

*These notes refer to the Welfare of Animals Act (Northern Ireland)
2011 (c.16) which received Royal Assent on 29 March 2011*

Welfare of Animals Act (Northern Ireland) 2011

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 3 - Animals in Distress

Section 17 – Powers in relation to animals in distress

This section authorises an inspector or constable who finds a protected animal that is suffering to take immediate steps to alleviate the animal's suffering.

Section 18 - Powers of entry for section 17 purposes

This section confers powers of entry for the purposes of section 17. It authorises an inspector or constable to enter onto premises to deal with a protected animal that is believed to be suffering or likely to suffer if remedial action is not taken. Power of entry does not extend to a private dwelling unless a warrant is first obtained from a lay magistrate. Strict conditions must be met to satisfy the issue of a warrant. Schedule 3 provides safeguards in connection with powers of entry under warrant.

On the rare occasion when urgent entry is required before a warrant can be obtained this section authorises the use of reasonable force to effect entry, except to a private dwelling, without a warrant, for example if an animal is suffering in a vehicle where it would be inappropriate to delay.

Section 19 - Orders in relation to animals taken under section 17(5)

Where an animal has been taken into possession under section 17 and the animal is being retained, this section enables a magistrate's court to make an order for the treatment, giving up, sale, disposal or destruction of the animal. Either the owner of the animal or another person with a sufficient interest in the animal can apply to the court for an order to be made. The court cannot make an order unless either the owner has been given an opportunity to be heard, or the court is satisfied that it is not reasonably practical to communicate with the owner.

Where a court orders that the animal taken into possession be sold, the proceeds of the sale to which the owner is entitled may be reduced so as to take account of the expenses incurred by the person who seized or cared for the animal and the

*These notes refer to the Welfare of Animals Act (Northern Ireland)
2011 (c.16) which received Royal Assent on 29 March 2011*

expenses incurred by any person carrying out the order for sale. In making an order the court must also have regard to protecting the animal's value and avoid increasing any expenses which a person may incur or be ordered to reimburse.

Section 20 – Orders under section 19: appeals

Where a court has made an order under section 19 in relation to an animal, the animal's owner can appeal to the county court against the order. The section also provides a right of appeal to a person against whom an order for reimbursement of expenses is made.