***Changes to legislation:*** *Animals (Northern Ireland) Order 1976 is up to date with all changes known to be in force on or before 06 April 2022. 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. (See end of Document for details) View outstanding changes*

STATUTORY INSTRUMENTS

# 1976 No. 1040 (N.I. 13)

# Animals (Northern Ireland) Order 1976

- - - - - - *[2nd July 1976]*

**Title and commencement**

**1.** This Order may be cited as the Animals (Northern Ireland) Order 1976 … *Commencement* …

**Interpretation**

**2.**—(1) The Interpretation Act (Northern Ireland) 1954 shall apply to Article 1 and the following provisions of this Order as it applies to a Measure of the Northern Ireland Assembly.

(2) For the purposes of this Order—

(a) a dangerous species of animal is a species—

(i) which is not commonly domesticated in the British Islands; and

(ii) whose fully grown animals normally have such characteristics that they are likely, unless restrained, to cause severe damage or that any damage they may cause is likely to be severe;

(b) subject to sub-paragraph (c), a person is a keeper of an animal if—

(i) he owns the animal or has it in his possession; or

(ii) he is the head of a household of which a member under the age of sixteen owns the animal or has it in his possession;

and if at any time an animal ceases to be owned by or to be in the possession of a person, any person who immediately before that time was a keeper thereof by virtue of the preceding provisions of this sub-paragraph continues to be a keeper of the animal until another person becomes a keeper thereof by virtue of those provisions;

(c) where an animal is taken into and kept in possession for the purpose of preventing it from causing damage or of restoring it to its owner, a person is not a keeper of it by virtue only of that possession.

(3) In this Order—

"damage" includes the death of, or injury to, any person (including any disease and any impairment of physical or mental condition);

"fault" has the same meaning as in the Law Reform (Miscellaneous Provisions) Act (Northern Ireland) 1948 ;

"fencing" includes the construction of any obstacle designed to prevent animals from straying;

"livestock" means cattle, horses, asses, mules, hinnies, sheep, pigs, goats and poultry, and also deer not in the wild state and, in Article 8 also, while in captivity, pheasants, partridges, grouse and quails;

"nearest police station" means the police station nearest to the place where the animal was found;

"occupier" in relation to land, includes any person who, by virtue of any agreement, has a right to the exclusive use of the land for cropping or grazing;

"police force" has the same meaning as in section 35 of the Police Act (Northern Ireland) 1970 ;

"poultry" means the domestic varieties of the following, that is to say, fowls, turkeys, geese, ducks, guinea-fowls, pigeons and peacocks;

"premises" includes land;

"public road" includes any highway;

"species" includes sub-species and variety;

"structure" means any fixed or movable structure and includes any vessel, vehicle or aircraft.

**New provisions as to strict liability for damage done by animals**

**3.** The provisions of Articles 4 to 6 and Article 8 replace—

(a) the rules of common law imposing a strict liability in tort for damage done by an animal on the ground that the animal is regarded as ferae naturae or that its vicious or mischievous propensities are known or presumed to be known;

(b) the rules of common law imposing a liability for cattle trespass; and

(c) section 1(1) to (3) of the Dogs Act 1906 .

**Liability for damage done by dangerous animals**

**4.**—(1) Subject to Article 6, where any damage is caused by an animal which belongs to a dangerous species, any person who is a keeper of the animal is liable for the damage.

(2) Subject to Article 6, where damage is caused by an animal which does not belong to a dangerous species, a keeper of the animal is liable for the damage if—

(a) the damage is of a kind which the animal, unless restrained, was likely to cause or which, if caused by the animal, was likely to be severe; and

(b) the likelihood of the damage or of its being severe was due to characteristics of the animal which are not normally found in animals of the same species or are not normally so found except at particular times or in particular circumstances; and

(c) those characteristics were known to that keeper or were at any time known to a person who at that time had charge of the animal as that keeper's servant or, where that keeper is the head of a household, were known to another keeper of the animal who is a member of that household and under the age of sixteen years.

**Liability for damage and expenses due to straying livestock**

**5.**—(1) Subject to Article 6, where livestock belonging to any person strays onto land in the ownership or occupation of another and—

(a) damage is done by the livestock to the land or to any property on it which is in the ownership or possession of the other person; or

(b) any expenses are reasonably incurred by that other person in keeping the livestock while it cannot be restored to the person to whom it belongs or while it is detained in pursuance of Article 9, or in ascertaining to whom it belongs;

the person to whom the livestock belongs is liable for the damage or expenses.

(2) For the purposes of this Article any livestock belongs to the person in whose possession it is.

**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.

**Duty to take care to prevent damage from animals straying onto the public road**

**7.**—(1) So much of the rules of the common law relating to liability for negligence as excludes or restricts the duty which a person might owe to others to take such care as is reasonable to see that damage is not caused by animals straying onto a public road is hereby abolished.

(2) Where damage is caused by animals straying from unfenced land onto a public road a person who placed them on the land shall not be regarded as having committed a breach of the duty to take care by reason only of placing them there if—

(a) the land is situated in an area where fencing is not customary; and

(b) he had a right to place the animals on that land.

**Liability for injury by dogs to livestock**

**8.**—(1) Where a dog causes damage by**[**F1 worrying**]**F1 livestock, any person who is a keeper of the dog is liable for the damage.

(2) Where the amount of damage under this Article does not exceed**[**F1 £100**]**F1 it shall be recoverable summarily as a civil debt under**[**F2 Article 62 of the Magistrates' Courts (Northern Ireland) Order 1981**]**F2.

(3) A person is not liable under this Article, if the livestock was**[**F1 worried**]**F1 on land onto which it had strayed and either the dog belonged to the occupier or its presence on the land was authorised by the occupier, unless the person caused the dog to**[**F1 worry**]**F1 the livestock.

**[**F1(4) In this Article "worrying livestock" means—

(a) attacking or killing livestock; or

(b) chasing livestock in such a way as may reasonably be expected to cause the death of, or injury or suffering to, the livestock or to result in financial loss to the owner of the livestock.F1**]**

**F1** 1983 NI 8