



# Animal Welfare Act 2006

## 2006 CHAPTER 45

### *Prevention of harm*

#### **4 Unnecessary suffering**

- (1) A person commits an offence if—
  - (a) an act of his, or a failure of his to act, causes an animal to suffer,
  - (b) he knew, or ought reasonably to have known, that the act, or failure to act, would have that effect or be likely to do so,
  - (c) the animal is a protected animal, and
  - (d) the suffering is unnecessary.
- (2) A person commits an offence if—
  - (a) he is responsible for an animal,
  - (b) an act, or failure to act, of another person causes the animal to suffer,
  - (c) he permitted that to happen or failed to take such steps (whether by way of supervising the other person or otherwise) as were reasonable in all the circumstances to prevent that happening, and
  - (d) the suffering is unnecessary.
- (3) The considerations to which it is relevant to have regard when determining for the purposes of this section whether suffering is unnecessary include—
  - (a) whether the suffering could reasonably have been avoided or reduced;
  - (b) whether the conduct which caused the suffering was in compliance with any relevant enactment or any relevant provisions of a licence or code of practice issued under an enactment;
  - (c) whether the conduct which caused the suffering was for a legitimate purpose, such as—
    - (i) the purpose of benefiting the animal, or
    - (ii) the purpose of protecting a person, property or another animal;
  - (d) whether the suffering was proportionate to the purpose of the conduct concerned;

- (e) whether the conduct concerned was in all the circumstances that of a reasonably competent and humane person.
- (4) Nothing in this section applies to the destruction of an animal in an appropriate and humane manner.

## **5 Mutilation**

- (1) A person commits an offence if—
- (a) he carries out a prohibited procedure on a protected animal;
  - (b) he causes such a procedure to be carried out on such an animal.
- (2) A person commits an offence if—
- (a) he is responsible for an animal,
  - (b) another person carries out a prohibited procedure on the animal, and
  - (c) he permitted that to happen or failed to take such steps (whether by way of supervising the other person or otherwise) as were reasonable in all the circumstances to prevent that happening.
- (3) References in this section to the carrying out of a prohibited procedure on an animal are to the carrying out of a procedure which involves interference with the sensitive tissues or bone structure of the animal, otherwise than for the purpose of its medical treatment.
- (4) Subsections (1) and (2) do not apply in such circumstances as the appropriate national authority may specify by regulations.
- (5) Before making regulations under subsection (4), the appropriate national authority shall consult such persons appearing to the authority to represent any interests concerned as the authority considers appropriate.
- (6) Nothing in this section applies to the removal of the whole or any part of a dog's tail.

## **6 Docking of dogs' tails**

- (1) A person commits an offence if—
- (a) he removes the whole or any part of a dog's tail, otherwise than for the purpose of its medical treatment;
  - (b) he causes the whole or any part of a dog's tail to be removed by another person, otherwise than for the purpose of its medical treatment.
- (2) A person commits an offence if—
- (a) he is responsible for a dog,
  - (b) another person removes the whole or any part of the dog's tail, otherwise than for the purpose of its medical treatment, and
  - (c) he permitted that to happen or failed to take such steps (whether by way of supervising the other person or otherwise) as were reasonable in all the circumstances to prevent that happening.
- (3) Subsections (1) and (2) do not apply if the dog is a certified working dog that is not more than 5 days old.

- (4) For the purposes of subsection (3), a dog is a certified working dog if a veterinary surgeon has certified, in accordance with regulations made by the appropriate national authority, that the first and second conditions mentioned below are met.
- (5) The first condition referred to in subsection (4) is that there has been produced to the veterinary surgeon such evidence as the appropriate national authority may by regulations require for the purpose of showing that the dog is likely to be used for work in connection with—
  - (a) law enforcement,
  - (b) activities of Her Majesty's armed forces,
  - (c) emergency rescue,
  - (d) lawful pest control, or
  - (e) the lawful shooting of animals.
- (6) The second condition referred to in subsection (4) is that the dog is of a type specified for the purposes of this subsection by regulations made by the appropriate national authority.
- (7) It is a defence for a person accused of an offence under subsection (1) or (2) to show that he reasonably believed that the dog was one in relation to which subsection (3) applies.
- (8) A person commits an offence if—
  - (a) he owns a subsection (3) dog, and
  - (b) fails to take reasonable steps to secure that, before the dog is 3 months old, it is identified as a subsection (3) dog in accordance with regulations made by the appropriate national authority.
- (9) A person commits an offence if—
  - (a) he shows a dog at an event to which members of the public are admitted on payment of a fee,
  - (b) the dog's tail has been wholly or partly removed (in England and Wales or elsewhere), and
  - (c) removal took place on or after the commencement day.
- (10) Where a dog is shown only for the purpose of demonstrating its working ability, subsection (9) does not apply if the dog is a subsection (3) dog.
- (11) It is a defence for a person accused of an offence under subsection (9) to show that he reasonably believed—
  - (a) that the event was not one to which members of the public were admitted on payment of an entrance fee,
  - (b) that the removal took place before the commencement day, or
  - (c) that the dog was one in relation to which subsection (10) applies.
- (12) A person commits an offence if he knowingly gives false information to a veterinary surgeon in connection with the giving of a certificate for the purposes of this section.
- (13) The appropriate national authority may by regulations make provision about the functions of inspectors in relation to—
  - (a) certificates for the purposes of this section, and
  - (b) the identification of dogs as subsection (3) dogs.

