

2012 No. 387

ANIMALS

ANIMAL WELFARE

**The Welfare of Animals (Docking of Working Dogs' Tails and
Miscellaneous Amendments) Regulations (Northern Ireland)
2012**

Laid before the Assembly in draft

Made - - - - 24th October 2012

Coming into operation - 1st January 2013

The Department of Agriculture and Rural Development, in exercise of the powers conferred by sections 5(5), 6(5), (6), (10), and (16) and 11(1), (2) and (3) of the Welfare of Animals Act (Northern Ireland) 2011(a), makes the following Regulations.

In accordance with sections 5(6), 6(17) and 11(5) of that Act, the Department of Agriculture and Rural Development has consulted those persons appearing to represent interests with which these Regulations are concerned as are considered appropriate.

In accordance with section 55(1) of that Act, a draft of this rule has been laid before the Northern Ireland Assembly and approved by a resolution of the Northern Ireland Assembly.

Citation and commencement

1. These Regulations may be cited as the Welfare of Animals (Docking of Working Dogs' Tails and Miscellaneous Amendments) Regulations (Northern Ireland) 2012 and shall come into operation on 1st January 2013.

Interpretation

2. In these Regulations—

“the Act” means the Welfare of Animals Act (Northern Ireland) 2011;

“club official” means a person who serves a live quarry shooting club in an official capacity;

“gamekeeper” means a person engaged by another person with shooting rights to preserve, protect or rear animals and to manage or assist with the management of a shoot;

“HMRC identification” means evidence that the person presenting the identification is an employee of Her Majesty's Revenue & Customs;

(a) 2011 c.16 (N.I.)

“land-occupier” means a person who occupies land where a shoot takes place;

“person with shooting rights” means an owner or lessee of shooting rights;

“police identification” means evidence that the person presenting the identification is an officer of the Police Service of Northern Ireland, or is otherwise employed by or contracted to work for the Police Service of Northern Ireland;

“prison service identification” means evidence that the person presenting the identification is an authorised employee of the Northern Ireland Prison Service;

“shoot” means an occasion on which animals are shot for sporting purposes;

“shoot organiser” means any person responsible for the overall organisation of a shoot;

“specified type of work” means work in connection with law enforcement, lawful pest control, or the lawful shooting of animals.

Certification requirements

3.—(1) A veterinary surgeon may certify that he or she has seen evidence that a dog is likely to be used for a specified type of work and is a dog of a specified type, where—

- (a) the veterinary surgeon is satisfied that the dam of the dog is of one or more of the breeds specified in Schedule 1 to the Act;
- (b) the veterinary surgeon reasonably believes that the dog is not more than 5 days old; and
- (c) the owner of the dog, or another person whom the veterinary surgeon reasonably believes to be representing the owner, has shown the evidence specified in paragraph (2).

(2) The evidence is—

- (a) the dam of the dog or veterinary certification that the dam has died since whelping;
- (b) a completed statement, signed and dated by the owner of the dog or by another person whom the veterinary surgeon to whom it is presented reasonably believes to be representing the owner, made in paragraph 1 of a certificate in the form prescribed in the Schedule; and
- (c) one of the following—
 - (i) where the dog is presented for certification on behalf of the Police Service of Northern Ireland, police identification;
 - (ii) where the dog is presented for certification on behalf of the Northern Ireland Prison Service, prison service identification;
 - (iii) where the dog is presented for certification on behalf of Her Majesty’s Revenue & Customs, HMRC identification;
 - (iv) evidence that the owner of the dog, or an agent or employee of the owner most likely to be using the dog, will be using the dog for work in connection with lawful pest control;
 - (v) a current firearm certificate issued to the owner of the dog, or to the agent or employee of the owner most likely to be using the dog for work in connection with the lawful shooting of animals; or
 - (vi) a letter from—
 - (aa) a gamekeeper;
 - (bb) a land-occupier (or a land-occupier’s agent);
 - (cc) a person with shooting rights;
 - (dd) a shoot organiser;
 - (ee) a club official; or
 - (ff) a person engaged in lawful pest control,

stating that the breeder of the dog whose tail is to be docked is known to him or her and that dogs bred by that breeder have been used on his or her land, or in his or her shoot, or for pest control.

(3) Any certification under paragraph (1) shall be made in paragraph 2 of a certificate in the form prescribed in the Schedule.

Identification of docked dogs

4.—(1) For the purposes of section 6(10)(b) of the Act a dog must be identified in accordance with this regulation.

(2) The dog must be microchipped by a competent person working in the same practice within which paragraph 2 of a certificate in the form prescribed in the Schedule was completed in respect of that dog.

(3) The dog may only be microchipped after the owner, or a person whom the competent person who is to carry out the microchipping reasonably believes to be representing the owner, has made a signed and dated statement in paragraph 3 of a certificate in the form prescribed in the Schedule.

(4) The competent person who carries out the microchipping must certify that fact in paragraph 4 of a certificate in the form prescribed in the Schedule.

(5) Where a veterinary practice ceases to operate after the docking of a dog's tail, the owner of the dog may take the dog to a different veterinary practice to have the microchipping procedure carried out and a competent person at that veterinary practice must record the reason in paragraph 4 of the certificate in the form prescribed in the Schedule.

(6) For the purpose of these Regulations—

(a) “competent person” means a veterinary surgeon or person who has received instruction on how to implant a microchip.

(b) “microchipped” means implanted with a valid microchip in accordance with regulation 9 of the Dogs (Licensing and Identification) Regulations (Northern Ireland) 2012(a).

