2011 CHAPTER 16

PART 5

GENERAL

Inspectors

45.—(1) In this Act, "inspector", in the context of any provision, means—

(a) in so far as that provision relates to farmed animals, a person appointed to be an inspector for the purposes of that provision by the Department;

(b) in so far as that provision relates to other animals, a person appointed to be an inspector for the purposes of that provision by a council.

(2) In subsection (1), "farmed animal" means any animal bred or kept for the production of food, wool or skin or for other farming purposes.

(3) The Department may by regulations amend the definition of "farmed animal" in subsection (2).

(4) Before making regulations under subsection (3), the Department must consult such persons appearing to the Department to represent relevant interests as the Department considers appropriate.

(5) In appointing a person to be an inspector for the purposes of this Act, a council must have regard to guidance issued by the Department.

(6) The Department may, in connection with guidance under subsection (5), draw up a list of persons whom the Department considers suitable for appointment by a council to be an inspector for the purposes of this Act.

(7) A person may be included in a list under subsection (6) as suitable for appointment as an inspector for all the purposes of this Act or only for such one or more of those purposes as may be specified in the list.

(8) Each council must furnish to the Department, at such times and in such manner as the Department may direct—

(a) such information relating to the exercise of the council's functions under this section; and

(b) such information relating to the exercise of functions by inspectors appointed by the council for the purposes of this Act,

as the Department may require.

(9) An inspector shall not be liable in any civil or criminal proceedings for anything done in the purported performance of the inspector's functions under this Act if the court is satisfied that the act was done in good faith and that there were reasonable grounds for doing it.

(10) Relief from liability of an inspector under subsection (9) shall not affect any liability of any other person in respect of the inspector's act.

Commencement Information

I1 S. 45 in operation at 2.4.2012 by S.R. 2012/154, art. 2(a), **Sch. 1**

Conditions for grant of warrant

46.—(1) This section is satisfied in relation to premises if any of the following four conditions is met.

(2) The first condition is that the whole of the premises is used as a private dwelling and the occupier has been informed of the decision to apply for a warrant.

(3) The second condition is that any part of the premises is not used as a private dwelling and that each of the following applies to the occupier of the premises—

(a) the occupier has been informed of the decision to seek entry to the premises and of the reasons for that decision;

(b) the occupier has failed to allow entry to the premises on being requested to do so by an inspector or a constable;

(c) the occupier has been informed of the decision to apply for a warrant.

(4) The third condition is that—

(a) the premises are unoccupied or the occupier is absent, and

(b) notice of intention to apply for a warrant has been left in a conspicuous place on the premises.

(5) The fourth condition is that it is inappropriate to inform the occupier of the decision to apply for a warrant because—

(a) it would defeat the object of entering the premises, or

(b) entry is required as a matter of urgency.

Powers of entry, inspection and search: supplementary

47 Schedule 3 (which makes supplementary provision in relation to powers of entry, inspection and search) has effect.

Power to stop and detain vehicles

48.—(1) A constable in uniform or, if accompanied by such a constable, an inspector may stop and detain a vehicle for the purpose of entering and searching it in the exercise of a power conferred—

(a) by section 18(1), or

(b) by a warrant under section 18(4) or 22(1).

(2) A constable in uniform may stop and detain a vehicle for the purpose of entering and searching it in the exercise of a power conferred—

(a) by section 21(2), or

(b) by a warrant under section 21(4).

(3) If accompanied by a constable in uniform, an inspector may stop and detain a vehicle for the purpose of entering it and carrying out an inspection in the exercise of a power conferred—

(a) by section 24(2), 25(2), 26(2), 27(2) or 28(2), or

(b) by a warrant under section 26(4) or 27(4).

(4) A vehicle may be detained for as long as is reasonably required to permit a search or inspection to be carried out (including the exercise of any related power under this Act) either at the place where the vehicle was first detained or nearby.

Power to detain vessels, etc.

49.—(1) Where an inspector appointed by the Department certifies in writing that the inspector is satisfied that an offence under or by virtue of this Act is being or has been committed on board a vessel in port, the vessel may be detained.

(2) A certificate under subsection (1) must—

(a) specify each offence to which it relates, and

(b) set out the inspector's reasons for being satisfied that each offence to which it relates is being or has been committed.

(3) An inspector who detains a vessel in reliance on a certificate under subsection (1) must as soon as is reasonably practicable give a copy of it to the master or person in charge of the vessel.

(4) A vessel may be detained under subsection (1) until the Department otherwise directs.

(5) The Department may by regulations—

(a) apply this section to aircraft or hovercraft, with such modifications as the Department thinks fit, or

(b) make such other provision for the detention of aircraft or hovercraft in relation to offences under or by virtue of this Act as the Department thinks fit.

Obtaining of documents in connection with carrying out orders, etc.

50.—(1) Where—

(a) an order under section 19(1), 32(1) or (2), 34(1) or (2) or 36(1) has effect, and

(b) documents which are relevant to the carrying out of the order or any directions given in connection with it are in the possession of, or under the control of, the owner of an animal to which the order relates,

the owner must, if so required by a person authorised to carry out the order, deliver the documents to that person as soon as practicable and in any event before the end of the period of 10 days beginning with the date on which the owner is notified of the requirement.

