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Number 13 of 1984

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**PROTECTION OF ANIMALS KEPT FOR FARMING PURPOSES  
ACT, 1984**

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**ARRANGEMENT OF SECTIONS**

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**ACTS REFERRED TO**

Protection of Animals Act, 1911	1911, c. 27
Protection of Animals (Amendment) Act, 1965	1965, No. 10
Wildlife Act, 1976	1976, No. 39

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**BAILE ÁTHA CLIATH:  
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR.**

Le ceannach díreach ón  
OIFIG DHÍOLTA FOILSEACHÁN RIALTAIS,  
TEACH SUN ALLIANCE, SRÁID THEACH LAIGHEAN,  
BAILE ÁTHA CLIATH 2,  
nó trí aon díoltóir leabhar.

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ACT, 1984**

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AN ACT TO EXTEND THE LAW RELATING TO THE PRO- 5  
TECTION OF ANIMALS. [4th July, 1984]

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:

Definitions.

1.—In this Act—

“authorised person” means a person, being an officer of the Minister but not being a veterinary surgeon, who is authorised in writing by the Minister to be an authorised person for the purposes of this Act; 10

“inspector” means a person, being a veterinary surgeon, who is appointed in writing by the Minister to be an inspector for the purposes of this Act;

“intensive unit” means a building or structure which is of a type or description which for the time stands specified in regulations under 15 *section 6* of this Act, or any other building or structure which is one in which animals are kept under a husbandry system relying, for the purpose of providing for the care of the animals, on automatic equipment to such an extent that a failure of that equipment would, if it were not rectified or if some other suitable provision were not 20 made for the care of the animals, cause the animals unnecessary suffering;

“the Minister” means the Minister for Agriculture;

“prescribed” means prescribed by regulations made by the Minister;

“unnecessary suffering” means, in relation to an animal, pain, distress 25 or suffering that in its kind or degree, or in its object, or in the circumstances in which it occurs, is unreasonable or unnecessary;

“veterinary surgeon” means any person lawfully qualified to practise veterinary surgery in the State.

Application.

2.—(1) This Act applies to any animal which— 30

(a) is of a species which for the time being stands specified in a declaration under this section, or

(b) is bred or kept for the production of food, wool, skin, fur or feathers or for use in, or for the purposes of, the farming of land or of animal husbandry.

5 (2) The Minister may by regulations declare that any animal which is of a species specified in the declaration shall be an animal to which this Act applies.

10 3.—(1) The Minister may by regulations make such provision as regards the care and welfare of animals to which this Act applies as he thinks fit, and without prejudice to the generality of the foregoing regulations under this section may in particular include—

Care and welfare of animals to which Act applies.

(a) provisions for ensuring the provision for such animals of a proper supply of food and water;

15 (b) for the purpose of ensuring that, having regard to their physiological and ethological needs, there is as regards such animals adequate space for their free movement or other needs, provisions specifying the housing space to be provided in relation to them;

20 (c) provisions with respect to the dimensions and layout of housing for such animals, the materials to be used in constructing any such housing and the facilities by way of lighting, heating, cooling, ventilation, regulating the level of humidity, air circulation, drainage, water supply or otherwise to be provided in connection with any such housing.

25 (2) Regulations under this section may—

(a) apply in general to animals to which this Act applies or to a particular class or description of such animals,

30 (b) contain such incidental, supplementary and consequential provisions as appear to the Minister to be necessary for the purposes of the regulations.

4.—(1) The person who is the owner of or for the time being has under his control animals to which this Act applies shall—

Inspection of animals and equipment.

(a) in case the animals are for the time being kept in an intensive unit, not less than once per day,

35 (i) thoroughly inspect the animals' condition and state of health or cause their condition and state of health to be so inspected,

40 (ii) for the purpose of ensuring that the automatic or other technical equipment used in the unit is free from defects either—

(I) if he is competent so to do, thoroughly inspect such equipment, or

(II) cause such equipment to be thoroughly inspected by a competent person,

45 (b) in case the animals are for the time being not so kept, at intervals sufficient to avoid their being caused unnecessary

suffering, thoroughly inspect the animals' condition and state of health, or cause their condition and state of health to be so inspected.

