



# Welfare of Animals Act (Northern Ireland) 1972

## 1972 CHAPTER 7

### PART III

#### PROTECTION OF ANIMALS

#### 13 Acts of cruelty.

Subject to section 15, any person who—

- (a) cruelly beats, kicks, ill-treats, over-rides, over-drives, over-loads, tortures, infuriates or terrifies any animal; or
- (b) conveys or carries any animal in such manner as to cause that animal any unnecessary suffering; or
- (c) wilfully, without reasonable cause or excuse, administers to or causes to be taken by any animal any poisonous or noxious substance; or
- (d) uses rubber bands or any other form of constriction for the purpose of dehorning any animal; or
- (e) without reasonable cause or excuse, abandons, whether permanently or not, any animal of which he is the owner or has charge or control, in circumstances likely to cause the animal any unnecessary suffering; or
- (f) exposes for sale any animal bearing unhealed wounds from castration or other operation; or
- (g) causes, procures or, being the owner, permits any of the acts of cruelty specified in paragraphs (a) to (f) or causes or procures or, being the owner, permits the causing of any unnecessary suffering to any animal;

shall be guilty of an offence of cruelty within the meaning of this Part.

#### 14 Offences in relation to operations.

- (1) Subject to section 15, any person who—

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*Changes to legislation: There are currently no known outstanding effects for the Welfare of Animals Act (Northern Ireland) 1972, PART III. (See end of Document for details)*

- (a) subjects any animal other than a fish, bird or reptile to any operation, with or without the use of instruments, which involves interference with the sensitive tissues or bone structure of the animal, other than an operation specified in Schedule 1, without the use of an anaesthetic so administered as to prevent any pain during the operation; or
  - (b) subjects any animal to any operation which is performed without due care and humanity; or
  - (c) causes, procures or, being the owner, permits the performance of any operation in contravention of paragraph ( a ) or ( b ); or
  - (d) not being a veterinary surgeon, carries out the spaying of any female animal; shall be guilty of an offence of cruelty within the meaning of this Part.
- (2) Section 19 of and Schedule 3 to the Veterinary Surgeons Act 1966 shall have effect subject to subsection (1)( d ).
- (3) The Ministry may by order, subject to affirmative resolution, amend any of the provisions of Schedule 1.

## 15 Exceptions to sections 13 and 14.

Nothing in section 13 or 14 shall—

- (a) render illegal any act lawfully done under<sup>[F1]</sup> the Animals (Scientific Procedures) Act 1986]; or
- (b) apply to any act done in the course of, or in the preparation for, the destruction of any animal as food for human consumption unless unnecessary suffering is caused to the animal; or
- (c) apply to the coursing or hunting of any animal, other than a domestic animal, which is released for that purpose and which is not under control unless—
  - (i) the animal is released in an injured, mutilated or exhausted condition; or
  - (ii) the animal is coursed or hunted in an enclosed space from which it has no reasonable chance of escape; or
- (d) apply to any act done in the course of the hunting, pursuit, coursing, capture, destruction or attempted destruction of any wild animal unless unnecessary suffering is caused to the animal.

**F1** 1986 c.14

## 16 Powers of veterinary inspectors.

- (1) Where any animal examined in the course of import into or export from Northern Ireland appears to a veterinary inspector to be in such a physical condition that it would be cruel to keep it alive, the veterinary inspector may require the owner or person having charge of the animal forthwith to have it destroyed as humanely as possible.
- (2) Where it is not reasonably practicable for a veterinary inspector to require the owner or person having charge of the animal to have it destroyed forthwith, or where that person does not comply with a requirement under subsection (1), the veterinary inspector shall cause or procure the animal to be destroyed as humanely as possible.

