



# Welfare of Animals Act (Northern Ireland) 1972

## 1972 CHAPTER 7

### PART I

#### WELFARE OF LIVESTOCK ON AGRICULTURAL LAND

##### **1 Prevention of unnecessary pain and distress for livestock.**

- (1) Subject to subsection (2), any person who causes unnecessary pain or unnecessary distress to any livestock for the time being situated on agricultural land and under his control or permits any such livestock to suffer any such pain or distress of which he knows or may reasonably be expected to know shall be guilty of an offence.
- (2) Subsection (1) shall not apply to any act lawfully done under<sup>[F1]</sup> the Animals (Scientific Procedures) Act 1986] or to any act done by or under the direction of any person in accordance with the terms of a licence granted by the Ministry for the purpose of enabling that person to undertake scientific research.

F1 [1986 c.14](#)

##### **2 Regulations with respect to the welfare of livestock.**

- (1) The Ministry may, after consultation with such persons appearing to it to represent any interests concerned as the Ministry considers appropriate, by regulations make such provision with respect to the welfare of livestock for the time being situated on agricultural land as it thinks fit; and without prejudice to the generality of the foregoing provisions of this section the regulations may in particular include provision—
  - (a) with respect to the dimensions and layout of accommodation for livestock, the materials to be used in constructing any such accommodation and the facilities by way of lighting, heating, cooling, ventilation, drainage, water supply and otherwise to be provided in connection with any accommodation;

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- (b) for ensuring the provision of balanced diets for livestock and for prohibiting or regulating the use of any substance as food for livestock and the sale and supply of any substance intended for use as food for livestock;
- (c) for prohibiting the bleeding of livestock and the mutilation of livestock in any manner specified in the regulations, and for prohibiting or regulating the use of any method of marking or restraining livestock or interfering with the capacity of livestock to smell, see, hear, emit sound or exercise any other faculty;
- [<sup>F2</sup>(ca) for prohibiting or regulating the movement of livestock;
- (cb) for requiring such information as may be prescribed to be made available to persons concerned with livestock by such persons as may be prescribed;
- (cc) for ensuring that persons concerned with livestock are aware of any codes under section 3;]
- (d) that a person who contravenes specified provisions of the regulations shall be guilty of an offence under this section.

(2) Regulations made under this section shall be subject to negative resolution.

**F2** [1994 NI 6](#)

**3 Codes of recommendations for the welfare of livestock.**

The Ministry may from time to time, after consultation with such persons appearing to it to represent any interests concerned as the Ministry considers appropriate,—

- (a) prepare codes containing such recommendations with respect to the welfare of livestock for the time being situated on agricultural land as it considers proper for the guidance of persons concerned with livestock; and
- (b) revise any such code by revoking, varying, amending or adding to the provisions of the code in such manner as the Ministry thinks fit.

**4 Expenditure on free advice on the welfare of livestock.**

<sup>F3</sup> .....

**F3** [S. 4](#) repealed (11.7.2011) by [Welfare of Animals Act \(Northern Ireland\) 2011 \(c. 16\)](#), ss. 57(2), 59, [Sch. 5](#) (with ss. 1(2), 52(1), 53, 54); S.R. 2011/245, [arts. 2, 3](#), [Sch. 1](#), [Sch. 2](#)

**5 Powers of entry and inspection.**

- (1) An authorised officer may, on production of his authority if so required, at any reasonable time enter upon any land, other than premises used wholly or mainly as a dwelling, for the purpose of ascertaining whether an offence under this Part has been committed on the land.
- (2) An authorised officer may take for analysis a sample of any substance which he finds on the land and which appears to him to be intended for use as food for livestock; and the provisions of subsections (2) to (7) of section 6 of the Agriculture (Poisonous Substances) Act (Northern Ireland) 1954 (which relate to the dividing up, analysis and evidence of analysis of certain samples) shall have effect in relation to a sample taken under this section as they have effect in relation to a sample taken under the said section 6 but as if for references to that Act, an inspector and such an employer

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as is mentioned in the said section 6 there were substituted respectively references to this Part, the officer taking the sample and a person appearing to that officer to have custody of the substance in question.

