Northern Ireland) Order 2024. This will mean a compensation scheme will be available should the owner of an XL Bully breed type dog not wish to adhere to the exemption measures and no longer wishes to keep their dog. Dog owners may voluntarily surrender their XL Bully type dogs for euthanasia, and receive financial compensation of £100, plus £100 towards Vets costs.</p>
3.14	<p>Valid compensation claims will be processed fully by DAERA and the closing date for all claims is to be confirmed.</p>
3.15	<p><b><u>Communications/Awareness campaign</u></b></p> <p>DAERA, in conjunction with local councils, will ensure that communications are issued in advance of the restrictions coming into effect, including details of the steps required to comply and enable the XL Bully dog owners to prepare for the changes. The main priority is to ensure that as many dogs are exempted as possible, within the specified cut off time, to avoid the scenario of having to exempt dogs via the Court process. We will liaise with colleagues in Communications, Marketing &amp; External Affairs.</p>
3.16	<p><b><u>Finance and Resource Implications</u></b></p> <p>The previous Committee Report dated 2<sup>nd</sup> May 2024 provided details of the potential impact of this new legislation on our Dog Wardens, Animal Welfare Officers, Digital Services, Business Support and Finance staff, Legal Services, Kennelling and External Affairs, Communications and Marketing.</p>
3.17	<p>It is recognised that the implementation of the pending legislative controls for XL Bully breed type dogs will be at an annual net cost to Councils going forward. Councils are liaising with DEARA through SOLACE NI and the Northern Ireland Dog Advisory Group (NIDAG) regarding the most cost effective way of delivering this service and future funding requirements for Councils to undertake these additional responsibilities.</p>
3.18	<p>DAERA is liaising with the Department of Finance (DoF) on these financial impacts which include: Administration of self-certification exemption process; Upgrade/development of existing IT systems; Bespoke training of dog control (and animal welfare staff) across councils; Kennelling costs; and Legal expenses associated with enforcement activities.</p>

3.19	<b><u>Equality or Good Relations Implications/Rural Needs Assessment</u></b> None
4.0	<b><u>Documents Attached</u></b> Appendix 1 – Proposed legislative timeline