

DELIBERATE INFECTION OF ANIMALS

Diseases of Animals (NI) Order 1981

- 5A. - (1) A person commits an offence if, without lawful authority or excuse (proof of which shall lie on him), he knowingly or recklessly does any act which causes or is intended to cause an animal or bird to be infected with a disease.
- (2) A person commits an offence if, without lawful authority or excuse (proof of which shall lie on him), that person acquires or takes possession of an animal or bird which he knows, or ought reasonably to know, to be infected with a disease.

Maximum Sentence:

Diseases of Animals (NI) Order 1981, Art. 52(7)

Indictment: 2 years imprisonment and/or an unlimited fine

Summary: 6 months and/or the statutory maximum fine (£5,000)

Assessment of Offence

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

<u>Nature of Offence</u>	<u>Starting Point</u>	<u>Sentencing Range</u>
The disease did not spread to other animals	1 month Custody + Disqualification	£2,000 Fine to 2 months Custody + Disqualification
The disease spread to other animals	3 months Custody + Disqualification	2 – 6 months Custody + Disqualification

<u>Examples of Possible Aggravating Factors of Offence</u>	<u>Examples of Possible Mitigating Factor of Offence</u>
<ol style="list-style-type: none"> 1. Offender's attitude towards the relevant authorities or Department was dismissive or obstructive 2. Human health was adversely affected by the spread of the disease 3. The level of compensation paid out by the Department for destruction of animals as a result of the offence 4. The offence was committed for the purpose of financial gain 	N/A

Relevant Cases:

NI Cases:

N/A

English Cases

N/A

Notes:

1. If a person is convicted of an offence under Article 5A the court may disqualify him, for such period as it thinks fit, from keeping or dealing in any animals or poultry (or any animals or poultry of a specified kind). – Article 5B(1)
2. If a person is convicted of an offence under Article 5A and, at any time after the date of that conviction, that person is convicted of a further offence under that Article, the court shall disqualify him, for such period as it thinks fit, from keeping or dealing in any animals or poultry (or any animals or poultry of a specified kind). – Article 5B(2)