- (3) An authorised officer may examine any livestock which he finds on the land and apply to and take from the livestock such tests and samples as he considers appropriate; and an officer by whom a sample is taken from livestock in pursuance of this subsection shall, if before the sample is taken he is requested to do so by any person appearing to him to have custody of the livestock, deliver a part of the sample or a similar sample to the person who made the request.
- (4) Where an authorised officer requests any person present on the land, being the occupier or a servant of the occupier of the land or a person having the custody of any livestock present on the land,—
  - (a) to indicate to the officer the places on the land used for the accommodation of livestock or for the storage or treatment of any substance intended for use as food for livestock; or
  - (b) to give such assistance to the officer as is reasonable in the circumstances,it shall be the duty of the person to whom the request is addressed to comply with the request so far as he is able to do so.
- (5) A person who fails to perform his duty under subsection (4) or otherwise wilfully obstructs or delays an authorised officer in the exercise of his functions under this section shall be guilty of an offence.

## 6 Penalties.

- (1) A person guilty of an offence under section 1 or section 2 shall be liable on summary conviction to imprisonment for a term not exceeding three months or to a fine not exceeding<sup>F4</sup> level 4 on the standard scale] or to both<sup>F4</sup> . . . .
- (2) A person guilty of an offence under section 5 shall be liable on summary conviction to a fine not exceeding<sup>F4</sup> level 3 on the standard scale].

**F4** 1984 NI 3

## 7 Interpretation of Part I.

In this Part—

“agricultural land” means land used for agriculture (within the meaning of the Agriculture Act (Northern Ireland) 1949 ) or for the breeding<sup>F5</sup>, keeping or selling of livestock within the meaning of this Act, being land which is so used for the purposes of a trade or business; and

“livestock” means any creature kept for the production of food, wool, skin or fur or for use in the farming of land or for such purpose as the Ministry may by order, subject to negative resolution, specify.

<sup>F6</sup>“selling” includes exposing for sale and accommodating before or after selling]]

**F5** 1994 NI 6

**F6** 1994 NI 6

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## PART II

### CONTROL OF PETSHOPS, ANIMAL BOARDING, RIDING AND ZOOLOGICAL ESTABLISHMENTS

#### 8 **Licensing of petshops, animal boarding, riding and zoological establishments.**

- (1) A person shall not keep a petshop or an animal boarding, riding or zoological establishment except under the authority of a licence granted by the Ministry.
- (2) In determining whether to grant a licence for the keeping of a petshop or any such establishment as aforesaid by any person at any premises, the Ministry shall, for the purpose of securing the safety, health and welfare of the animals, in particular (but without prejudice to their discretion to withhold a licence on other grounds) have regard to the following matters—
  - (a) the qualifications and experience of the applicant and of the staff, if any, employed;
  - (b) the system of management;
  - (c) the suitability of the accommodation, taking account of the number of animals and the purpose for which it is required, and the arrangements for the adequate exercise, protection and welfare of the animals;
  - (d) the requirements of any regulations made under section 11.
- (3) The fee for a licence under this section shall be of such amount as the Ministry with the approval of the Ministry of Finance may by order, subject to affirmative resolution, prescribe.
- (4) A licence under this section may contain such conditions as the Ministry thinks appropriate for the purpose of securing the safety, health and welfare of the animals.
- [<sup>F7</sup>(4A) Subject to subsection (5), a licence granted under this section after the date on which the Agriculture (Miscellaneous Provisions) (Northern Ireland) Order 1984 came into operation shall remain in force for a period of one year from the date on which it is granted.]
- (5) A licence under this section may be revoked by the Ministry if the licence-holder is convicted of any offence for which a penalty is provided under this Act or fails to comply with the provisions of any regulations made under section 11.
- (6) Any person aggrieved by the refusal of the Ministry to grant a licence under this section, or by any condition subject to which the licence is, or is proposed to be, granted, or by the revocation of the licence, may appeal to a court of summary jurisdiction.

**F7** [1984 NI 2](#)

#### 9 **Powers of entry and inspection.**

An authorised officer may, on production of his authority if so required, enter at any reasonable time any premises in respect of which a licence has been applied for or granted or any premises which he has reason to believe are used as a petshop or animal boarding, riding or zoological establishment, and may inspect the premises, and any animals or any thing found therein.

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## 10 Offences and penalties.

- (1) Any person who—
- (a) keeps an unlicensed petshop, animal boarding, riding or zoological establishment; or
  - (b) being licensed, fails, after reasonable warning, to comply with any condition contained in his licence; or
  - (c) gives information which he knows to be false in a material particular to an authorised officer acting in the exercise of his functions under this Part; or
  - (d) wilfully obstructs or delays an authorised officer in the exercise of his functions under this Part;
- shall be guilty of an offence.

[<sup>F8</sup>(1A) Any person who carries on a business of selling animals as pets in a street or public place, or from a vehicle, stall or barrow, shall be guilty of an offence.]

