



## 2011 CHAPTER 16

### **PART 4**

#### **ENFORCEMENT**

##### *Enforcement powers*

##### **Seizure of animals involved in fighting offences**

**21.—**(1) A constable may seize an animal if it appears to the constable that it is one in relation to which an offence under section 8(1) or (2) has been committed.

(2) A constable may enter and search premises for the purpose of exercising the power under subsection (1) if the constable reasonably believes—

- (a) that there is an animal on the premises, and
- (b) that the animal is one in relation to which the power under subsection (1) is exercisable.

(3) Subsection (2) does not authorise entry to any part of premises which is used as a private dwelling.

(4) Subject to subsection (5), a lay magistrate may, on the application of a constable, issue a warrant authorising a constable to enter and search premises, if necessary using reasonable force, for the purpose of exercising the power under subsection (1).

(5) The power to issue a warrant under subsection (4) is exercisable only if the lay magistrate is satisfied by complaint on oath—

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- (a) that there are reasonable grounds for believing that there is on the premises an animal in relation to which an offence under section 8(1) or (2) has been committed, and
- (b) that section 46 is satisfied in relation to the premises.

(6) In this section, references to an animal in relation to which an offence under section 8(1) or (2) has been committed include an animal which took part in an animal fight in relation to which such an offence was committed.

### **Entry and search under warrant in connection with offences**

**22.**—(1) Subject to subsection (2), a lay magistrate may, on the application of an inspector or constable, issue a warrant authorising an inspector or a constable to enter premises, if necessary using reasonable force, in order to search for evidence of the commission of a relevant offence.

(2) The power to issue a warrant under subsection (1) is exercisable only if the lay magistrate is satisfied by complaint on oath—

- (a) that there are reasonable grounds for believing—
  - (i) that a relevant offence has been committed on the premises, or
  - (ii) that evidence of the commission of a relevant offence is to be found on the premises, and
- (b) that section 46 is satisfied in relation to the premises.

(3) In this section, “relevant offence” means an offence under any of sections 4 to 10, 12(6), 14 and 33(9).

#### **Modifications etc. (not altering text)**

- C1 [S. 22](#) modified (1.4.2013) by [The Welfare of Animals \(Dog Breeding Establishments and Miscellaneous Amendments\) Regulations \(Northern Ireland\) 2013 \(S.R. 2013/43\)](#), regs. 1, 15

### **Inspection of records required to be kept by holder of licence**

**23.**—(1) An inspector may require the holder of a licence to produce for inspection any records which the holder is required to keep by a condition of the licence.

(2) Where records which a person is so required to keep are stored in electronic form, the power under subsection (1) includes power to require the records to be made available for inspection—

- (a) in a visible and legible form; or
- (b) in a form from which they can readily be produced in a visible and legible form.

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(3) An inspector may inspect and take copies of any records produced for inspection in pursuance of a requirement under this section.

#### **Inspection in connection with licences**

**24.—**(1) An inspector may carry out an inspection in order to check compliance with—

- (a) the conditions subject to which a licence is granted;
- (b) provision made by or under this Act which is relevant to the carrying on of an activity to which a licence relates.

(2) An inspector may, for the purpose of carrying out an inspection under subsection (1), enter—

- (a) premises specified in a licence as premises on which the carrying on of an activity is authorised;
- (b) premises on which the inspector reasonably believes an activity to which a licence relates is being carried on.

(3) Subsection (2) does not authorise entry to any part of premises which is used as a private dwelling unless 24 hours' notice of the intended entry is given to the occupier.

#### **Inspection in connection with registration**

**25.—**(1) An inspector may carry out an inspection in order to check compliance with any provision made by or under this Act which is relevant to the carrying on of an activity to which a registration for the purposes of section 12 relates.

(2) An inspector may, for the purpose of carrying out an inspection under subsection (1), enter premises on which the inspector reasonably believes a person registered for the purposes of section 12 is carrying on an activity to which the registration relates.

(3) Subsection (2) does not authorise entry to any part of premises which is used as a private dwelling unless 24 hours' notice of the intended entry is given to the occupier.

#### **Inspection of premises to check compliance with regulations made under section 13**

**26.—**(1) An inspector may carry out an inspection in order to—

- (a) check compliance with regulations under section 13;
- (b) ascertain whether any offence under regulations made under that section has been or is being committed.

