SCHEDULES

SCHEDULE 1 N.I.

Section 6(7).

DOGS SPECIFIED FOR THE PURPOSES OF SECTION 6(7)

1 Spaniels of any breed or combination of breeds.

Commencement Information

I1 Sch. 1 para. 1 in operation at 1.1.2013 by S.R. 2012/386, **art. 2(b)**

2 Terriers of any breed or combination of breeds.

Commencement Information

I2 Sch. 1 para. 2 in operation at 1.1.2013 by S.R. 2012/386, **art. 2(b)**

3 Any breed commonly used for hunting, or any combination of such breeds.

Commencement Information

I3 Sch. 1 para. 3 in operation at 1.1.2013 by S.R. 2012/386, **art. 2(b)**

4 Any breed commonly used for pointing, or any combination of such breeds.

Commencement Information

I4 Sch. 1 para. 4 in operation at 1.1.2013 by S.R. 2012/386, **art. 2(b)**

5 Any breed commonly used for retrieving, or any combination of such breeds.

Commencement Information

I5 Sch. 1 para. 5 in operation at 1.1.2013 by S.R. 2012/386, **art. 2(b)**

SCHEDULE 2 N.I. Section 12(10).

REGULATIONS UNDER SECTION 12

PART 1 N.I.

LICENCES FOR THE PURPOSES OF SECTION 12

Introductory

1 This Part has effect in relation to regulations under section 12(7) about licences for the purposes of section 12.

Licensing authority

2 Regulations shall provide for the licensing authority to be—

(a) a council; or

(b) the Department.

3 Where the licensing authority is a council, regulations may require the council to have regard in carrying out its functions under the regulations to such guidance as may be issued by the Department.

Period of licence

4 Regulations may, in particular—

(a) make provision about the period for which licences are to be granted;

(b) make provision, in connection with the death of the holder of a licence, for the continuation in force of the licence for such period and subject to such conditions as the regulations may provide.

5 Regulations may not provide for licences to be granted for a period of more than 3 years.

Exercise of licensing functions

6 Regulations may, in particular—

(a) require a licensing authority not to grant a licence unless satisfied as to a matter specified in the regulations;

(b) require a licensing authority to have regard, in deciding whether to grant a licence, to a matter specified in the regulations.

7 Regulations must make provision requiring a licensing authority not to grant a licence authorising the carrying on of an activity on specific premises unless the premises have been inspected as the regulations may provide.

Grant of licence subject to conditions

8.—(1) Regulations may, in particular, make provision for the grant of a licence subject to conditions.

(2) Provision of the kind mentioned in sub-paragraph (1) may—

(a) enable a licensing authority to attach conditions to a licence;

(b) require a licensing authority to attach to a licence conditions specified in the regulations.

Breach of licence condition

9.—(1) Regulations may provide for breach of a condition of a licence to be an offence.

(2) Regulations may provide that an offence of breach of condition of a licence is to be treated as a relevant offence for the purposes of section 22.

(3) Regulations may apply a relevant post-conviction power in relation to conviction for an offence of breach of condition of a licence.

Appeals

10 Regulations may, in particular, make provision for appeals in relation to decisions of a licensing authority under the regulations.

Fees

11 Regulations may include provision for fees or other charges in relation to the carrying out of functions of the licensing authority under the regulations.

PART 2 N.I.

REGISTRATION FOR THE PURPOSES OF SECTION 12

Introductory

12 This Part has effect in relation to regulations under section 12(7) about registration for the purposes of section 12.

Registering authority

13 Regulations shall provide for the registering authority to be—

(a) a council; or

(b) the Department.

14 Where the registering authority is a council, regulations may require the council to have regard in carrying out its functions under the regulations to such guidance as may be issued by the Department.

Exercise of registration functions

15 Regulations may, in particular—

(a) require a registering authority not to register an applicant for registration unless satisfied as to a matter specified in the regulations;

(b) require a registering authority to have regard, in deciding whether to register an applicant for registration, to a matter specified in the regulations.

Appeals

16 Regulations may, in particular, make provision for appeals in relation to decisions of a registering authority under the regulations.

