

## 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 to have the tail, or, as the case may be, any part of the tail, removed by a veterinary surgeon.

#### Maximum Sentence:

*Welfare of Animals Act (NI) 2011, s.31(1)*

**Indictment: 5 years imprisonment and/or an unlimited fine**

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

#### Assessment of Offence

*(Starting points and ranges based on 1<sup>st</sup> time offender convicted following contest)*

<u>Nature of Offence</u>	<u>Starting Point</u>	<u>Sentencing Range</u>
N/A	2 months Custody + Deprivation Order + Disqualification Order	Community Order to 3 months Custody + Deprivation Order + Disqualification Order

<u>Examples of Possible Aggravating Factors of Offence</u>	<u>Examples of Possible Mitigating Factor of Offence</u>
<ol style="list-style-type: none"> <li>1. Offence committed in respect of multiple dogs</li> <li>2. Serious or long term health problems caused to dog</li> <li>3. Dog was not anaesthetised when tail was cut docked</li> <li>4. Docking was performed by deliberately cutting off circulation to the tail</li> <li>5. Docking was performed for purely aesthetic reasons</li> <li>6. Offender involves children in the offending</li> <li>7. Offence committed for commercial gain</li> </ol>	N/A

#### Relevant Cases:

NI Cases:

N/A

English Cases

R (RSPCA) v Chester Crown Court (2006) 170 JP 725

#### Notes:

1. Section 6 (other than subsections (16) and (17)) in force from 1 January 2013 – SRNI 2012 No.386
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 '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, and
  - (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