



Welfare of Animals Act (Northern Ireland) 1972

1972 CHAPTER 7

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An Act to make provision with respect to the welfare of livestock on agricultural land; to regulate the keeping of petshops, animal boarding, riding and zoological establishments; and to consolidate with amendments certain enactments relating to the protection of animals from unnecessary suffering and for purposes connected therewith. [23rd March 1972]

F1 Act repealed (prosp.) by [Welfare of Animals Act \(Northern Ireland\) 2011 \(c. 16\)](#), ss. 57(2), 59, [Sch. 5](#) (with ss. 1(2), 52(1), 53, 54) and the repeal being partly in operation, as to which see individual sections

PART I

WELFARE OF LIVESTOCK ON AGRICULTURAL LAND

1 Prevention of unnecessary pain and distress for livestock.

- (1) Subject to subsection (2), any person who causes unnecessary pain or unnecessary distress to any livestock for the time being situated on agricultural land and under his control or permits any such livestock to suffer any such pain or distress of which he knows or may reasonably be expected to know shall be guilty of an offence.
- (2) Subsection (1) shall not apply to any act lawfully done under^{F2} the Animals (Scientific Procedures) Act 1986] or to any act done by or under the direction of any person in accordance with the terms of a licence granted by the Ministry for the purpose of enabling that person to undertake scientific research.

F2 [1986 c.14](#)

Changes to legislation: There are currently no known outstanding effects for the Welfare of Animals Act (Northern Ireland) 1972. (See end of Document for details)

2 Regulations with respect to the welfare of livestock.

(1) The Ministry may, after consultation with such persons appearing to it to represent any interests concerned as the Ministry considers appropriate, by regulations make such provision with respect to the welfare of livestock for the time being situated on agricultural land as it thinks fit; and without prejudice to the generality of the foregoing provisions of this section the regulations may in particular include provision—

- (a) with respect to the dimensions and layout of accommodation for livestock, the materials to be used in constructing any such accommodation and the facilities by way of lighting, heating, cooling, ventilation, drainage, water supply and otherwise to be provided in connection with any accommodation;
- (b) for ensuring the provision of balanced diets for livestock and for prohibiting or regulating the use of any substance as food for livestock and the sale and supply of any substance intended for use as food for livestock;
- (c) for prohibiting the bleeding of livestock and the mutilation of livestock in any manner specified in the regulations, and for prohibiting or regulating the use of any method of marking or restraining livestock or interfering with the capacity of livestock to smell, see, hear, emit sound or exercise any other faculty;
- [^{F3}(ca) for prohibiting or regulating the movement of livestock;
- (cb) for requiring such information as may be prescribed to be made available to persons concerned with livestock by such persons as may be prescribed;
- (cc) for ensuring that persons concerned with livestock are aware of any codes under section 3;]
- (d) that a person who contravenes specified provisions of the regulations shall be guilty of an offence under this section.

(2) Regulations made under this section shall be subject to negative resolution.

F3 1994 NI 6

3 Codes of recommendations for the welfare of livestock.

The Ministry may from time to time, after consultation with such persons appearing to it to represent any interests concerned as the Ministry considers appropriate,—

- (a) prepare codes containing such recommendations with respect to the welfare of livestock for the time being situated on agricultural land as it considers proper for the guidance of persons concerned with livestock; and
- (b) revise any such code by revoking, varying, amending or adding to the provisions of the code in such manner as the Ministry thinks fit.

4 Expenditure on free advice on the welfare of livestock.

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F4 S. 4 repealed (11.7.2011) by Welfare of Animals Act (Northern Ireland) 2011 (c. 16), ss. 57(2), 59, Sch. 5 (with ss. 1(2), 52(1), 53, 54); S.R. 2011/245, arts. 2, 3, Sch. 1, Sch. 2

Changes to legislation: There are currently no known outstanding effects for the Welfare of Animals Act (Northern Ireland) 1972. (See end of Document for details)

5 Powers of entry and inspection.

- (1) An authorised officer may, on production of his authority if so required, at any reasonable time enter upon any land, other than premises used wholly or mainly as a dwelling, for the purpose of ascertaining whether an offence under this Part has been committed on the land.
- (2) An authorised officer may take for analysis a sample of any substance which he finds on the land and which appears to him to be intended for use as food for livestock; and the provisions of subsections (2) to (7) of section 6 of the Agriculture (Poisonous Substances) Act (Northern Ireland) 1954 (which relate to the dividing up, analysis and evidence of analysis of certain samples) shall have effect in relation to a sample taken under this section as they have effect in relation to a sample taken under the said section 6 but as if for references to that Act, an inspector and such an employer as is mentioned in the said section 6 there were substituted respectively references to this Part, the officer taking the sample and a person appearing to that officer to have custody of the substance in question.
- (3) An authorised officer may examine any livestock which he finds on the land and apply to and take from the livestock such tests and samples as he considers appropriate; and an officer by whom a sample is taken from livestock in pursuance of this subsection shall, if before the sample is taken he is requested to do so by any person appearing to him to have custody of the livestock, deliver a part of the sample or a similar sample to the person who made the request.
- (4) Where an authorised officer requests any person present on the land, being the occupier or a servant of the occupier of the land or a person having the custody of any livestock present on the land,—
 - (a) to indicate to the officer the places on the land used for the accommodation of livestock or for the storage or treatment of any substance intended for use as food for livestock; or
 - (b) to give such assistance to the officer as is reasonable in the circumstances,it shall be the duty of the person to whom the request is addressed to comply with the request so far as he is able to do so.
- (5) A person who fails to perform his duty under subsection (4) or otherwise wilfully obstructs or delays an authorised officer in the exercise of his functions under this section shall be guilty of an offence.