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(2) An inspector may enter premises which the inspector reasonably believes to be premises on which animals of a kind specified in regulations made under section 13 are kept in order to carry out an inspection under subsection (1).

(3) Subsection (2) does not authorise entry to any part of premises which is used as a private dwelling.

(4) Subject to subsection (5), a lay magistrate may, on the application of an inspector, issue a warrant authorising an inspector to enter premises, if necessary using reasonable force, in order to carry out an inspection under subsection (1).

(5) The power to issue a warrant under subsection (4) is exercisable only if the lay magistrate is satisfied by complaint on oath—

- (a) that it is reasonable to carry out an inspection on the premises, and
- (b) that section 46 is satisfied in relation to the premises.

### **Inspection of farm premises**

**27.—**(1) An inspector may carry out an inspection in order to—

- (a) check compliance with regulations under section 11 which relate to animals bred or kept for farming purposes;
- (b) ascertain whether any offence under or by virtue of this Act has been or is being committed in relation to such animals.

(2) An inspector may enter premises which the inspector reasonably believes to be premises on which animals are bred or kept for farming purposes in order to carry out an inspection under subsection (1).

(3) Subsection (2) does not authorise entry to any part of premises which is used as a private dwelling.

(4) Subject to subsection (5), a lay magistrate may, on the application of an inspector, issue a warrant authorising an inspector to enter premises, if necessary using reasonable force, in order to carry out an inspection under subsection (1).

(5) The power to issue a warrant under subsection (4) is exercisable only if the lay magistrate is satisfied by complaint on oath—

- (a) that it is reasonable to carry out an inspection on the premises, and
- (b) that section 46 is satisfied in relation to the premises.

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#### **Commencement Information**

**II** S. 27 in operation at 2.4.2012 by S.R. 2012/154, art. 2(a), Sch. 1

### **Inspection relating to [<sup>F1</sup>[<sup>F2</sup>assimilated] law or Protocol] obligations**

**28.—**(1) An inspector may carry out an inspection in order to check compliance with [<sup>F3</sup>—

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- (a) any regulations under section 11 which are [<sup>F2</sup>assimilated] law;
- (b) any relevant Protocol obligation; or
- (c) any regulations under section 11 which implement a relevant Protocol obligation.]

(2) An inspector may enter any premises in order to carry out an inspection under subsection (1).

(3) Subsection (2) does not authorise entry to any part of premises which is used as a private dwelling.

[<sup>F4</sup>(4) In this section—

“relevant Protocol obligation” means any obligation created or arising by or under the relevant part of the Northern Ireland Protocol, whether or not an obligation to which section 7A(2) of the European Union (Withdrawal) Act 2018 applies;

“the relevant part of the Northern Ireland Protocol” means article 5(4) of the Northern Ireland Protocol so far as relating to section 40 of Annex 2 to that Protocol;

“the Northern Ireland Protocol” means the Protocol on Ireland/Northern Ireland in the EU withdrawal agreement.]

#### Textual Amendments

- F1** Words in s. 28 heading substituted (31.12.2020) by [The Plant Health and Diseases of Animals \(Amendment\) \(EU Exit\) Regulations \(Northern Ireland\) 2020 \(S.R. 2020/327\)](#), regs. 1(3), **4(2)**
- F2** Word in s. 28 and heading substituted (1.1.2024) by [The Retained EU Law \(Revocation and Reform\) Act 2023 \(Consequential Amendment\) Regulations 2023 \(S.I. 2023/1424\)](#), reg. 1(2), **Sch. para. 74**
- F3** S. 28(1)(a)-(c) substituted for words (31.12.2020) by [The Plant Health and Diseases of Animals \(Amendment\) \(EU Exit\) Regulations \(Northern Ireland\) 2020 \(S.R. 2020/327\)](#), regs. 1(3), **4(3)**
- F4** S. 28(4) inserted (31.12.2020) by [The Plant Health and Diseases of Animals \(Amendment\) \(EU Exit\) Regulations \(Northern Ireland\) 2020 \(S.R. 2020/327\)](#), regs. 1(3), **4(4)**

**Changes to legislation:**

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