

# Justice Act (Northern Ireland) 2016

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## EXPLANATORY NOTES

### COMMENTARY ON SECTIONS

#### Part 3

#### Miscellaneous

#### *Section 48: Penalties for animal welfare offences*

This Section amends the Welfare of Animals Act (Northern Ireland) 2011 (the 2011 Act) to, increase the maximum penalties in respect of animal welfare offences for all indictable offences and certain summary offences; amend the mode of trial for three offences from summary only to hybrid; and, extend the availability of a range of post-conviction court orders.

Subsections (1) and (3) amend the mode of trial for the following offences in the 2011 Act from summary only to hybrid, which will allow cases involving these offences to be tried either summarily or on indictment: -

- Possessing, supplying, publishing images of an animal fight (section 8(3));
- Breach of a Disqualification Order (section 33(9)); and
- Selling or parting with an animal pending the outcome of an appeal against a relevant Court Order (section 40(7)).

Subsections (2) to (4) increase the maximum sentence for cases heard on indictment from two years to five years, and for summary cases involving unnecessary suffering (section 4) and causing, attending, or other involvement in, an animal fight (sections 8(1) and 8(2)), the maximum sentence increases from six months to twelve months and the maximum fine from £5,000 to £20,000.

Subsections (5) and (6) extend the range of court orders available under sections 32(1), 33(10), 36(1), 36(6), 37(1) and 38(1) of the 2011 Act to apply to cases involving the offence of possession / supply of images of an animal fight (section 8(3)).

Subsection (7) amends Article 29(1) of the Magistrates' Courts (Northern Ireland) Order 1981 to add the offences of unnecessary suffering (section 4) and

*These notes refer to the Justice Act (Northern Ireland)  
2016 (c.21) which received Royal Assent on 12 May 2016*

causing, attending, or other involvement in, an animal fight (sections 8(1) and 8(2)) to the list of offences for which a defendant cannot elect for a trial by jury.