Fees

17 Regulations may include provision for fees or other charges in relation to the carrying out of functions of the registering authority under the regulations.

PART 3 N.I.

SUPPLEMENTARY

18 Power to make regulations under section 12(7) includes power to make provision for purposes other than the purpose of securing the welfare of animals for which a person is responsible.

19.—(1) Without prejudice to section 55(3), power to make regulations under section 12 includes power to make incidental, supplementary, consequential or transitional provision or savings.

(2) In the case of provision consequential on the repeal of a statutory provision specified in section 12(8), the power under sub-paragraph (1) includes power—

(a) to amend or repeal a statutory provision;

(b) to make provision for the purpose of continuing the effect of a statutory provision repealed under paragraph (a).

(3) The power under sub-paragraph (2)(b) includes power to provide that breach of a provision of the regulations is an offence.

SCHEDULE 3 N.I.

Section 47.

POWERS OF ENTRY, INSPECTION AND SEARCH: SUPPLEMENTARY

Safeguards etc. in connection with powers of entry conferred by warrant

1.—(1) Articles 17 and 18 of the Police and Criminal Evidence (Northern Ireland) Order 1989 (NI 12) shall have effect in relation to the issue of a warrant under section 18(4) or 22(1) to an inspector as they have effect in relation to the issue of a warrant under that provision to a constable.

(2) In their application in relation to the issue of a warrant under section 18(4) or 22(1), Articles 17 and 18 of that Order shall have effect with the following modifications.

(3) In Article 17—

(a) in paragraph (2), omit the words from the end of sub-paragraph (a)(ii) to the end of sub-paragraph (b);

(b) omit paragraphs (2A) and (5A);

(c) in paragraph (5), omit the words from "unless" to the end;

(d) in paragraph (6)(a), omit the words from the end of head (iii) to the end of head (iv);

(e) in paragraph (7), omit the words from "which" to the end.

(4) In Article 18—

(a) omit paragraphs (3A) and (3B);

(b) in paragraph (9), omit the words after sub-paragraph (b).

2.—(1) This paragraph and paragraphs 3 and 4 have effect in relation to the issue to inspectors of warrants under section 26(4) or 27(4); and an entry on premises under such a warrant is unlawful unless it complies with this paragraph and paragraphs 3 and 4.

(2) Where an inspector applies for a warrant, the inspector must—

(a) state the grounds on which the application is made,

(b) state the statutory provision under which the warrant would be issued, and

(c) specify the premises which it is desired to enter.

(3) The inspector must answer any question asked by the lay magistrate hearing the application.

(4) A warrant shall authorise an entry on one occasion only.

(5) A warrant must specify—

(a) the name of the person who applies for it,

(b) the date on which it is issued, and

(c) the statutory provision under which it is issued.

(6) Two copies must be made of a warrant.

(7) The copies must be clearly certified as copies by the lay magistrate who issues the warrant.

3.—(1) A warrant may be executed by any inspector.

(2) A warrant may authorise persons to accompany any inspector who is executing it.

(3) A person authorised under sub-paragraph (2) has the same powers as the inspector whom that person accompanies in respect of the execution of the warrant, but may exercise those powers only in the company of, and under the supervision of, an inspector.

(4) Execution of a warrant must be within three months from the date of its issue.

(5) Execution of a warrant must be at a reasonable hour unless it appears to the inspector executing it that the purpose of entry may be frustrated on an entry at a reasonable hour.

(6) Where the occupier of premises which are to be entered under a warrant is present at the time when an inspector seeks to execute it, the inspector must—

(a) identify himself or herself to the occupier and shall produce to the occupier documentary evidence that he or she is an inspector,

(b) produce the warrant to the occupier, and

(c) supply the occupier with a copy of it.

(7) Where—

(a) the occupier of premises which are to be entered under a warrant is not present when an inspector seeks to execute it, but

(b) some other person who appears to the inspector to be in charge of the premises is present,

sub-paragraph (6) shall have effect as if any reference to the occupier were a reference to that other person.

(8) If there is no person present who appears to the inspector to be in charge of the premises, the inspector must leave or affix a copy of the warrant in a prominent place on the premises.

