



2011 CHAPTER 16

PART 3

ANIMALS IN DISTRESS

Powers in relation to animals in distress

17.—(1) If an inspector or a constable reasonably believes that a protected animal is suffering, the inspector or constable may take, or arrange for the taking of, such steps as appear to the inspector or constable to be immediately necessary to alleviate the animal's suffering.

(2) Subsection (1) does not authorise destruction of an animal.

(3) If a veterinary surgeon certifies that the condition of a protected animal is such that it should in its own interests be destroyed, an inspector or a constable may—

- (a) destroy the animal where it is or take it to another place and destroy it there; or
- (b) arrange for the doing of any of the things mentioned in paragraph (a).

(4) An inspector or a constable may act under subsection (3) without the certificate of a veterinary surgeon if it appears to the inspector or constable—

- (a) that the condition of the animal is such that there is no reasonable alternative to destroying it, and
- (b) that the need for action is such that it is not reasonably practicable to wait for a veterinary surgeon.

(5) An inspector or a constable may take a protected animal into possession if a veterinary surgeon certifies—

- (a) that it is suffering, or

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(b) that it is likely to suffer if its circumstances do not change.

(6) An inspector or a constable may act under subsection (5) without the certificate of a veterinary surgeon if it appears to the inspector or constable—

(a) that the animal is suffering or that it is likely to do so if its circumstances do not change, and

(b) that the need for action is such that it is not reasonably practicable to wait for a veterinary surgeon.

(7) The power conferred by subsection (5) includes power to take into possession dependent offspring of an animal taken into possession under that subsection.

(8) Where an animal is taken into possession under subsection (5), an inspector or a constable may—

(a) remove it, or arrange for it to be removed, to a place of safety;

(b) care for it, or arrange for it to be cared for—

(i) on the premises where it was being kept when it was taken into possession, or

(ii) at such other place as the inspector or, as the case may be, the constable thinks fit;

(c) mark it, or arrange for it to be marked, for identification purposes.

(9) A person acting under subsection (8)(b)(i), or under an arrangement under that provision, may make use of any equipment on the premises.

(10) A veterinary surgeon may examine and take samples from an animal for the purpose of determining whether to issue a certificate under subsection (3) or (5) with respect to the animal.

(11) If a person exercises a power under this section otherwise than with the knowledge of a person who is responsible for the animal concerned, that person must, as soon as reasonably practicable after exercising the power, take such steps as are reasonable in the circumstances to bring the exercise of the power to the notice of such a person.

(12) A person commits an offence if that person intentionally obstructs a person in the exercise of power conferred by this section.

(13) A magistrates' court may, on application by a person who incurs expenses in acting under this section, order that that person be reimbursed by such person as it thinks fit.

(14) For the purposes of Articles 143 (appeals) and 146 (cases stated) of the Magistrates' Courts (Northern Ireland) Order 1981 (NI 26)—

(a) an order made under subsection (13) shall be deemed to be an order in proceedings to which Article 143 applies; and

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- (b) the person affected by the order shall be deemed to be a party to those proceedings.

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