STATUTORY RULES OF NORTHERN IRELAND

2012 No. 387

ANIMALS

ANIMAL WELFARE

The Welfare of Animals (Docking of Working Dogs' Tails and Miscellaneous Amendments) Regulations (Northern Ireland) 2012

Laid before the Assembly in draft

Made - - - -	*24th October 2012*
Coming into operation	*1st January 2013*

The Department of Agriculture and Rural Development, in exercise of the powers conferred by sections 5(5), 6(5), (6), (10), and (16) and 11(1), (2) and (3) of the Welfare of Animals Act (Northern Ireland) 2011(**1**), makes the following Regulations.

In accordance with sections 5(6), 6(17) and 11(5) of that Act, the Department of Agriculture and Rural Development has consulted those persons appearing to represent interests with which these Regulations are concerned as are considered appropriate.

In accordance with section 55(1) of that Act, a draft of this rule has been laid before the Northern Ireland Assembly and approved by a resolution of the Northern Ireland Assembly.

Citation and commencement

1. These Regulations may be cited as the Welfare of Animals (Docking of Working Dogs' Tails and Miscellaneous Amendments) Regulations (Northern Ireland) 2012 and shall come into operation on 1st January 2013.

Interpretation

2. In these Regulations—

"the Act" means the Welfare of Animals Act (Northern Ireland) 2011;

"club official" means a person who serves a live quarry shooting club in an official capacity;

(**1**) 2011 c.16 (N.I.)

"gamekeeper" means a person engaged by another person with shooting rights to preserve, protect or rear animals and to manage or assist with the management of a shoot;

"HMRC identification" means evidence that the person presenting the identification is an employee of Her Majesty's Revenue & Customs;

"land-occupier" means a person who occupies land where a shoot takes place;

"person with shooting rights" means an owner or lessee of shooting rights;

"police identification" means evidence that the person presenting the identification is an officer of the Police Service of Northern Ireland, or is otherwise employed by or contracted to work for the Police Service of Northern Ireland;

"prison service identification" means evidence that the person presenting the identification is an authorised employee of the Northern Ireland Prison Service;

"shoot" means an occasion on which animals are shot for sporting purposes;

"shoot organiser" means any person responsible for the overall organisation of a shoot;

"specified type of work" means work in connection with law enforcement, lawful pest control, or the lawful shooting of animals.

Certification requirements

3.—(1) A veterinary surgeon may certify that he or she has seen evidence that a dog is likely to be used for a specified type of work and is a dog of a specified type, where—

(a) the veterinary surgeon is satisfied that the dam of the dog is of one or more of the breeds specified in Schedule 1 to the Act;

(b) the veterinary surgeon reasonably believes that the dog is not more than 5 days old; and

(c) the owner of the dog, or another person whom the veterinary surgeon reasonably believes to be representing the owner, has shown the evidence specified in paragraph (2).

(2) The evidence is—

(a) the dam of the dog or veterinary certification that the dam has died since whelping;

(b) a completed statement, signed and dated by the owner of the dog or by another person whom the veterinary surgeon to whom it is presented reasonably believes to be representing the owner, made in paragraph 1 of a certificate in the form prescribed in the Schedule; and

(c) one of the following—

(i) where the dog is presented for certification on behalf of the Police Service of Northern Ireland, police identification;

(ii) where the dog is presented for certification on behalf of the Northern Ireland Prison Service, prison service identification;

(iii) where the dog is presented for certification on behalf of Her Majesty's Revenue & Customs, HMRC identification;

(iv) evidence that the owner of the dog, or an agent or employee of the owner most likely to be using the dog, will be using the dog for work in connection with lawful pest control;

(v) a current firearm certificate issued to the owner of the dog, or to the agent or employee of the owner most likely to be using the dog for work in connection with the lawful shooting of animals; or

(vi) a letter from—

(aa) a gamekeeper;

(bb) a land-occupier (or a land-occupier's agent);

(cc) a person with shooting rights;

(dd) a shoot organiser;

(ee) a club official; or

(ff) a person engaged in lawful pest control,

stating that the breeder of the dog whose tail is to be docked is known to him or her and that dogs bred by that breeder have been used on his or her land, or in his or her shoot, or for pest control.

(3) Any certification under paragraph (1) shall be made in paragraph 2 of a certificate in the form prescribed in the Schedule.

Identification of docked dogs

4.—(1) For the purposes of section 6(10)(b) of the Act a dog must be identified in accordance with this regulation.

(2) The dog must be microchipped by a competent person working in the same practice within which paragraph 2 of a certificate in the form prescribed in the Schedule was completed in respect of that dog.

(3) The dog may only be microchipped after the owner, or a person whom the competent person who is to carry out the microchipping reasonably believes to be representing the owner, has made a signed and dated statement in paragraph 3 of a certificate in the form prescribed in the Schedule.

(4) The competent person who carries out the microchipping must certify that fact in paragraph 4 of a certificate in the form prescribed in the Schedule.

(5) Where a veterinary practice ceases to operate after the docking of a dog's tail, the owner of the dog may take the dog to a different veterinary practice to have the microchipping procedure carried out and a competent person at that veterinary practice must record the reason in paragraph 4 of the certificate in the form prescribed in the Schedule.

(6) For the purpose of these Regulations—

(a) "competent person" means a veterinary surgeon or person who has received instruction on how to implant a microchip.

(b) "microchipped" means implanted with a valid microchip in accordance with regulation 9 of the Dogs (Licensing and Identification) Regulations (Northern Ireland) 2012(**2**).

Inspection of records

5.—(1) An inspector may require the owner of a subsection (4) dog to produce the certificate referred to in regulations 3 and 4 for inspection within 7 days of the request by the inspector.

(2) An inspector may inspect and take copies of any certificate produced for inspection.

(3) The certificate referred to in regulations 3 and 4 must be retained by the owner of the dog for the lifetime of the dog or transferred to a new owner where the dog changes ownership.

(**2**) S.R. 2012 No.132

Amendment of the Welfare of Animals (Permitted Procedures by Lay Persons) Regulations (Northern Ireland) 2012

6.—(1) The Welfare of Animals (Permitted Procedures by Lay Persons) Regulations (Northern Ireland) 2012(**3**) is amended in accordance with paragraphs (2) and (3).

(2) In Paragraph 3 (Other management procedures) of Part I of Schedule 3 (Sheep) omit "(1) Disbudding;" and re-number sub-paragraph (2) as (1).

(3) Paragraph 3 (Other management procedures) of Part I of Schedule 4 (Goats) shall be omitted.

(4) In Part II of Schedule 4 (Goats), paragraph 4 (Castration) and paragraph 5 (Implantation of a subcutaneous contraceptive) shall be re-numbered "3" and "4" accordingly.

Amendment of the Welfare of Farmed Animals Regulations (Northern Ireland) 2012

7.—(1) The Welfare of Farmed Animals Regulations (Northern Ireland) 2012(**4**) shall be amended in accordance with paragraph (2).

(2) In paragraph 32 of Part 4 of Schedule 8, "6 and 7" shall be substituted by "5 and 6".

Sealed with the Official Seal of the Department of Agriculture and Rural Development on 24th October 2012

L.S.

C. McMaster
A senior officer of the Department of Agriculture and Rural Development

(**3**) S.R. 2012 No.153
(**4**) S.R. 2012 No.156