(9) A warrant which—

(a) has been executed; or

(b) has not been executed within the time authorised for its execution,

shall be returned to the clerk of petty sessions [F1]....

(10) A warrant which is returned under sub-paragraph (9) shall be retained by the officer to whom it is returned for 12 months from its return.

(11) If during the period for which a warrant is to be retained the occupier of the premises to which it relates asks to inspect it, the occupier shall be allowed to do so.

Textual Amendments

F1 Words in Sch. 3 para. 3(9) repealed (31.10.2016) by Justice Act (Northern Ireland) 2015 (c. 9), s. 106(2), Sch. 1 para. 141, **Sch. 9 Pt. 1** (with Sch. 8 para. 1); S.R. 2016/387, art. 2(k)(m) (with art. 3)

4.—(1) An inspector who enters any premises by virtue of a warrant must comply with a code of practice which has been published under sub-paragraph (4) and has not been withdrawn.

(2) The Department must prepare a code of practice in connection with the exercise by inspectors of a power of entry conferred by virtue of a warrant.

(3) After preparing a draft of the code the Department—

(a) must publish the draft in such manner as it thinks appropriate and invite representations regarding the draft;

(b) must consider any representations made to it regarding the draft; and

(c) may amend the draft accordingly.

(4) After the Department has proceeded under sub-paragraph (3) it must publish the code in such manner as it thinks appropriate.

(5) The Department must from time to time review the code and if it thinks it appropriate revise the code.

(6) Sub-paragraphs (2) to (4) apply to a revision of the code as they apply to its preparation.

Duty to produce evidence of identity

5.—(1) This paragraph applies to a power of entry conferred by section 18(1), 21(2), 24(2), 25(2), 26(2), 27(2), 28(2), 48 or 49.

(2) A person may only exercise a power of entry to which this paragraph applies if on request—

(a) that person produces evidence of his or her identity and of entitlement to exercise the power,

(b) that person outlines the purpose for which the power is exercised.

Power to take persons onto premises

6 In exercising a power to which paragraph 5 applies, a person may be accompanied on to the premises by such persons as that person thinks appropriate.

Duty to exercise power of entry at reasonable time

7 Entry under a power to which paragraph 5 applies must be at a reasonable time, unless it appears to the person exercising the power that the purpose for which that person is exercising the power would be frustrated on entry at a reasonable time.

Power to require assistance

8.—(1) This paragraph applies to a power of entry conferred by—

(a) section 18(1), 21(2), 24(2), 25(2), 26(2), 27(2) or 28(2); or

(b) a warrant under section 18(4), 21(4), 22(1), 26(4) or 27(4).

(2) Where a person enters premises in the exercise of a power of entry to which this paragraph applies, that person may require any qualifying person on the premises to give such assistance as may reasonably be required for the purpose for which entry is made.

(3) The reference in sub-paragraph (2) to a qualifying person is to—

(a) the occupier of the premises;

(b) any person who appears to the person exercising the power to be responsible for animals on the premises;

(c) any person who appears to the person exercising the power to be under the direction or control of a person mentioned in paragraph (a) or (b).

(4) In the case of a power under section 24(2), the reference in sub-paragraph (2) to a qualifying person also includes the holder of a licence—

(a) specifying the premises as premises on which the carrying on of an activity is authorised; or

(b) relating to an activity which is being carried on on the premises.

Power to take equipment onto premises

9 In exercising a power to which paragraph 8 applies, a person may take with him or her such equipment and materials as he or she thinks appropriate.

Duty to leave premises secured

10 If, in the exercise of a power of entry to which paragraph 8 applies, a person enters premises which are unoccupied, that person must leave them as effectively secured against entry as they were found.

Functions in connection with inspection and search

11.—(1) This paragraph applies to—

(a) a power of inspection conferred by section 24(1), 25(1), 26(1), 27(1) or 28(1), and

(b) a power of search conferred by a warrant under section 22(1).

