



## 2011 CHAPTER 16

### **PART 3**

#### **ANIMALS IN DISTRESS**

##### **Orders under section 19: appeals**

**20.**—(1) For the purposes of Articles 143 (appeals) and 146 (cases stated) of the Magistrates' Courts (Northern Ireland) Order 1981 (NI 26)—

- (a) an order made under section 19(1) shall be deemed to be an order in proceedings in which Article 143 applies; and
  - (b) the owner of the animal to which the order relates shall be deemed to be a party to those proceedings.
- (2) Nothing may be done under an order under section 19(1) unless—
- (a) the period for giving notice of appeal against the order has expired, and
  - (b) if the order is the subject of an appeal, the appeal has been determined or withdrawn.
- (3) Where the effect of an order is suspended under subsection (2)—
- (a) no directions given in connection with the order shall have effect, but
  - (b) the court may give directions about how any animal to which the order applies is to be dealt with during the suspension.
- (4) Directions under subsection (3)(b) may, in particular—
- (a) appoint a person to carry out, or arrange for the carrying out, of the directions;
  - (b) require any person who has possession of the animal to deliver it up for the purposes of the directions;

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**Changes to legislation:** *There are currently no known outstanding effects for the Welfare of Animals Act (Northern Ireland) 2011, Section 20. (See end of Document for details)*

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- (c) confer additional powers (including power to enter premises where the animal is being kept) for the purpose of, or in connection with, the carrying out of the directions;
- (d) provide for the recovery of any expenses which are reasonably incurred in carrying out the directions.

(5) Where a court decides on an application under section 19(3)(a) not to exercise the power conferred by subsection (1) of that section, the applicant may appeal against the decision to the county court.

(6) For the purposes of Article 143 (appeals) and 146 (cases stated) of the Magistrates' Courts (Northern Ireland) Order 1981 (NI 26)—

- (a) an order made under section 19(5)(d) shall be deemed to be an order in proceedings to which Article 143 applies; and
- (b) the person against whom the order is made shall be deemed to be a party to those proceedings.

**Changes to legislation:**

There are currently no known outstanding effects for the Welfare of Animals Act (Northern Ireland) 2011, Section 20.