



2011 CHAPTER 16

PART 2

PROTECTION OF ANIMALS

Prevention of harm

Unnecessary suffering

- 4.—(1) A person commits an offence if—
- (a) an act of that person, or a failure of that person to act, causes an animal to suffer,
 - (b) that person knew, or ought reasonably to have known, that the act, or failure to act, would have that effect or be likely to do so, and
 - (c) the suffering is unnecessary.
- (2) A person commits an offence if—
- (a) that person is responsible for an animal,
 - (b) an act, or failure to act, of another person causes the animal to suffer,
 - (c) the first-mentioned person permitted that to happen or failed to take such steps (whether by way of supervising the other person or otherwise) as were reasonable in all the circumstances to prevent that happening, and
 - (d) the suffering is unnecessary.
- (3) The considerations to which it is relevant to have regard when determining for the purposes of this section whether suffering is unnecessary include—
- (a) whether the suffering could reasonably have been avoided, terminated or reduced;

Changes to legislation: *There are currently no known outstanding effects for the Welfare of Animals Act (Northern Ireland) 2011, Section 4. (See end of Document for details)*

- (b) whether the conduct which caused the suffering was in compliance with any relevant statutory provision or any relevant provisions of a licence or code of practice issued under a statutory provision;
 - (c) whether the conduct which caused the suffering was for a legitimate purpose, such as—
 - (i) the purpose of benefiting the animal; or
 - (ii) the purpose of protecting a person, property or another animal;
 - (d) whether the suffering was proportionate to the purpose of the conduct concerned;
 - (e) whether the conduct concerned was in all the circumstances that of a reasonably competent and humane person.
- (4) Nothing in this section applies to the destruction of an animal in an appropriate and humane manner.

Changes to legislation:

There are currently no known outstanding effects for the Welfare of Animals Act (Northern Ireland) 2011, Section 4.