[<sup>F8</sup>(2) Any person guilty of an offence under subsection (1)(a), (b) or (c) or subsection (1A) shall be liable on summary conviction to imprisonment for a term not exceeding three months or to a fine not exceeding level 4 on the standard scale or to both, and any person guilty of an offence under subsection (1)(d) shall be liable on summary conviction to a fine not exceeding level 2 on the standard scale.]

F8 1994 NI 6

## 11 Regulations with respect to the safety, etc., of animals.

- (1) The Ministry may by regulations make provision for the safety, health and welfare of animals in any petshop or animal boarding, riding or zoological establishment.
- (2) Regulations made under this section shall be subject to negative resolution.

## 11A Livery establishments and other premises where horses are kept.

<sup>F9</sup> .....

F9 S. 11A repealed (11.7.2011) by Welfare of Animals Act (Northern Ireland) 2011 (c. 16), ss. 57(2), 59, Sch. 5 (with ss. 1(2), 52(1), 53, 54); S.R. 2011/245, arts. 2, 3, Sch. 1, Sch. 2

## 12 Interpretation of Part II.

- (1) In this Part—
- “animal”, in relation to a petshop or zoological establishment, includes any description of vertebrate; in relation to an animal boarding establishment, means any cat or dog; and in relation to a riding establishment, means a horse; [<sup>F10</sup> and “wild animal” means an animal not normally domesticated in Northern Ireland;]
- “animal boarding establishment” means any premises at which the business of providing accommodation for other people's cats or dogs in return for payment is carried on, other than accommodation so provided in connection with a business of which the provision of such accommodation is not the main activity;
- [<sup>F10</sup>“livery establishment” means any premises where horses are kept in return for payment, being premises which are not a riding establishment;]

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[<sup>F11</sup>“petshop” means any premises,<sup>F10</sup> . . . where animals are kept primarily for the purpose of sale as pets but does not include any premises where only pedigree animals (that is to say, animals which by their breeding are eligible for registration with a recognised club or society) are bred and sold,]

“riding establishment” means any premises where horses are kept for the purpose of their being let out on hire for riding or their being used in providing, in return for payment, instruction in riding;

“zoological establishment” means any premises where [<sup>F10</sup> wild] animals are permanently kept primarily for the purpose of exhibition to the public.

- (2) For the purposes of this Part a riding establishment shall be deemed to be kept at the premises where the horses employed for the purposes of the business concerned are kept.

**F10** 1994 NI 6

**F11** 1984 NI 2

### PART III

#### PROTECTION OF ANIMALS

#### 13 Acts of cruelty.

Subject to section 15, any person who—

- (a) cruelly beats, kicks, ill-treats, over-rides, over-drives, over-loads, tortures, infuriates or terrifies any animal; or
- (b) conveys or carries any animal in such manner as to cause that animal any unnecessary suffering; or
- (c) wilfully, without reasonable cause or excuse, administers to or causes to be taken by any animal any poisonous or noxious substance; or
- (d) uses rubber bands or any other form of constriction for the purpose of dehorning any animal; or
- (e) without reasonable cause or excuse, abandons, whether permanently or not, any animal of which he is the owner or has charge or control, in circumstances likely to cause the animal any unnecessary suffering; or
- (f) exposes for sale any animal bearing unhealed wounds from castration or other operation; or
- (g) causes, procures or, being the owner, permits any of the acts of cruelty specified in paragraphs (a) to (f) or causes or procures or, being the owner, permits the causing of any unnecessary suffering to any animal;

shall be guilty of an offence of cruelty within the meaning of this Part.

#### 14 Offences in relation to operations.

(1) Subject to section 15, any person who—

- (a) subjects any animal other than a fish, bird or reptile to any operation, with or without the use of instruments, which involves interference with the sensitive tissues or bone structure of the animal, other than an operation specified in

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- Schedule 1, without the use of an anaesthetic so administered as to prevent any pain during the operation; or
- (b) subjects any animal to any operation which is performed without due care and humanity; or
  - (c) causes, procures or, being the owner, permits the performance of any operation in contravention of paragraph ( a ) or ( b ); or
  - (d) not being a veterinary surgeon, carries out the spaying of any female animal; shall be guilty of an offence of cruelty within the meaning of this Part.
- (2) Section 19 of and Schedule 3 to the Veterinary Surgeons Act 1966 shall have effect subject to subsection (1)( d ).
- (3) The Ministry may by order, subject to affirmative resolution, amend any of the provisions of Schedule 1.