(2) Where an animal to which this Act applies is found on inspection (whether the inspection is made in pursuance of the requirements of this section or otherwise) not to be in a state of well-being, the person who has for the time being the animal under his control shall forthwith take such measures as may be necessary to prevent the animal's being caused unnecessary suffering. 5

(3) Where on an inspection of automatic or other technical equipment used in an intensive unit (whether the inspection is made in pursuance of the requirements of this section or otherwise) a defect in the equipment is discovered, the owner or the person who is for the time being in charge of the unit shall forthwith remedy, or cause to be so remedied, the defect, or, if this is impracticable, such owner or person shall forthwith take or cause to be so taken such measures as may be required to safeguard the welfare of animals kept in the unit, and in case such measures are taken, then until the defect is remedied such owner or person shall also ensure that such measures are maintained. 10 15 20

(4) In any proceedings in which it is proved that an inspection referred to in *subsection (2) or (3)* of this section was carried out and that on such inspection either an animal to which this Act applies was found not to be in a state of well-being or a defect described in *subsection (3)* of this section was discovered, it shall be a defence for the defendant to show both that he was unaware that the inspection had been carried out and that in the circumstances of the case his being so unaware was not unreasonable. 25

Feeding.

5.—(1) A person shall not—

- (a) provide an animal to which this Act applies with food or liquid in a manner which may cause it injury or unnecessary suffering, 30
- (b) cause to be provided for such an animal food or liquid in such a manner,
- (c) provide such an animal with food or liquid which either may itself cause the animal injury or unnecessary suffering or contain a substance which may cause such injury or suffering, 35
- (d) cause to be provided for such an animal such a food or liquid containing such a substance. 40

(2) In any proceedings in which a contravention of *subsection (1)* of this section is proved it shall be a defence for the defendant to show that he could not reasonably have known either that the manner in which the relevant food or liquid was provided, or, as may be appropriate, that the food or liquid itself or a substance contained in such food or liquid, could cause the injury or unnecessary suffering to which the alleged offence relates. 45

Intensive units.

6.—The Minister may by regulations declare that any building or structure which is of a class or description specified in the declaration shall be regarded as being an intensive unit for the purposes of this Act. 50

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7.—(1) Where, pursuant to the requirements of *section 4* of this Act, an inspection is made, the owner or the person who is for the time being in charge of the animals or the intensive unit to which the inspection relates shall make or cause to be made in relation to the inspection a record in writing and such record shall contain the following particulars, namely, the date of the inspection, the name of the person carrying out the inspection, the condition of the animals inspected, particulars of any defect in such unit which was discovered as a result of the inspection, particulars of any steps taken to remedy such defect and such other particulars as may be prescribed.

Records as regards intensive units.

(2) The person by whom a record in writing is by *subsection (1)* of this section required to be made or to be caused to be made shall—

- (a) for the period (if any) which for the time being stands prescribed for the purposes of this section, or
- (b) in case a period does not for the time being stand so prescribed, for a period of two months,

retain the record for inspection by an inspector or an authorised person.

8.—(1) An inspector may at all reasonable times—

Powers of entry, inspection, etc.

(a) for the purpose of exercising any of the other powers conferred on him by this section enter any premises or other land,

(b) inspect, examine or test—

(i) any animal which he reasonably believes to be an animal to which this Act applies and which is found by him in or on any premises or other land so entered,

(ii) any food or liquid so found and which he so believes is used or is to be used to feed animals to which this Act applies,

(iii) any equipment so found,

(c) take samples from any such animal or of any such food or liquid and examine, test or analyse, or cause to be examined, tested or analysed, any sample so taken,

(d) require the production of and inspect, and if he so wishes take extracts from, any record made pursuant to the requirements of *section 7* of this Act,

(e) require any person who is either the owner or the person for the time being in charge of an animal or equipment referred to in *paragraph (b)* of this subsection, or who is the owner or occupier of or employed on premises or other land so entered, to give to him such assistance or to carry out such instructions as may be reasonably necessary to enable such examination, inspection, test or analysis to be carried out or to give to him such information regarding such animal or equipment as is within his knowledge or under his control.

