

Status: Point in time view as at 01/01/2013.

Changes to legislation: *There are currently no known outstanding effects for the Welfare of Animals Act (Northern Ireland) 2011, Cross Heading: Prevention of harm. (See end of Document for details)*



2011 CHAPTER 16

PART 2

PROTECTION OF ANIMALS

Prevention of harm

Unnecessary suffering

- 4.—(1) A person commits an offence if—
- (a) an act of that person, or a failure of that person to act, causes an animal to suffer,
 - (b) that person knew, or ought reasonably to have known, that the act, or failure to act, would have that effect or be likely to do so, and
 - (c) the suffering is unnecessary.
- (2) A person commits an offence if—
- (a) that person is responsible for an animal,
 - (b) an act, or failure to act, of another person causes the animal to suffer,
 - (c) the first-mentioned person permitted that to happen or failed to take such steps (whether by way of supervising the other person or otherwise) as were reasonable in all the circumstances to prevent that happening, and
 - (d) the suffering is unnecessary.
- (3) The considerations to which it is relevant to have regard when determining for the purposes of this section whether suffering is unnecessary include—
- (a) whether the suffering could reasonably have been avoided, terminated or reduced;

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- (b) whether the conduct which caused the suffering was in compliance with any relevant statutory provision or any relevant provisions of a licence or code of practice issued under a statutory provision;
 - (c) whether the conduct which caused the suffering was for a legitimate purpose, such as—
 - (i) the purpose of benefiting the animal; or
 - (ii) the purpose of protecting a person, property or another animal;
 - (d) whether the suffering was proportionate to the purpose of the conduct concerned;
 - (e) whether the conduct concerned was in all the circumstances that of a reasonably competent and humane person.
- (4) Nothing in this section applies to the destruction of an animal in an appropriate and humane manner.

Prohibited procedures

5.—(1) A person commits an offence if—

- (a) that person carries out a prohibited procedure on a protected animal;
- (b) that person causes such a procedure to be carried out on such an animal.

(2) A person commits an offence if—

- (a) that person is responsible for an animal,
- (b) another person carries out a prohibited procedure on the animal, and
- (c) the first-mentioned person permitted that to happen or failed to take such steps (whether by way of supervising the other person or otherwise) as were reasonable in all the circumstances to prevent that happening.

(3) A person commits an offence if that person takes a protected animal, or causes a protected animal to be taken, from a place in Northern Ireland for the purpose of having a prohibited procedure carried out on the animal at a place outside Northern Ireland.

(4) In this section references to the carrying out of a prohibited procedure on an animal are to the carrying out of a procedure which involves interference with the sensitive tissues or bone structure of the animal.

(5) This section does not apply—

- (a) in relation to—
 - (i) any procedure carried out by a veterinary surgeon;
 - (ii) any procedure carried out for the diagnosis of disease;
 - (iii) any procedure carried out for the purposes of medical treatment of an animal;

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- (iv) any other procedure which is specified in regulations made by the Department;
 - (b) to the removal of the whole or any part of a dog's tail (which is dealt with in section 6).
- (6) Before making regulations under subsection (5), the Department must consult such persons appearing to the Department to represent relevant interests as the Department considers appropriate.

Modifications etc. (not altering text)

- C1** S. 5(1)(2) excluded (2.4.2012) by [The Welfare of Animals \(Permitted Procedures by Lay Persons\) Regulations \(Northern Ireland\) 2012 \(S.R. 2012/153\)](#), art. 1, reg. 3, **Schs. 1-11**

Commencement Information

- I1** S. 5 partly in operation; s. 5 not in operation at Royal Assent see s. 59; s. 5(5)(a)(iv) and (6) in operation at 11.7.2011 by [S.R. 2011/245](#), art. 2, Sch. 1
- I2** S. 5 in operation at 2.4.2012 by [S.R. 2012/154](#), art. 2(a), **Sch. 1**