(2) A person exercising a power to which this paragraph applies may—

(a) inspect an animal found on the premises;

(b) inspect any other thing found on the premises, including a document or record (in whatever form it is held);

(c) carry out a measurement or test (including a measurement or test of an animal found on the premises);

(d) take a sample (including a sample from an animal found on the premises or from any substance on the premises which appears to be intended for use as food for such an animal);

(e) mark an animal found on the premises for identification purposes;

(f) remove a carcass found on the premises for the purpose of carrying out a post-mortem examination on it;

(g) take copies of a document or record found on the premises (in whatever form it is held);

(h) require information sorted in an electronic form and accessible from the premises to be produced in a form in which it can be taken away and in which it is visible and legible or from which it can readily be produced in a visible and legible form;

(i) take a photograph of anything on the premises;

(j) seize and detain or remove anything which the person exercising the power reasonably believes to be evidence of any non-compliance, or of the commission of any offence, relevant to the purpose for which the inspection or search is made.

(3) A person taken onto premises under paragraph 6 may exercise any power conferred by sub-paragraph (2) if that person is in the company of, and under the supervision of, a person exercising a power to which this paragraph applies.

12 A person who takes a sample from an animal pursuant to paragraph 11(2)(d) must give a part of the sample, or a similar sample, to any person appearing to be responsible for the animal, if, before the sample is taken, he or she is requested to do so by that person.

13.—(1) Paragraph 11(2)(j) does not include power to seize an item which the person exercising the power has reasonable grounds for believing to be subject to legal privilege (within the meaning of Article 12 of the Police and Criminal Evidence (Northern Ireland) Order 1989 (NI 12)).

(2) A person who seizes anything in exercise of the power under paragraph 11(2)(j) shall on request provide a record of the thing seized to a person showing himself or herself—

(a) to be the occupier of premises on which it was seized; or

(b) to have had possession or control of it immediately before its seizure.

(3) Subject to sub-paragraph (4), anything which has been seized in the exercise of a power under paragraph 11(2)(j) may be retained so long as is necessary in all the circumstances and in particular—

(a) for use as evidence at a trial for a relevant offence; or

(b) for forensic examination or for investigation in connection with a relevant offence.

(4) Nothing may be retained for either of the purposes mentioned in sub-paragraph (3) if a photograph or a copy would be sufficient for that purpose.

14 As soon as reasonably practicable after having exercised a power to which paragraph 11 applies, the person who exercised the power shall—

(a) prepare a written report of the inspection or search, and

(b) if requested to do so by the occupier of the premises, give the occupier a copy of the report.

15.—(1) A person exercising a power of search conferred by a warrant under section 22(1) may (if necessary) use reasonable force in the exercise of powers under paragraph 11 in connection with the execution of the warrant.

(2) A person carrying out an inspection under section 26(1) or 27(1) on premises which that person is authorised to enter by a warrant under section 26(4) or, as the case may be, section 27(4), may (if necessary) use reasonable force in the exercise of powers under paragraph 11 in connection with the inspection.

Functions in connection with entry under section 18

16.—(1) Where a person enters premises in exercise of a power of entry conferred by section 18(1), or by a warrant under section 18(4), that person may—

(a) inspect an animal found on the premises;

(b) remove a carcass found on the premises for the purposes of carrying out a post-mortem examination on it;

(c) remove for those purposes the carcass of an animal destroyed on the premises in exercise of power conferred by section 17(3) or (4);

(d) take a photograph of anything on the premises.

(2) Where a person exercising a power of entry under section 18(1) is accompanied by another person under paragraph 6, the other person may exercise

any power conferred by sub-paragraph (1) if that person is in the company of, and under the supervision of, the person exercising the power of entry.

Offences

17 A person commits an offence if that person—

(a) intentionally obstructs a person in the lawful exercise of a power to which paragraph 8 or 11 applies;

(b) intentionally obstructs a person in the lawful exercise of a power conferred by this Schedule;

(c) fails without reasonable excuse to give any assistance which that person is required to give under paragraph 8.

SCHEDULE 4 N.I.

Section 57(1).

