



Welfare of Animals Act (Northern Ireland) 2011

2011 CHAPTER 16

An Act to make provision about animal welfare. [29th March 2011]

BE IT ENACTED by being passed by the Northern Ireland Assembly and assented to by Her Majesty as follows:

PART 1

INTRODUCTORY

Animals to which this Act applies

1.—(1) In this Act, except in subsections (4) and (6), “animal” means a vertebrate other than man.

(2) Nothing in this Act applies to an animal while it is in its foetal or embryonic form.

(3) The Department may by regulations for all or any of the purposes of this Act—

- (a) extend the definition of “animal” so as to include invertebrates of any description;
- (b) amend subsection (2) to extend the application of this Act to an animal from such earlier stage of its development as may be specified in the regulations.

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(4) The power under subsection (3) may only be exercised if the Department is satisfied, on the basis of scientific evidence, that animals of the kind concerned are capable of experiencing pain or suffering.

(5) Before making regulations under subsection (3), the Department must consult such persons appearing to the Department to represent relevant interests as the Department considers appropriate.

(6) In this section, “vertebrate” means any animal of the Sub-phylum Vertebrata of the Phylum Chordata and “invertebrate” means any animal not of that Sub-phylum.

Protected animals

2 An animal is a “protected animal” for the purposes of this Act if—

- (a) it is of a kind which is commonly domesticated in Northern Ireland,
- (b) it is under the control of man whether on a permanent or temporary basis,
or
- (c) it is not living in a wild state.

Responsibility for animals

3.—(1) In this Act, references to a person responsible for an animal are to a person responsible for an animal whether on a permanent or temporary basis.

(2) In this Act, references to being responsible for an animal include being in charge of it.

(3) For the purposes of this Act, a person who owns an animal shall always be regarded as being a person who is responsible for it.

(4) For the purposes of this Act, a person shall be treated as responsible for any animal for which a person under the age of 16 years, of whom the first mentioned person has actual care and control, is responsible.

(5) For the purposes of this Act, a person does not relinquish responsibility for an animal by reason only of abandoning it.

PART 2

PROTECTION OF ANIMALS

Prevention of harm

Unnecessary suffering

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

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- (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;
 - (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

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(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;
- (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.

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- (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.
- (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—