(2) Where—

(a) directions under section 40(3)(b) have effect, and

(b) documents which are relevant to the carrying out of the directions are in the possession of, or under the control of, the owner of an animal to which the directions relate,

the owner must, if so required by a person authorised to carry out the directions, deliver the documents to that person as soon as practicable and in any event before the end of the period of 10 days beginning with the date on which the owner is notified of the requirement.

(3) A person who fails without reasonable excuse to comply with subsection (1) or (2) commits an offence.

Offences by bodies corporate

51 For the purposes of this Act, section 20(2) of the Interpretation Act (Northern Ireland) 1954 (c. 33) applies with the omission of the words “the liability of whose members is limited” and where the affairs of a body corporate are managed by its members, applies in relation to the acts or defaults of a member in connection with that member's functions of management as if that member were a director of the body corporate.

[[F1]Service animals

51A.—(1) Subsections (2) and (3) apply when it is being determined in connection with section 4(1) whether suffering is unnecessary in a case where the suffering was caused by conduct for the purpose mentioned in section 4(3)(c)(ii).

(2) The fact that the conduct was for the purpose mentioned in section 4(3)(c)(ii) is to be disregarded if—

(a) the animal was—

(i) under the control of a relevant officer at the time of the conduct, and

(ii) being used by the officer at the time of the conduct, in the course of the officer's duties, in a way that was reasonable in all the circumstances, and

(b) the conduct was that of someone other than the officer.

(3) A relevant officer is—

(a) a constable (but see subsection (4)),

(b) a person (other than a constable)—

(i) employed for the purposes of the police, or

(ii) engaged to provide services for the purposes of the police, or

(c) a prisoner custody officer as defined in Chapter 3 of Part 8 of the Criminal Justice and Public Order Act 1994.

(4) A reference in this section to a constable excludes a member of the Naval, Military or Royal Air Force Police.

(5) The Department of Agriculture, Environment and Rural Affairs may by regulations amend this section so as to alter the meaning of a relevant officer in this section.

(6) Only a person in the public service of the Crown may be included within the meaning of a relevant officer in this section by virtue of regulations under this section.**]**

Textual Amendments

F1 S. 51A inserted (31.3.2022) by Animal Welfare (Service Animals) Act (Northern Ireland) 2022 (c. 9), **ss. 1**, 2(1)

Scientific research

52.—(1) Nothing in this Act applies to anything lawfully done under the Animals (Scientific Procedures) Act 1986 (c. 14).

(2) No power of entry, inspection or search conferred by or under this Act, except for any such power conferred by section 27, may be exercised in relation to a place **[**[F2]which is specified in a licence granted under section 2C of the Animals (Scientific Procedures) Act 1986 (licensing of undertakings involving the use of animals for scientific procedures).**]**

(3) Section 9 does not apply in relation to an animal which—

[[F3](a) is being kept at a place specified in a licence granted under section 2C of the Animals (Scientific Procedures) Act 1986, and

(b) is being so kept for the purposes of, or in connection with, an activity mentioned in section 2B(2) of that Act that is pursued at that place in the course of carrying on the undertaking authorised by the licence.**]**

[F4](4) . . . . . .

Textual Amendments

F2 Words in s. 52(2) substituted (1.1.2013) by The Animals (Scientific Procedures) Act 1986 Amendment Regulations 2012 (S.I. 2012/3039), regs. 1(2), **41(2)** (with Sch. 3)

F3 S. 52(3)(a)(b) substituted (1.1.2013) for s. 52(3)(a)-(d) by The Animals (Scientific Procedures) Act 1986 Amendment Regulations 2012 (S.I. 2012/3039), regs. 1(2), **41(3)** (with Sch. 3)

F4 S. 52(4) omitted (1.1.2013) by virtue of The Animals (Scientific Procedures) Act 1986 Amendment Regulations 2012 (S.I. 2012/3039), regs. 1(2), **41(4)** (with Sch. 3)

Hunting, coursing and fishing

53.—(1) Nothing in this Act applies in relation to anything which occurs in the normal course of hunting or coursing any animal, not being a protected animal, unless—

(a) the animal is released in an injured, mutilated or exhausted condition; or

(b) the animal is hunted or coursed in an enclosed space from which it has no reasonable chance of escape.

(2) Nothing in this Act applies in relation to anything which occurs in the normal course of fishing.

Application to the Crown

54.—(1) Subject to the following provisions of this section, this Act and regulations and orders made under it bind the Crown to the full extent authorised or permitted by the constitutional laws of Northern Ireland.

(2) No contravention by the Crown of any provision of this Act or any regulation or order made under this Act makes the Crown criminally liable; but the High Court may, on the application of any person appearing to the Court

to have an interest, declare unlawful an act or omission of the Crown which constitutes such a contravention.

(3) Despite subsection (2), this Act applies to persons in the public service of the Crown as it applies to other persons.

Changes to legislation:
There are currently no known outstanding effects for the Welfare of Animals Act (Northern Ireland) 2011, PART 5.