MINOR AND CONSEQUENTIAL AMENDMENTS

The Dogs (Northern Ireland) Order 1983 (NI 8)

1 In Articles 4(2)(a), 10(2), 13(2) and 18(1)(b), for "section 27 of the Welfare of Animals Act (Northern Ireland) 1972" substitute " section 33 of the Welfare of Animals Act (Northern Ireland) 2011 ".

2 In Articles 10(5)(a), 13(5)(a) and 34(1) for "Part 3 of the Welfare of Animals Act (Northern Ireland) 1972" substitute " Part 2 of the Welfare of Animals Act (Northern Ireland) 2011 ".

The Animals (Scientific Procedures) Act 1986 (c. 14)

3 In section 29—

(a) in subsection (5) for "sections 13 and 14 of the Welfare of Animals Act (Northern Ireland) 1972" substitute " sections 4, 5, 6(1) and (2), 7 and 8 of the Welfare of Animals Act (Northern Ireland) 2011 ";

(b) in subsection (5A) for "sections 13 and 14 of the Welfare of Animals Act (Northern Ireland) 1972" substitute " sections 4, 5, 6(1) and (2) and 7 to 9 of the Welfare of Animals Act (Northern Ireland) 2011 ".

The Agriculture (Miscellaneous Provisions) (Northern Ireland) Order 1994 (NI 6)

4 In Article 1(2) for "paragraphs (3) and (4)" substitute " paragraph (4) ".

The Dangerous Wild Animals (Northern Ireland) Order 2004 (NI 16)

5 In Article 2(5) for "Welfare of Animals Act (Northern Ireland) 1972" substitute " Welfare of Animals Act (Northern Ireland) 2011 ".

6 In Article 7—

(a) for paragraph (1)(a) substitute—

"(a) premises in relation to which a licence under section 12 of the Welfare of Animals Act is in force;";

(b) in paragraph (2)—

(i) for "licensed as a zoological establishment" substitute " in relation to which a licence under section 12 of the Welfare of Animals Act is in force ";

(ii) for "establishment" substitute " premises ".

SCHEDULE 5 N.I.

Section 57(2).

REPEALS

Commencement Information

I6 Sch. 5 partly in operation; Sch. 5 not in operation at Royal Assent see s. 59; Sch. 5 in operation for specified purposes at 11.7.2011 by S.R. 2011/245, **arts. 2**, 3, Schs. 1, 2

I7 Sch. 5 in operation at 2.4.2012 for specified purposes by S.R. 2012/154, arts. 2(b), 3, Sch. 2, **3**

Short Title	Extent of repeal
The Welfare of Animals Act (Northern Ireland) 1972 (c. 7)	The whole Act.
The Diseases of Animals (Northern Ireland) Order 1981 (NI 22)	Articles 21 to 23A.
The Magistrates' Courts (Northern Ireland) Order 1981 (NI 26)	In Part 2 of Schedule 6, paragraph 125.
The Dogs (Northern Ireland) Order 1983 (NI 8)	In Article 5, paragraph (c). In Article 47, paragraph (c).
The Agriculture (Miscellaneous Provisions) (Northern Ireland) Order 1984 (NI 2)	Article 16. In Article 17(3), the amendment relating to Article 23(c) of the Diseases of Animals (Northern Ireland) Order 1981 (NI 7). Article 17(4).

The Fines and Penalties (Northern Ireland) Order 1984 (NI 3)	In Schedule 3, the entry relating to the Welfare of Animals Act (Northern Ireland) 1972 (c. 7).
The Wildlife (Northern Ireland) Order 1985 (NI 2)	In Schedule 12, paragraph 5.
The Food and Environment Protection Act 1985 (c. 48)	In section 16, subsection (14)(c).
The Animals (Scientific Procedures) Act 1986 (c. 14)	In Schedule 3, paragraph 8.
The Agriculture (Miscellaneous Provisions) (Northern Ireland) Order 1994 (NI 6)	Article 1(3). In Article 2(2), the definition of "the 1972 Act". Articles 10 to 15.
The Dangerous Wild Animals (Northern Ireland) Order 2004 (NI 16)	In Article 7(1), sub-paragraph (b).

Changes to legislation:
There are currently no known outstanding effects for the Welfare of Animals Act (Northern Ireland) 2011.