Docking of dogs' tails

- 6.—(1) A person commits an offence if that person—
- (a) removes the whole or any part of a dog's tail; or
 - (b) causes the whole or any part of a dog's tail to be removed by another person.
- (2) A person commits an offence if—
- (a) that person is responsible for a dog,
 - (b) another person removes the whole or any part of the dog's tail, and
 - (c) the first-mentioned person permitted that to happen or failed to take such steps (whether by way of supervising the other person or otherwise) as were reasonable in all the circumstances to prevent that happening.
- (3) A person does not commit an offence under subsection (1) or (2) if the whole or any part of a dog's tail is removed—
- (a) by a veterinary surgeon for the purpose of medical treatment; or
 - (b) in order to prevent or remove an immediate danger to the life of the dog in circumstances where it is not reasonably practicable to have the tail, or, as the case may be, any part of the tail, removed by a veterinary surgeon.
- (4) Subsections (1) and (2) do not apply if the dog is a certified working dog that is not more than 5 days old.

Status: Point in time view as at 01/01/2013.

Changes to legislation: There are currently no known outstanding effects for the Welfare of Animals Act (Northern Ireland) 2011, Cross Heading: Prevention of harm. (See end of Document for details)

(5) For the purposes of subsection (4), a dog is a certified working dog if a veterinary surgeon has certified, in accordance with regulations made by the Department, that the first and second conditions mentioned below are met.

(6) The first condition referred to in subsection (5) is that there has been produced to the veterinary surgeon such evidence as the Department may by regulations require for the purpose of showing that the dog is likely to be used for work in connection with law enforcement, lawful pest control or the lawful shooting of animals.

(7) The second condition referred to in subsection (5) is that the dog is of a breed specified in Schedule 1 for the purposes of this subsection.

(8) The Department may by regulations add to, or remove, breeds of dog from the list in Schedule 1.

(9) It is a defence for a person accused of an offence under subsection (1) or (2) to show that that person reasonably believed that the dog was one in relation to which subsection (4) applies.

(10) A person commits an offence if that person—

- (a) owns a subsection (4) dog, and
- (b) fails to take reasonable steps to secure that, before the dog is 8 weeks old, it is identified as a subsection (4) dog in accordance with regulations made by the Department.

(11) A person commits an offence if that person takes a dog, or causes a dog to be taken, from a place in Northern Ireland for the purpose of having the whole or any part of its tail removed, otherwise than for the purpose of medical treatment administered by a veterinary surgeon.

(12) A person commits an offence if—

- (a) that person shows a dog at an event for which that person pays a fee or to which members of the public are admitted on payment of a fee,
- (b) the dog's tail has been wholly or partly removed (in Northern Ireland or elsewhere), and
- (c) the removal took place after the coming into operation of this section.

(13) Where a dog is shown only for the purpose of demonstrating its working ability, subsection (12) does not apply if the dog is a subsection (4) dog.

(14) It is a defence for a person accused of an offence under subsection (12) to show that that person reasonably believed—

- (a) that the event was not one for which that person paid a fee or to which members of the public were admitted on payment of a fee;
- (b) that the removal took place before the coming into operation of this section; or
- (c) that the dog was one in relation to which subsection (13) applies.

Status: Point in time view as at 01/01/2013.

Changes to legislation: There are currently no known outstanding effects for the Welfare of Animals Act (Northern Ireland) 2011, Cross Heading: Prevention of harm. (See end of Document for details)

(15) A person commits an offence if that person knowingly gives false information to a veterinary surgeon in connection with the giving of a certificate for the purposes of this section.

(16) The Department may by regulations make provision about the functions of inspectors in relation to—

- (a) certificates for the purposes of this section, and
- (b) the identification of dogs as subsection (4) dogs.

(17) Before making regulations under this section, the Department must consult such persons appearing to the Department to represent any interests concerned as the Department considers appropriate.

(18) In this section “subsection (4) dog” means a dog whose tail has, after the coming into operation of this section, been wholly or partly removed without contravening subsection (1), because of the application of subsection (4).

