



2011 CHAPTER 16

**PART 6**

SUPPLEMENTARY

VALID FROM 11/07/2011

**Orders and regulations**

**55.**—(1) No regulations (except for regulations made under section 49(5)) shall be made under this Act unless a draft of the regulations has been laid before, and approved by resolution of, the Assembly.

(2) Any regulations made by the Department under section 49(5) shall be subject to negative resolution.

(3) Any order or regulations made by the Department under this Act may contain such supplementary, consequential, transitional or saving provisions as the Department considers necessary or expedient.

**Interpretation**

**56.**—(1) In this Act—

“animal” has the meaning given by section 1(1);

“council” means a district council;

“the Department” means the Department of Agriculture and Rural Development;

“premises” includes any place and, in particular, includes—

(a) any vehicle, vessel, aircraft or hovercraft;

*Status: Point in time view as at 29/03/2011. This version of this part contains provisions that are not valid for this point in time.*

*Changes to legislation: There are currently no known outstanding effects for the Welfare of Animals Act (Northern Ireland) 2011, PART 6. (See end of Document for details)*

(b) any tent or movable structure;

“protected animal” has the meaning given by section 2;

“statutory provision” has the meaning given by section 1(f) of the Interpretation Act (Northern Ireland) 1954 (c. 33);

“suffering” means physical or mental suffering;

“veterinary surgeon” means a person who is for the time being registered in the register of veterinary surgeons.

(2) In this Act, references to the occupier of premises, in relation to any vehicle, vessel, aircraft or hovercraft, are to the person who appears to be in charge of the vehicle, vessel, aircraft or hovercraft, and “unoccupied” shall be construed accordingly.

(3) In this Act, references to a part of premises which is used as a private dwelling include any yard, garden, garage or outhouse which is used for purposes in connection with it.

(4) In this Act, references to responsibility, in relation to an animal, are to be read in accordance with section 3.

(5) In this Act, references to the needs of an animal are to be read in accordance with section 9(2).

(6) In this Act, references to a “relevant post-conviction power” are to a power conferred by—

(a) section 32, 33, 34, 36, 39 or 41; or

(b) Article 10(2) of the Dangerous Wild Animals (Northern Ireland) Order 2004 (NI 16) (power to cancel licence under Order and disqualify from carrying on licensable activity).

VALID FROM 11/07/2011

### **Minor and consequential amendments and repeals**

**57.**—(1) The statutory provisions set out in Schedule 4 have effect subject to the minor and consequential amendments specified in that Schedule.

(2) The statutory provisions set out in Schedule 5 are repealed to the extent specified in that Schedule.

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### Transitional provision

**58.**—(1) Without prejudice to section 55(3), the Department may by order subject to negative resolution make such transitional provision or savings as are considered necessary or expedient in connection with the coming into operation of any provision of this Act.

(2) Section 33(9) shall apply in relation to a disqualification imposed by an order under section 27 of the Welfare of Animals Act (Northern Ireland) 1972 (c. 7) (power to disqualify persons convicted of cruelty to animals) as it applies in relation to a disqualification imposed by an order under section 33(1).

(3) In relation to a person convicted of an offence under section 33(9) by virtue of breaching a disqualification imposed by an order under section 27 of the Welfare of Animals Act (Northern Ireland) 1972, section 34(2) shall have effect with the substitution for the words from “owning” to “keeps” of “having custody of an animal in breach of disqualification under section 27 of the Welfare of Animals Act (Northern Ireland) 1972, the court by or before which that person is convicted may order that all animals of which that person has custody”.

(4) Section 42 shall apply in relation to a person who is disqualified by virtue of an order under section 27 of the Welfare of Animals Act (Northern Ireland) 1972 as it applies in relation to a person who is disqualified by virtue of an order under section 33 or 41.

(5) In its application by virtue of subsection (4), section 42(2)(c) shall have effect with the omission of the words “section 33(6), 41(3) or”.

### Commencement

**59** This Act, except section 56, this section and section 60, shall come into operation on such day or days as the Department may by order appoint.

#### Subordinate Legislation Made

**P1** [S. 59](#) power partly exercised: 11.7.2011 appointed for specified provisions by [S.R. 2011/245](#), [art. 2](#), [Sch. 1](#) (with transitional provision in [art. 4](#))

### Short title

**60** This Act may be cited as the Welfare of Animals Act (Northern Ireland) 2011.

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