DOCKING DOG'S TAIL

Welfare of Animals Act (NI) 2011

6. - (1) A person commits an offence if that person—
(a) removes the whole or any part of a dog's tail; or
(b) causes the whole or any part of a dog's tail to be removed by another person.

(2) A person commits an offence if—
(a) that person is responsible for a dog,
(b) another person removes the whole or any part of the dog's tail, and
(c) the first-mentioned person 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) A person does not commit an offence under subsection (1) or (2) if the whole or any part of a dog's tail is removed—
(a) by a veterinary surgeon for the purpose of medical treatment; or
(b) in order to prevent or remove an immediate danger to the life of the dog in circumstances where it is not reasonably practicable

Maximum Sentence

Welfare of Animals Act (NI) 2011, s.31(2)
Indictment: 5 years imprisonment and/or an unlimited fine
Summarily: 6 months imprisonment and/or level 5 fine (£5,000)

Assessment of Offence

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

Nature of Offence	Starting Point	Sentencing Range
N/A	2 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 multiple dogs. 2. Serious or long term health problems caused to dog. 3. Dog was not anaesthetised when tail was cut/docked. 4. Docking was performed by deliberately cutting off circulation to the tail. 5. Docking was performed for purely aesthetic reasons, 6. Offender involves children in the offending. 7. Offence committed for commercial gain. 8. Offence motivated by, or demonstrating, hostility to the victim (animal's owner) on account of his membership of a racial group, religious group, sexual orientation group, disability or presumed disability.* 9. Use of technology, including circulating details/photographs/videos etc of the offence on social media, to record, publicise or promote the cruelty. 10. Distress caused to owner where not responsible for the offence. 11. Offence committed as a form of revenge against the owner of the animal or in the context of an ongoing dispute with the owner.	N/A

Relevant Cases

NI Cases
N/A

English Cases
N/A

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. Section 6(1) and (2) do not apply if the dog is a certified working dog that is not more than 5 days old. – s.6(4) of the 2011 Act.
3. 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.
4. 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.
5. *Where a court finds the offence was aggravated by 'hostility' it shall state in open court that the offence was so aggravated (Criminal Justice (No.2)(NI) Order 2004, Article 2).