(2) (a) An authorised person shall have such of the powers given to an inspector by this section as may be specified in his authorisation by the Minister.

(b) A member of the Garda Síochána shall have all of the powers given to an inspector by this section other than the power to examine, test or take samples from animals.

(3) An inspector or authorised person who exercises a power conferred on him by or under this section shall, if required by the person affected by the exercise, produce to that person his appointment as an inspector or authorisation to be an authorised person, as may be appropriate. 5

Offences.

9.—(1) A person who—

(a) fails to comply with the requirements of *subsection (1), (2) or (3) of section 4* or of *section 7* of this Act, 10

(b) contravenes *section 5 (1)* of this Act,

(c) by act or omission contravenes regulations under *section 3* of this Act,

shall be guilty of an offence. 15

(2) Any person who without reasonable excuse, proof of which shall lie on him, fails to produce a record on a requirement being duly made in that behalf under *section 8* of this Act or who by act or omission impedes or obstructs a member of the Garda Síochána, an inspector or an authorised person in the lawful exercise of a power conferred on him by or under this Act shall be guilty of an offence. 20

(3) Any person guilty of an offence under this section shall on summary conviction be liable to a fine not exceeding £500, or, at the discretion of the court, to imprisonment for a term not exceeding six months or to both such fine and such term of imprisonment. 25

(4) An offence under this Act may be prosecuted by the Minister.

Evidence of certain examinations, tests and analyses and of their results.

10.—(1) Where in proceedings for an offence under this Act, there is produced a certificate which—

(a) purports to be signed by the State Chemist or the Assistant State Chemist or by a person (in this section subsequently referred to as an “appointed person”) appointed by the Minister to give certificates for the purposes of this Act, and 30

(b) states that the certificate is given for the purposes of this Act, and 35

(c) certifies—

(i) that an examination, test or analysis of a particular sample submitted by an inspector or an authorised person was carried out, and

(ii) the result of such examination, test or analysis, 40

then until the contrary is shown such certificate shall, without proof of the signature of the person purporting to sign it, or, in case the certificate purports to be signed by an appointed person, proof that at the time at which the certificate purports to have been given, such person stood appointed as an appointed person, be accepted by the 45

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*Farming Purposes Act, 1984.*

court as sufficient evidence that such examination, test or analysis was carried out and of such result.

(2) (a) The Minister may by an instrument in writing appoint a person to issue certificates for the purposes of this Act.

5 (b) An appointment under this section shall remain in force until it is withdrawn by the Minister by an instrument in writing.

(3) In this section—

10 “the Assistant State Chemist” means the Assistant State Chemist of the State Laboratory;

“the State Chemist” means the head of the State Laboratory and includes any person authorised by him to make an examination, test or analysis or give a certificate for the purposes of this Act.

15 11.—Every regulation made by the Minister under this Act shall be laid before each House of the Oireachtas as soon as may be after it is made and, if a resolution annulling the regulation is passed by either such House within the next twenty-one days on which that House has sat after the regulation is laid before it, the regulation shall be annulled accordingly, but without prejudice to the validity of anything 20 previously done thereunder. Regulations.

12.—The provisions of this Act are in addition to and not in substitution for— Saver.

25 (a) section 1 of the Protection of Animals Act, 1911, as amended by section 4 of the Protection of Animals (Amendment) Act, 1965,

(b) the Wildlife Act, 1976.

13.—The expenses incurred by the Minister in the administration of this Act shall, to such extent as may be sanctioned by the Minister for Finance, be paid out of moneys provided by the Oireachtas. Expenses.

30 14.—This Act may be cited as the Protection of Animals Kept for Farming Purposes Act, 1984. Short title.