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- (3) Where the carcase of an animal destroyed under this section is not removed by or on behalf of the owner within a reasonable time, a veterinary inspector may, having regard to the condition of the carcase and any other circumstances, cause or procure it to be buried, sold or otherwise disposed of in such manner as he thinks fit.
- (4) Where a carcase is sold under subsection (3) and the proceeds of the sale equal or exceed the expenses incurred under subsections (2) and (3), the Ministry shall retain the amount of those expenses and shall pay the excess, if any, to the owner; and where those expenses exceed the proceeds of the sale, the owner shall be liable to pay the excess to the Ministry.
- (5) Any expenses incurred by a veterinary inspector in the exercise of his powers under subsections (2) and (3), less any amount retained by or paid to the Ministry under subsection (4), may be recovered summarily as a civil debt by the Ministry from the owner of the animal.
- (6) No action shall lie against a veterinary inspector in respect of anything done by him or at his request in the exercise of his functions under this section.
- (7) In this section, “veterinary inspector” means a veterinary surgeon appointed by the Ministry to be an inspector.

## 17 Export of horses.

- (1) Subject to subsection (4), a person shall not, either by himself or by any servant or agent of his, take or send or attempt to take or send a horse out of Northern Ireland to any place outside the British Islands except under the authority of a licence granted by the Ministry.
- (2) A licence shall not be granted under this section unless the Ministry is satisfied that the horse—
  - (a) is healthy and fit to travel; and
  - (b) will not, in the course of transit or thereafter, be exposed to any unnecessary suffering.
- (3) The fee for a licence under this section shall be of such amount as the Ministry with the approval of the Ministry of Finance may by order, subject to affirmative resolution, prescribe.
- (4) A licence under this section shall not be required in respect of the export from Northern Ireland of a horse where the Ministry is satisfied that the horse has been taken or sent to Northern Ireland for a limited period for the purpose of breeding, riding or exhibition, or of a horse where the Ministry is satisfied that it is being taken or sent out of Northern Ireland for any of those purposes.
- (5) Any person who contravenes this section shall be guilty of an offence and shall be liable on summary conviction<sup>F2</sup> . . . to imprisonment for a term not exceeding three months, or to a fine not exceeding<sup>F2</sup> [level 4 on the standard scale] or to both<sup>F2</sup> . . . .
- (6) The powers of the Ministry under this section shall be in addition to and not in derogation of the powers exercisable by it under the Diseases of Animals Act (Northern Ireland) 1958 .

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## **18 Docking and nicking of horses.**

- (1) Subject to subsection (2), the docking or nicking of horses is prohibited.
- (2) Where any veterinary surgeon, after examining a horse certifies in writing that in his opinion the docking or nicking of the horse is necessary for the health of the horse because of disease or injury to the tail, the operation may be performed.
- (3) Subject to subsection (4), any person who—
  - (a) performs, causes or procures or, being the owner, permits the docking or nicking of a horse otherwise than in accordance with subsection (2); or
  - (b) has in his possession or under his control any docked or nicked horse and is unable to prove that the docking or nicking was performed in accordance with subsection (2);
 shall be guilty of an offence of cruelty within the meaning of this Part.
- (4) A person shall not be liable to be punished more than once in respect of the docking or, as the case may be, of the nicking of any particular horse.
- (5) In this section—
 

“docking” means the deliberate removal of any bone or any part of a bone from the tail of a horse;

“nicking” means the deliberate severing of any tendon or muscle in the tail of a horse.

## **19 Offences in relation to the fighting, baiting or exhibition of animals.**

- (1) Any person who—
  - (a) causes unnecessary suffering to any animal by causing, procuring or assisting at the fighting or baiting of that animal; or
  - (b) promotes, causes or permits any public performance which includes any episode involving the causing of unnecessary suffering to any animal by—
    - (i) throwing or casting any animal with ropes or other appliances; or
    - (ii) wrestling, fighting or struggling with any animal; or
    - (iii) riding or attempting to ride any horse or bull which that person knows, or may reasonably be expected to know, is being or has been stimulated for the purpose of making it buck during the performance; or
  - (c) takes part in any such episode; or
  - (d) keeps, uses, manages, permits or assists in the keeping, use or management of any premises for the purpose or partly for the purpose of fighting or baiting any animal in contravention of paragraph (a); or
  - (e) receives, or causes or procures any person to receive, money for the admission of any person to any such premises; or
  - (f) is a spectator at the fighting or baiting of any animal caused or procured in contravention of paragraph (a);
 shall be guilty of an offence of cruelty within the meaning of this Part.
- (2) Any person who—
  - (a) has in his possession any instrument or appliance for the purpose of using it or permitting it to be used in connection with the fighting of any animal; or

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(b) has in his possession any cock of the Old English or Pit Game breeds with its natural spurs removed and its wings trimmed;  
shall be guilty of an offence of cruelty within the meaning of this Part.