- (14) Power to make regulations under this section includes power—
- (a) to make different provision for different cases, and
  - (b) to make incidental, supplementary, consequential or transitional provision or savings.
- (15) Before making regulations under this section, the appropriate national authority shall consult such persons appearing to the authority to represent any interests concerned as the authority considers appropriate.
- (16) In this section—
- “commencement day” means the day on which this section comes into force;
- “subsection (3) dog” means a dog whose tail has, on or after the commencement day, been wholly or partly removed without contravening subsection (1), because of the application of subsection (3).

## **7 Administration of poisons etc.**

- (1) A person commits an offence if, without lawful authority or reasonable excuse, he—
- (a) administers any poisonous or injurious drug or substance to a protected animal, knowing it to be poisonous or injurious, or
  - (b) causes any poisonous or injurious drug or substance to be taken by a protected animal, knowing it to be poisonous or injurious.
- (2) A person commits an offence if—
- (a) he is responsible for an animal,
  - (b) without lawful authority or reasonable excuse, another person administers a poisonous or injurious drug or substance to the animal or causes the animal to take such a drug or substance, and
  - (c) he permitted that to happen or, knowing the drug or substance to be poisonous or injurious, he failed to take such steps (whether by way of supervising the other person or otherwise) as were reasonable in all the circumstances to prevent that happening.
- (3) In this section, references to a poisonous or injurious drug or substance include a drug or substance which, by virtue of the quantity or manner in which it is administered or taken, has the effect of a poisonous or injurious drug or substance.

## **8 Fighting etc.**

- (1) A person commits an offence if he—
- (a) causes an animal fight to take place, or attempts to do so;
  - (b) knowingly receives money for admission to an animal fight;
  - (c) knowingly publicises a proposed animal fight;
  - (d) provides information about an animal fight to another with the intention of enabling or encouraging attendance at the fight;
  - (e) makes or accepts a bet on the outcome of an animal fight or on the likelihood of anything occurring or not occurring in the course of an animal fight;
  - (f) takes part in an animal fight;

- (g) has in his possession anything designed or adapted for use in connection with an animal fight with the intention of its being so used;
  - (h) keeps or trains an animal for use for in connection with an animal fight;
  - (i) keeps any premises for use for an animal fight.
- (2) A person commits an offence if, without lawful authority or reasonable excuse, he is present at an animal fight.
- (3) A person commits an offence if, without lawful authority or reasonable excuse, he—
  - (a) knowingly supplies a video recording of an animal fight,
  - (b) knowingly publishes a video recording of an animal fight,
  - (c) knowingly shows a video recording of an animal fight to another, or
  - (d) possesses a video recording of an animal fight, knowing it to be such a recording, with the intention of supplying it.
- (4) Subsection (3) does not apply if the video recording is of an animal fight that took place—
  - (a) outside Great Britain, or
  - (b) before the commencement date.
- (5) Subsection (3) does not apply—
  - (a) in the case of paragraph (a), to the supply of a video recording for inclusion in a programme service;
  - (b) in the case of paragraph (b) or (c), to the publication or showing of a video recording by means of its inclusion in a programme service;
  - (c) in the case of paragraph (d), by virtue of intention to supply for inclusion in a programme service.
- (6) Provision extending the application of an offence under subsection (3), so far as relating to the provision of information society services, may be made under section 2(2) of the European Communities Act 1972 (c. 68) (powers to implement Community obligations by regulations) notwithstanding the limits imposed by paragraph 1(1)(d) of Schedule 2 to that Act on the penalties with which an offence may be punishable on summary conviction.
- (7) In this section—
  - “animal fight” means an occasion on which a protected animal is placed with an animal, or with a human, for the purpose of fighting, wrestling or baiting;
  - “commencement date” means the date on which subsection (3) comes into force;
  - “information society services” has the meaning given in Article 2(a) of Directive 2000/31/EC of the European Parliament and of the Council of 8 June 2000 on certain legal aspects of information society services, in particular electronic commerce in the Internal Market (Directive on electronic commerce);
  - “programme service” has the same meaning as in the Communications Act 2003 (c. 21);
  - “video recording” means a recording, in any form, from which a moving image may by any means be reproduced and includes data stored on a computer disc or by other electronic means which is capable of conversion into a moving image.

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*Status: This is the original version (as it was originally enacted).*

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(8) In this section—

- (a) references to supplying or publishing a video recording are to supplying or publishing a video recording in any manner, including, in relation to a video recording in the form of data stored electronically, by means of transmitting such data;
- (b) references to showing a video recording are to showing a moving image reproduced from a video recording by any means.