6 Penalties.

- (1) A person guilty of an offence under section 1 or section 2 shall be liable on summary conviction to imprisonment for a term not exceeding three months or to a fine not exceeding^{F5} level 4 on the standard scale] or to both^{F5}
- (2) A person guilty of an offence under section 5 shall be liable on summary conviction to a fine not exceeding^{F5} level 3 on the standard scale].

F5 1984 NI 3

7 Interpretation of Part I.

In this Part—

Changes to legislation: There are currently no known outstanding effects for the Welfare of Animals Act (Northern Ireland) 1972. (See end of Document for details)

“agricultural land” means land used for agriculture (within the meaning of the Agriculture Act (Northern Ireland) 1949) or for the breeding^{F6}, keeping or selling of livestock within the meaning of this Act, being land which is so used for the purposes of a trade or business; and

“livestock” means any creature kept for the production of food, wool, skin or fur or for use in the farming of land or for such purpose as the Ministry may by order, subject to negative resolution, specify.

[^{F7}“selling” includes exposing for sale and accommodating before or after selling]]

F6 1994 NI 6

F7 1994 NI 6

PART II

CONTROL OF PESHOPS, ANIMAL BOARDING, RIDING AND ZOOLOGICAL ESTABLISHMENTS

8 Licensing of petshops, animal boarding, riding and zoological establishments.

- (1) A person shall not keep a petshop or an animal boarding, riding or zoological establishment except under the authority of a licence granted by the Ministry.
- (2) In determining whether to grant a licence for the keeping of a petshop or any such establishment as aforesaid by any person at any premises, the Ministry shall, for the purpose of securing the safety, health and welfare of the animals, in particular (but without prejudice to their discretion to withhold a licence on other grounds) have regard to the following matters—
 - (a) the qualifications and experience of the applicant and of the staff, if any, employed;
 - (b) the system of management;
 - (c) the suitability of the accommodation, taking account of the number of animals and the purpose for which it is required, and the arrangements for the adequate exercise, protection and welfare of the animals;
 - (d) the requirements of any regulations made under section 11.
- (3) The fee for a licence under this section shall be of such amount as the Ministry with the approval of the Ministry of Finance may by order, subject to affirmative resolution, prescribe.
- (4) A licence under this section may contain such conditions as the Ministry thinks appropriate for the purpose of securing the safety, health and welfare of the animals.
- [^{F8}(4A) Subject to subsection (5), a licence granted under this section after the date on which the Agriculture (Miscellaneous Provisions) (Northern Ireland) Order 1984 came into operation shall remain in force for a period of one year from the date on which it is granted.]
- (5) A licence under this section may be revoked by the Ministry if the licence-holder is convicted of any offence for which a penalty is provided under this Act or fails to comply with the provisions of any regulations made under section 11.

- (6) Any person aggrieved by the refusal of the Ministry to grant a licence under this section, or by any condition subject to which the licence is, or is proposed to be, granted, or by the revocation of the licence, may appeal to a court of summary jurisdiction.

F8 1984 NI 2

9 Powers of entry and inspection.

An authorised officer may, on production of his authority if so required, enter at any reasonable time any premises in respect of which a licence has been applied for or granted or any premises which he has reason to believe are used as a petshop or animal boarding, riding or zoological establishment, and may inspect the premises, and any animals or any thing found therein.

10 Offences and penalties.

- (1) Any person who—
- keeps an unlicensed petshop, animal boarding, riding or zoological establishment; or
 - being licensed, fails, after reasonable warning, to comply with any condition contained in his licence; or
 - gives information which he knows to be false in a material particular to an authorised officer acting in the exercise of his functions under this Part; or
 - wilfully obstructs or delays an authorised officer in the exercise of his functions under this Part;

shall be guilty of an offence.

[^{F9}(1A) Any person who carries on a business of selling animals as pets in a street or public place, or from a vehicle, stall or barrow, shall be guilty of an offence.]

[^{F9}(2) Any person guilty of an offence under subsection (1)(*a*), (*b*) or (*c*) or subsection (1A) shall be liable on summary conviction to imprisonment for a term not exceeding three months or to a fine not exceeding level 4 on the standard scale or to both, and any person guilty of an offence under subsection (1)(*d*) shall be liable on summary conviction to a fine not exceeding level 2 on the standard scale.]

F9 1994 NI 6

11 Regulations with respect to the safety, etc., of animals.

- The Ministry may by regulations make provision for the safety, health and welfare of animals in any petshop or animal boarding, riding or zoological establishment.
- Regulations made under this section shall be subject to negative resolution.

11A Livery establishments and other premises where horses are kept.

F10