(3) Where any person is convicted of an offence under subsection (2), the court may order any instrument, appliance or animal in respect of which the offence was committed to be disposed of in such manner as may be specified in the order; but an order under this subsection shall not take effect until the expiration of the period of 14 days within which notice of appeal may be given by virtue of<sup>F3</sup> Article 144(1) of the Magistrates' Courts (Northern Ireland) Order 1981], and if notice of appeal is given within that period, the order shall not take effect unless and until the appeal is dismissed or abandoned.

F3 1981 NI 26

## 20 Offences of animal failing to exercise reasonable care and supervision.

The owner of an animal shall be deemed to have permitted cruelty within the meaning of this Part if he has failed to exercise reasonable care and supervision so as to prevent the animal suffering unnecessarily.

## 21 Traps and snares.

(1) Subject to subsections (3) and (4), any person who—

- (a) for the purpose of killing or taking animals, uses or permits the use of any spring trap other than an approved trap or uses or permits the use of an approved trap in circumstances or for animals for which it is not approved; or
- (b) sells, or exposes or offers for sale, any spring trap other than an approved trap with a view to its being used for a purpose which is unlawful under paragraph (a); or
- (c) has in his possession any spring trap for a purpose which is unlawful under this subsection; or
- (d) fails to inspect or cause some competent person to inspect at reasonable intervals of time, and at least once every day between sunrise and sunset, any trap or snare which he has set or caused or procured to be set for the purpose of killing or taking animals;

shall be guilty of an offence of cruelty within the meaning of this Part.

(2) In subsection (1) any reference to an approved trap means a trap of a type and make for the time being specified by an order of the Ministry, either generally or subject to conditions as to the circumstances in which or the animals for which it may be used, and any reference to the circumstances or animals for which a trap is approved shall be construed accordingly.

(3) Subsection (1)(a) shall not render unlawful the experimental use of a spring trap under and in accordance with a licence or authority granted by the Ministry to enable a trap to be developed or tested with a view to its being approved under subsection (2).

(4) Subsection (1) shall not apply to traps of any description specified by order of the Ministry as being adapted solely for the destruction of rats, mice or other small ground vermin.

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## 22 Poisonous substances.

- (1) A person shall not—
- (a) sell or offer or expose for sale or give; or
  - (b) cause or procure any person to sell or offer or expose for sale or give; or
  - (c) knowingly be a party to selling or offering or exposing for sale or giving;
- to any person, any seed or grain which has been rendered poisonous unless such seed or grain is to be used for sowing.
- (2) A person shall not lay, or cause, procure or permit to be laid any poisonous substance (not being sown seed or grain) on any land in his ownership or occupation unless—
- (a) notice thereof has been given in writing to a police officer at the nearest police station and adequate warning notice has been posted in a conspicuous place or conspicuous places on the land, or
  - (b) the poison is laid for the purpose of destroying insects or other invertebrates or rats, mice or other small vermin and he has taken all reasonable precautions to prevent the access thereto of dogs, cats, fowl or other domestic animals.
- [<sup>F4</sup>(2A) It shall be a defence in proceedings under subsection (2) to show that—
- (a) the act alleged to constitute the offence was done under and in accordance with the terms of a licence issued under paragraph (1), (2) or (3) of Article 18 of the Wildlife (Northern Ireland) Order 1985; and
  - (b) any conditions specified in the licence were complied with.]
- (3) Any person who contravenes this section shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding [<sup>F5</sup> level 4 on the standard scale].