## 15 Exceptions to sections 13 and 14.

Nothing in section 13 or 14 shall—

- (a) render illegal any act lawfully done under<sup>F12</sup> the Animals (Scientific Procedures) Act 1986]; or
- (b) apply to any act done in the course of, or in the preparation for, the destruction of any animal as food for human consumption unless unnecessary suffering is caused to the animal; or
- (c) apply to the coursing or hunting of any animal, other than a domestic animal, which is released for that purpose and which is not under control unless—
  - (i) the animal is released in an injured, mutilated or exhausted condition; or
  - (ii) the animal is coursed or hunted in an enclosed space from which it has no reasonable chance of escape; or
- (d) apply to any act done in the course of the hunting, pursuit, coursing, capture, destruction or attempted destruction of any wild animal unless unnecessary suffering is caused to the animal.

F12 1986 c.14

## 16 Powers of veterinary inspectors.

F13 .....

F13 S. 16 repealed (11.7.2011) by Welfare of Animals Act (Northern Ireland) 2011 (c. 16), ss. 57(2), 59, Sch. 5 (with ss. 1(2), 52(1), 53, 54); S.R. 2011/245, arts. 2, 3, Sch. 1, Sch. 2

## 17 Export of horses.

F14 .....

F14 S. 17 repealed (11.7.2011) by Welfare of Animals Act (Northern Ireland) 2011 (c. 16), ss. 57(2), 59, Sch. 5 (with ss. 1(2), 52(1), 53, 54); S.R. 2011/245, arts. 2, 3, Sch. 1, Sch. 2



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**18 Docking and nicking of horses.**

- (1) Subject to subsection (2), the docking or nicking of horses is prohibited.
- (2) Where any veterinary surgeon, after examining a horse certifies in writing that in his opinion the docking or nicking of the horse is necessary for the health of the horse because of disease or injury to the tail, the operation may be performed.
- (3) Subject to subsection (4), any person who—
  - (a) performs, causes or procures or, being the owner, permits the docking or nicking of a horse otherwise than in accordance with subsection (2); or
  - (b) has in his possession or under his control any docked or nicked horse and is unable to prove that the docking or nicking was performed in accordance with subsection (2);
 shall be guilty of an offence of cruelty within the meaning of this Part.
- (4) A person shall not be liable to be punished more than once in respect of the docking or, as the case may be, of the nicking of any particular horse.
- (5) In this section—
  - “docking” means the deliberate removal of any bone or any part of a bone from the tail of a horse;
  - “nicking” means the deliberate severing of any tendon or muscle in the tail of a horse.

**19 Offences in relation to the fighting, baiting or exhibition of animals.**

F15 .....

**F15** S. 19 repealed (11.7.2011) by Welfare of Animals Act (Northern Ireland) 2011 (c. 16), ss. 57(2), 59, Sch. 5 (with ss. 1(2), 52(1), 53, 54); S.R. 2011/245, arts. 2, 3, Sch. 1, Sch. 2

**20 Offences of animal failing to exercise reasonable care and supervision.**

F16 .....

**F16** S. 20 repealed (11.7.2011) by Welfare of Animals Act (Northern Ireland) 2011 (c. 16), ss. 57(2), 59, Sch. 5 (with ss. 1(2), 52(1), 53, 54); S.R. 2011/245, arts. 2, 3, Sch. 1, Sch. 2

**F17 21 Traps and snares.**

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**F17** S. 21 repealed (12.3.2012) by Wildlife and Natural Environment Act (Northern Ireland) 2011 (c. 15), s. 40(1), Sch. 3 Pt. 1; S.R. 2012/21, art. 2(2)(b)

**22 Poisonous substances.**

F18 .....



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**F18** S. 22 repealed (11.7.2011) by Welfare of Animals Act (Northern Ireland) 2011 (c. 16), ss. 57(2), 59, Sch. 5 (with ss. 1(2), 52(1), 53, 54); S.R. 2011/245, arts. 2, 3, Sch. 1, Sch. 2

## 23 Injured animals.

**F19** .....

**F19** S. 23 repealed (11.7.2011) by Welfare of Animals Act (Northern Ireland) 2011 (c. 16), ss. 57(2), 59, Sch. 5 (with ss. 1(2), 52(1), 53, 54); S.R. 2011/245, arts. 2, 3, Sch. 1, Sch. 2

