CAUSING / ATTENDING ANIMAL FIGHTING

Welfare of Animals Act (NI) 2011

8. - (1) A person commits an offence if that person—

(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) owns or has in his or her 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 in connection with an animal fight;
(i) keeps, uses or manages, or permits or assists in the keeping or use or management of, any premises for use for an animal fight.

(2) A person commits an offence if, without lawful authority or reasonable excuse, that person is present at an animal fight.

Maximum Sentence

Welfare of Animals Act (NI) 2011, s.31(1A)
Indictment: 5 years imprisonment and/or an unlimited fine
Summarily: 12 months imprisonment and/or £20,000 fine

Assessment of Offence

(Starting points and ranges based on 1st time offender convicted following contest)

Nature of Offence	Starting Point	Sentencing Range
Offence under section 8(1)	6 months custody + Deprivation Order + Disqualification Order	3 -12 months custody + Deprivation Order + Disqualification Order
Offence under section 8(2)	3 months custody + Deprivation Order + Disqualification Order	Community Order to 6 months custody + Deprivation Order + Disqualification Order

Examples of Possible Aggravating Factors of Offence	Examples of Possible Mitigating Factor of Offence
1. Offence committed in respect of more than two animals. 2. Serious or long term injury caused to the animals. 3. Offender involves children in the offending. 4. Offence committed for commercial gain. 5. Offender in a position of special responsibility towards the animal (other than ownership simpliciter).	N/A

Relevant Cases

NI Cases
R v Kirkwood and others [2014] NICC 5

English Cases

Notes

1. Community Orders are Probation Orders, Community Service Orders or a combination of both, Combination Orders. Community Orders are direct alternatives to custody; the appropriateness of Community Orders must be considered before imposing short custodial sentences (i.e. 12 months or less). Community Orders involve significant intervention into offender's lives and impose demanding obligations. The focus is protection of the public by reducing offending whilst also directly punishing the offender for the harm caused. If an offender breaches a Community Order the Order may be revoked and the offender resentenced.
2. If the offender owns the animal which was the subject of the offence, the court may order the offender be deprived of ownership of the animal and any of the animal's offspring – s.32 of the 2011 Act.
3. The court may make a Disqualification Order against the offender for such period as it thinks fit and in relation to animals generally, or in relation to animals of one or more kinds. Such an order disqualifies the offender from:

(a) from owning animals,
(b) from keeping animals,
(c) from participating in the keeping of animals,
(d) from being party to an arrangement under which that person is entitled to control or influence the way in which animals are kept,
(e) from dealing in animals,
(f) from transporting animals, and
(g) from arranging for the transport of animals.

Where a court decides not to make a Disqualification Order, it must state its reasons for the decision. - s.33 of the 2011 Act.
4. Where the holder of a dog licence or a block licence is convicted of the offence in relation to a dog, the court may suspend that licence for such period as the court thinks fit. Where such a suspension is ordered, the court shall order the holder of the licence to deliver it to the clerk of the court within a period specified in the order and may also make such order as it thinks fit for the disposal or destruction of any dog or dogs kept by the holder of the licence. – Article 34 of the Dogs (NI) Order 1983.
5. The court may order the destruction of an animal in relation to which the offence was committed on grounds other than the interests of the animal provided that,

(a) it has given the owner of the animal an opportunity to be heard; or
(b) it is satisfied that it is not reasonably practicable to communicate with the owner (s.37 of the 2011 Act).