F4 1985 NI 2

F5 1984 NI 3

## 23 Injured animals.

- (1) Where a police officer finds any animal which is so diseased or so severely injured or in such a physical condition that in his opinion, having regard to the means available for removing the animal, it cannot be removed without causing it unnecessary suffering he may, with the consent of the owner, destroy the animal or cause or procure it to be destroyed as humanely as possible.
- (2) Where the owner refuses to consent or is absent, the police officer shall, subject to subsection (4), summon a veterinary surgeon if this is reasonably practicable in the circumstances, and if such surgeon certifies that the animal is so diseased or so severely injured or in such a physical condition that it is cruel to keep it alive, the police officer may destroy the animal, or cause or procure it to be destroyed as humanely as possible.
- (3) Where the veterinary surgeon certifies that the animal can be removed without unnecessary suffering, the person in charge of the animal shall forthwith remove it or cause or procure it to be removed as humanely as possible and if that person is absent or does not so remove the animal, the police officer may, without that person's consent, remove it, or cause or procure it to be removed as humanely as possible.
- (4) Where a police officer finds an animal on the highway which he considers to be so severely injured that unnecessary suffering would be caused to it by his complying

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with subsection (2), and the owner of the animal is absent, he may destroy the animal or cause or procure it to be destroyed as humanely as possible.

- (5) Where any animal is destroyed on the highway under this section the police officer may remove the carcase of the animal or cause or procure it to be removed from the highway.
- (6) Any expenses reasonably incurred by a police officer under this section, including the expenses of any veterinary surgeon summoned by him, and whether the animal is destroyed under this section or not, may be recovered from the owner summarily as a civil debt.
- (7) No action shall lie against a police officer in respect of anything done by him or at his request in the exercise of his functions under this section.

## **24 Power of entry.**

A police officer may enter at any reasonable time any premises where he has reason to believe that an offence under this Part has been or is being committed.

## **25 Penalties.**

- (1) Subject to subsection (2), any person guilty of an offence of cruelty within the meaning of this Part shall be liable on summary conviction<sup>F6</sup> to imprisonment for a term not exceeding three months or to a fine not exceeding level 5 on the standard scale or to both.]
- (2) Where the owner of an animal is convicted of permitting cruelty within the meaning of this Part by reason only of his having failed to exercise reasonable care and supervision, he shall not be liable to imprisonment without the option of a fine.

**F6** [1994 NI 6](#)

## **26 Power of the court to order destruction of an animal.**

- (1) Subject to subsection (2), where the owner of an animal is convicted of an offence of cruelty within the meaning of this Part, the court may, where it is satisfied that it would be cruel to keep the animal alive, order it to be destroyed as humanely as possible.
- (2) The court shall not make an order under subsection (1) unless the owner of the animal consents or a veterinary surgeon certifies that it would be cruel to keep the animal alive.
- (3) Any expenses reasonably incurred in destroying an animal under this section may be recovered from the owner summarily as a civil debt.

## **27 Power to disqualify persons convicted of cruelty to animals.**

- (1) Where a person is convicted of an offence of cruelty within the meaning of this Part, the court in addition to any other punishment may, in the case of a first offence, and shall in the case of a second or subsequent offence, order that person to be disqualified for such a period as it thinks fit for having custody of any animal or any animal of a kind specified in the order.

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- (2) Where the court has made an order under subsection (1) it may suspend the operation of the order—
- (a) for such period as it thinks necessary for enabling arrangements to be made for the custody of any animal to which the disqualification relates; or
  - (b) pending an appeal.
- (3) Subject to subsection (4), any person disqualified by virtue of an order under this section may at any time after the expiration of twelve months from the date of the order apply to the court by which the order was made to remove the disqualification, and on any such application the court may, having regard to the character of the applicant, his conduct subsequent to the order, the nature of the offence of which he was convicted and any other circumstances of the case either—
- (a) direct that, as from such date as may be specified in the direction, the disqualification be removed or the order be varied so as to apply only to animals of a kind specified in the direction; or
  - (b) refuse the application.
- (4) Where the court directs the variation of an order or refuses the application, a further application may not be made until the expiration of twelve months from the date of the direction or, as the case may be, the refusal.
- (5) Any person who has custody of an animal in contravention of an order made under this section shall be guilty of an offence and shall be liable on summary conviction to imprisonment for a term not exceeding three months or to a fine not exceeding<sup>[F7]</sup> level 3 on the standard scale] or to both.

F7 1984 NI 3

## 28 Cost of caring for neglected animals.

Where a person is convicted of an offence of cruelty within the meaning of this Part by reason of his neglecting to supply an animal with food or water thereby causing it unnecessary suffering the court may, in addition to any other punishment, order him to pay to any other person any expenses reasonably incurred by that other person in caring for the animal.



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