



# Animal Welfare Act 2006

## 2006 CHAPTER 45

### *Prevention of harm*

#### **4 Unnecessary suffering**

- (1) A person commits an offence if—
  - (a) an act of his, or a failure of his to act, causes an animal to suffer,
  - (b) he knew, or ought reasonably to have known, that the act, or failure to act, would have that effect or be likely to do so,
  - (c) the animal is a protected animal, and
  - (d) the suffering is unnecessary.
- (2) A person commits an offence if—
  - (a) he is responsible for an animal,
  - (b) an act, or failure to act, of another person causes the animal to suffer,
  - (c) he 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 or reduced;
  - (b) whether the conduct which caused the suffering was in compliance with any relevant enactment or any relevant provisions of a licence or code of practice issued under an enactment;
  - (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;

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*Status: Point in time view as at 08/06/2019.*

*Changes to legislation: There are currently no known outstanding effects for the Animal Welfare Act 2006, Section 4. (See end of Document for details)*

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- (e) whether the conduct concerned was in all the circumstances that of a reasonably competent and humane person.

[<sup>F1</sup>(3A) In determining for the purposes of subsection (1) whether suffering is unnecessary in a case where it was caused by conduct for a purpose mentioned in subsection (3)(c) (ii), the fact that the conduct was for that purpose is to be disregarded if—

- (a) the animal was under the control of a relevant officer at the time of the conduct,  
 (b) it was being used by that officer at that time, in the course of the officer’s duties, in a way that was reasonable in all the circumstances, and  
 (c) that officer is not the defendant.

(3B) In subsection (3A) “relevant officer” means—

- (a) a constable;  
 (b) a person (other than a constable) who has the powers of a constable or is otherwise employed for police purposes or is engaged to provide services for police purposes;  
 (c) a prisoner custody officer within the meaning of Part 4 of the Criminal Justice Act 1991.

(3C) The Secretary of State may by regulations amend subsection (3B).

Only a person in the public service of the Crown may be specified in subsection (3B) by virtue of regulations under this subsection.]

- (4) Nothing in this section applies to the destruction of an animal in an appropriate and humane manner.

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**Textual Amendments**

**F1** S. 4(3A)-(3C) inserted (8.6.2019) by [Animal Welfare \(Service Animals\) Act 2019 \(c. 15\)](#), **ss. 1(2), 2(2)**

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**Commencement Information**

**I1** S. 4 in force at 27.3.2007 for W. by [S.I. 2007/1030](#), **art. 2(1)(a)**

**I2** S. 4 in force at 6.4.2007 for E. by [S.I. 2007/499](#), **art. 2(2)(a)**

**Status:**

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**Changes to legislation:**

There are currently no known outstanding effects for the Animal Welfare Act 2006, Section 4.