



# Welfare of Animals Act (Northern Ireland) 1972

## 1972 CHAPTER 7

### 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—

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- (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 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>[F1]</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.

**F1** [1986 c.14](#)

**16 Powers of veterinary inspectors.**

<sup>F2</sup> .....

**F2** [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.**

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

*Status: Point in time view as at 11/07/2011.*

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**F3** 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

## **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.**

**F4** .....

**F4** 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.**

**F5** .....

**F5** 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

## **21 Traps and snares.**

- (1) Subject to subsections (3) and (4), any person who—
  - (a) for the purpose of killing or taking animals, uses or permits the use of any spring trap other than an approved trap or uses or permits the use of an approved trap in circumstances or for animals for which it is not approved; or

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- (b) sells, or exposes or offers for sale, any spring trap other than an approved trap with a view to its being used for a purpose which is unlawful under paragraph (a); or
- (c) has in his possession any spring trap for a purpose which is unlawful under this subsection; or
- (d) fails to inspect or cause some competent person to inspect at reasonable intervals of time, and at least once every day between sunrise and sunset, any trap or snare which he has set or caused or procured to be set for the purpose of killing or taking animals;

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

- (2) In subsection (1) any reference to an approved trap means a trap of a type and make for the time being specified by an order of the Ministry, either generally or subject to conditions as to the circumstances in which or the animals for which it may be used, and any reference to the circumstances or animals for which a trap is approved shall be construed accordingly.
- (3) Subsection (1)(a) shall not render unlawful the experimental use of a spring trap under and in accordance with a licence or authority granted by the Ministry to enable a trap to be developed or tested with a view to its being approved under subsection (2).
- (4) Subsection (1) shall not apply to traps of any description specified by order of the Ministry as being adapted solely for the destruction of rats, mice or other small ground vermin.

**22 Poisonous substances.**

F6 .....

**F6** 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.**

F7 .....

**F7** 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.**

F8 .....

**F8** 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>F9</sup> to imprisonment for a term not

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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.

**F9** 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 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

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to imprisonment for a term not exceeding three months or to a fine not exceeding<sup>[F10]</sup> level 3 on the standard scale] or to both.

<b>F10</b> <a href="#">1984 NI 3</a>
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## **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.

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