Commencement Information

- I3** S. 6 partly in operation; s. 6 not in operation at Royal Assent see s. 59; s. 6(16) and (17) in operation at 11.7.2011 by [S.R. 2011/245, art. 2, Sch. 1](#)
- I4** S. 6(1)-(15) (18) in operation at 1.1.2013 by [S.R. 2012/386, art. 2\(a\)](#)

Administration of poisons, etc.

7.—(1) A person commits an offence if, without lawful authority or reasonable excuse, that person—

- (a) administers any poisonous or injurious drug or substance to a protected animal, knowing it to be poisonous or injurious; or
- (b) causes any poisonous or injurious drug or substance to be taken by a protected animal, knowing it to be poisonous or injurious.

(2) A person commits an offence if—

- (a) that person is responsible for an animal,
- (b) without lawful authority or reasonable excuse, another person administers a poisonous or injurious drug or substance to the animal or causes the animal to take such a drug or substance, and
- (c) the first-mentioned person permitted that to happen or, knowing the drug or substance to be poisonous or injurious, failed to take such steps (whether by way of supervising the other person or otherwise) as were reasonable in all the circumstances to prevent that happening.

(3) In this section, references to a poisonous or injurious drug or substance include a drug or substance which, by virtue of the quantity or manner in which

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it is administered or taken, has the effect of a poisonous or injurious drug or substance.

Fighting etc.

8.—(1) A person commits an offence if that person—

- (a) causes an animal fight to take place, or attempts to do so;
- (b) knowingly receives money for admission to an animal fight;
- (c) knowingly publicises a proposed animal fight;
- (d) provides information about an animal fight to another with the intention of enabling or encouraging attendance at the fight;
- (e) makes or accepts a bet on the outcome of an animal fight or on the likelihood of anything occurring or not occurring in the course of an animal fight;
- (f) takes part in an animal fight;
- (g) owns or has in his or her possession anything designed or adapted for use in connection with an animal fight with the intention of its being so used;
- (h) keeps or trains an animal for use in connection with an animal fight;
- (i) keeps, uses or manages, or permits or assists in the keeping or use or management of, any premises for use for an animal fight.

(2) A person commits an offence if, without lawful authority or reasonable excuse, that person is present at an animal fight.

(3) A person commits an offence if, without lawful authority or reasonable excuse, that person—

- (a) knowingly supplies a photograph, image or video recording of an animal fight;
- (b) knowingly publishes a photograph, image or video recording of an animal fight;
- (c) knowingly shows a photograph, image or video recording of an animal fight to another; or
- (d) possesses a photograph, image or video recording of an animal fight, knowing it to be such a recording, with the intention of supplying it.

(4) Subsection (3) does not apply—

- (a) in the case of paragraph (a), to the supply of a video recording for inclusion in a programme service;
- (b) in the case of paragraph (b) or (c), to the publication or showing of a video recording by means of its inclusion in a programme service;
- (c) in the case of paragraph (d), by virtue of intention to supply for inclusion in a programme service.

Status: Point in time view as at 01/01/2013.

Changes to legislation: There are currently no known outstanding effects for the Welfare of Animals Act (Northern Ireland) 2011, Cross Heading: Prevention of harm. (See end of Document for details)

(5) In this section—

“animal fight” means an occasion on which a protected animal is placed with an animal, or with a human, for the purpose of fighting, wrestling or baiting;

“programme service” has the same meaning as in the Communications Act 2003 (c. 21);

“video recording” means a recording, in any form, from which a moving image may by any means be reproduced and includes data stored on a computer disc or by other electronic means which is capable of conversion into a moving image.

(6) In this section—

(a) references to supplying or publishing a video recording are to supplying or publishing a video recording in any manner, including, in relation to a video recording in the form of data stored electronically, by means of transmitting such data;

(b) references to showing a video recording are to showing a moving image reproduced from a video recording by any means.

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