STATUTORY INSTRUMENTS

1976 No. 1040

Animals (Northern Ireland) Order 1976

Exceptions from liability under Articles 4 **and** 5

6.—(1) A person is not liable under Article 4 or 5 for any damage which is due wholly to the fault of the person suffering it.

(2) A person is not liable under Article 4 for any damage suffered by a person who has voluntarily accepted the risk thereof; so however that where a person employed as a servant by a keeper of an animal incurs a risk incidental to his employment he shall not be treated as incurring it voluntarily.

(3) A person is not liable under Article 4 for any damage caused by an animal kept on any premises or structure to a person trespassing there, if it is proved either—

(a) that the animal was not kept there for the protection of persons or property; or

(b) (if the animal was kept there for the protection of persons or property) that keeping it there for that purpose was not unreasonable.

(4) A person is not liable under Article 5 where the livestock strayed from a public road and its presence there was a lawful use of the public road.

(5) In determining whether any liability for damage under Article 5 is excluded by paragraph (1) of this Article the damage shall not be treated as due to the fault of the person suffering it by reason only that he could have prevented it by fencing; but a person is not liable under that Article where it is proved that the straying of the livestock onto the land would not have occurred but for a breach by any other person, being a person having an estate in the land, of a duty to fence.

Changes to legislation:
Animals (Northern Ireland) Order 1976, Section 6 is up to date with all changes known to be in force on or before 06 September 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.
View outstanding changes

Changes and effects yet to be applied to :

– Instrument am. (prosp.) by 1998 c. 32 s.74(1)Sch.4 para. 11