## 24 Power of entry.

**F20** .....

**F20** S. 24 repealed (11.7.2011) by Welfare of Animals Act (Northern Ireland) 2011 (c. 16), ss. 57(2), 59, Sch. 5 (with ss. 1(2), 52(1), 53, 54); S.R. 2011/245, arts. 2, 3, Sch. 1, Sch. 2

## 25 Penalties.

- (1) Subject to subsection (2), any person guilty of an offence of cruelty within the meaning of this Part shall be liable on summary conviction<sup>F21</sup> to imprisonment for a term not exceeding three months or to a fine not exceeding level 5 on the standard scale or to both.]
- (2) Where the owner of an animal is convicted of permitting cruelty within the meaning of this Part by reason only of his having failed to exercise reasonable care and supervision, he shall not be liable to imprisonment without the option of a fine.

**F21** 1994 NI 6

## 26 Power of the court to order destruction of an animal.

- (1) Subject to subsection (2), where the owner of an animal is convicted of an offence of cruelty within the meaning of this Part, the court may, where it is satisfied that it would be cruel to keep the animal alive, order it to be destroyed as humanely as possible.
- (2) The court shall not make an order under subsection (1) unless the owner of the animal consents or a veterinary surgeon certifies that it would be cruel to keep the animal alive.
- (3) Any expenses reasonably incurred in destroying an animal under this section may be recovered from the owner summarily as a civil debt.

## 27 Power to disqualify persons convicted of cruelty to animals.

- (1) Where a person is convicted of an offence of cruelty within the meaning of this Part, the court in addition to any other punishment may, in the case of a first offence, and shall in the case of a second or subsequent offence, order that person to be disqualified

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for such a period as it thinks fit for having custody of any animal or any animal of a kind specified in the order.

- (2) Where the court has made an order under subsection (1) it may suspend the operation of the order—
- (a) for such period as it thinks necessary for enabling arrangements to be made for the custody of any animal to which the disqualification relates; or
  - (b) pending an appeal.
- (3) Subject to subsection (4), any person disqualified by virtue of an order under this section may at any time after the expiration of twelve months from the date of the order apply to the court by which the order was made to remove the disqualification, and on any such application the court may, having regard to the character of the applicant, his conduct subsequent to the order, the nature of the offence of which he was convicted and any other circumstances of the case either—
- (a) direct that, as from such date as may be specified in the direction, the disqualification be removed or the order be varied so as to apply only to animals of a kind specified in the direction; or
  - (b) refuse the application.
- (4) Where the court directs the variation of an order or refuses the application, a further application may not be made until the expiration of twelve months from the date of the direction or, as the case may be, the refusal.
- (5) Any person who has custody of an animal in contravention of an order made under this section shall be guilty of an offence and shall be liable on summary conviction to imprisonment for a term not exceeding three months or to a fine not exceeding<sup>[F22]</sup> level 3 on the standard scale] or to both.

F22 1984 NI 3

## 28 Cost of caring for neglected animals.

Where a person is convicted of an offence of cruelty within the meaning of this Part by reason of his neglecting to supply an animal with food or water thereby causing it unnecessary suffering the court may, in addition to any other punishment, order him to pay to any other person any expenses reasonably incurred by that other person in caring for the animal.

## PART IV

### MISCELLANEOUS

## 29 Interpretation.

- (1) In this Act—
- “animal” includes bird, fish and reptile;
  - “authorised officer” means an officer of the Ministry generally or specially authorised in writing by the Ministry for the purposes of this Act;
  - “domestic animal” means any animal which is tame or which has been or is being tamed;

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“horse” means any member of the equine species;  
“Minister” means the Minister of Agriculture;  
“Ministry” means the Ministry of Agriculture;  
“police officer” means a member of the Royal Ulster Constabulary or of any Harbour Police;  
“premises” includes land;  
“statutory provision” has the meaning assigned to it by section 1( f) of the Interpretation Act (Northern Ireland) 1954 ;  
“veterinary surgeon” has the meaning assigned to it by the Veterinary Surgeons Act 1966 , and includes a veterinary practitioner within the meaning of that Act.

- (2) A reference in this Act to any animal shall include a reference to the male, female and young of that animal.

### **30 Financial provision.**

Any expenses incurred by the Ministry under section 4, and any other expenses incurred by the Ministry or a police officer under this Act and not recovered in accordance with the provisions of this Act may be defrayed out of money provided by Parliament.

### **31 Repeals, short title and commencement.**

*Subs.(1), with Schedule 2, effects repeals*

- (2) This Act may be cited as the Welfare of Animals Act (Northern Ireland) 1972.  
(3) *Commencement*

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