

*These notes refer to the Welfare of Animals Act (Northern Ireland)
2011 (c.16) which received Royal Assent on 29 March 2011*

Welfare of Animals Act (Northern Ireland) 2011

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 5 - General

Section 45: Inspectors

For the purposes of the Act an “inspector” is a person appointed either by the Department in respect of farmed animals or a council in respect of other animals. A definition of farmed animal has been provided in the Act and the definition can be amended by the Department by subordinate legislation should that be necessary in the future. Councils when appointing inspectors for the purposes of the Act must have regard to any guidance that may be issued by the Department. The Department may also issue a list of approved persons who are considered suitable for appointment as inspectors by councils. Councils must provide the Department with such information as may be required in relation to exercising any powers in the Act.

Section 46: Conditions for grant of warrant

The Act makes provision for warrants in order to obtain entry to premises including private dwellings in a variety of circumstances. This section sets out the conditions which must be met before a lay magistrate can grant a warrant to allow a constable or inspector to enter private dwellings and other premises.

Section 47: Powers of entry, inspection and search: supplementary

This section gives effect to Schedule 3, which specifies the power and duties of those exercising powers of entry, inspection or search under warrant.

Section 48: Power to stop and detain vehicles

This section allows a constable in uniform or an inspector if he is accompanied by such a constable, to stop and detain vehicles to search for animals in distress and gather evidence where there is reasonable suspicion that a relevant offence has been committed.

Section 49: Power to detain vessels, etc.

This section provides that a vessel can be detained in port if an inspector believes that an offence is being or has been committed on board. A certificate specifying this must be presented as soon as practicable to the person in charge of the vessel. The Department may make regulations extending this section to aircraft or hovercraft, or make other provision for detaining aircraft or hovercraft as appropriate.

Section 50: Obtaining of documents in connection with carrying out orders etc.

This section requires the owner of an animal, in relation to any order which has been made under the Act, to deliver relevant documents relating to that animal to the person who is authorised to carry out the order.

Section 51: Offences by bodies corporate

This section provides that a criminal prosecution may be brought against a member or members of a corporate body where they are responsible for an action or omission that constitutes an offence under the Act.

Section 52: Scientific research

Scientific procedures on animals are governed by the Animals (Scientific Procedures) Act 1986 (“ASPA”), which makes provision for the licensing of people, projects and places where research is carried out on animals. Nothing in the Act applies to anything lawfully done under the Animals (Scientific Procedures) Act.

Section 53: Hunting, coursing and fishing

This section provides that anything which occurs in the normal course of hunting or coursing is not covered by this Act unless the animal is released in an injured, mutilated or exhausted condition or is hunted or coursed in an enclosed space without reasonable chance of escape. It also provides that anything which occurs in the normal course of fishing is not covered by this Act.

Section 54: Application to the Crown

Under this section the Act and regulations and orders made under it apply to all Government departments and other crown bodies. The Crown is not subject to criminal liability if it contravenes the requirements of the Act. Instead, the court has power to make a declaration that the conduct is unlawful. However this does not prevent criminal convictions being made against individuals, such as civil servants who are in the service of the Crown as public servants. They can be prosecuted under the Act in the same way as private individuals, private organisations and their staff.