Inspection of records

5.—(1) An inspector may require the owner of a subsection (4) dog to produce the certificate referred to in regulations 3 and 4 for inspection within 7 days of the request by the inspector.

(2) An inspector may inspect and take copies of any certificate produced for inspection.

(3) The certificate referred to in regulations 3 and 4 must be retained by the owner of the dog for the lifetime of the dog or transferred to a new owner where the dog changes ownership.

Amendment of the Welfare of Animals (Permitted Procedures by Lay Persons) Regulations (Northern Ireland) 2012

6.—(1) The Welfare of Animals (Permitted Procedures by Lay Persons) Regulations (Northern Ireland) 2012(b) is amended in accordance with paragraphs (2) and (3).

(2) In Paragraph 3 (Other management procedures) of Part I of Schedule 3 (Sheep) omit “(1) Disbudding;” and re-number sub-paragraph (2) as (1).

(3) Paragraph 3 (Other management procedures) of Part I of Schedule 4 (Goats) shall be omitted.

(4) In Part II of Schedule 4 (Goats), paragraph 4 (Castration) and paragraph 5 (Implantation of a subcutaneous contraceptive) shall be re-numbered “3” and “4” accordingly.

(a) S.R. 2012 No.132

(b) S.R. 2012 No.153

Amendment of the Welfare of Farmed Animals Regulations (Northern Ireland) 2012

7.—(1) The Welfare of Farmed Animals Regulations (Northern Ireland) 2012(a) shall be amended in accordance with paragraph (2).

(2) In paragraph 32 of Part 4 of Schedule 8, “6 and 7” shall be substituted by “5 and 6”.

Sealed with the Official Seal of the Department of Agriculture and Rural Development on 24th October 2012



C. McMaster

A senior officer of the Department of Agriculture and Rural Development

(a) S.R. 2012 No.156

SCHEDULE
FORM OF CERTIFICATE

Regulations 3 and 4

**Welfare of Animals Act (Northern Ireland) 2011
(section 6)**

The Welfare of Animals (Docking of Working Dogs' Tails and Miscellaneous
Amendments) Regulations (Northern Ireland) 2012

**1. Tail docking statement to be completed by the owner of the dog or by a person authorised
by the owner to be a representative.**

I, *[insert name]*, confirm that I am (authorised to represent)* the owner of the dog whose tail is to be docked on *[insert date]* by the veterinary surgeon signing the certificate in paragraph 2.
**(delete whichever is inapplicable)*

I confirm that the dam of the dog is of one or more of the breeds specified in paragraph 6.

I confirm that the dog was born on *[insert date]*.

I confirm that it is intended that the dog be—

(1) used for work in connection with an activity specified in paragraph 5.

(2) sold for use in work in connection with an activity specified in paragraph 5.

(Tick as appropriate)

I confirm that to the best of my knowledge and belief the evidence I am showing to obtain this certificate is true and accurate.

I am aware that it is an offence knowingly to give false information to a veterinary surgeon in connection with the giving of a certificate for the purposes of section 6 of the Welfare of Animals Act (Northern Ireland) 2011.

Signature of owner of the dog or of the person authorised by the owner to be a representative:

Please print name:

Address:

2. To be completed by the veterinary surgeon signing below

Description of dog

Breed of dog (<i>as specified by the owner</i>)
Sex
Colour
Date of birth
Any distinguishing markings

Microchip number of dam (*where available*)

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I, *[insert name]*, confirm that I have seen the following evidence required by regulation 3 of the Welfare of Animals (Docking of Working Dogs' Tails and Miscellaneous Amendments) Regulations (Northern Ireland) 2012 to show that the dog whose tail is to be docked ("the dog") by me on *[insert date]* is likely to be used for work in connection with an activity specified in paragraph 5 and is of one or more of the breeds specified in paragraph 6:
(Tick evidence seen as appropriate)

- (1) (a) the dam of the dog; **or**
 - (b) veterinary certification that the dam has died since whelping; **and**
- (2) (a) the statement made in paragraph 1 of this certificate, signed and dated by the owner of the dog; **or**
 - (b) the statement made in paragraph 1 of this certificate, signed and dated by a person whom I believe to be representing the owner; **and**
- (3) one of the following—
 - (a) police identification;
 - (b) prison service identification;
 - (c) HMRC identification;
 - (d) evidence that the owner of the dog, or an agent or employee of the owner most likely to be using the dog, will be using the dog for work in connection with lawful pest control;
 - (e) a current firearm certificate issued to the owner of the dog, or to the agent or employee of the owner most likely to be using the dog for work in connection with the lawful shooting of animals;
 - (f) a letter from—
 - (i) a gamekeeper,
 - (ii) a land-occupier (or the land-occupier's agent),
 - (iii) a person with shooting rights,
 - (iv) a shoot organiser, a club official, **or**
 - (v) a person engaged in lawful pest control,

stating the breeder of the dog whose tail is to be docked is known to him or her and that dogs bred by that breeder have been used on his or her land, or in his or her shoot, or for pest control.

Signature of Veterinary Surgeon:

Please print name:

Name (*if applicable*) and Address of Veterinary Surgeon's Practice:

3. Microchipping statement to be completed by the owner of the dog or by a person authorised by the owner to be a representative.

I, *[insert name]*, confirm that I am *[authorised to represent]** the owner of the dog to be microchipped on *[insert date]* by the competent person signing the certificate in paragraph 4.
 *(delete whichever is inapplicable)

I confirm that to the best of my knowledge and belief the dog I am presenting for microchipping today is the same dog whose tail was docked on *[insert date]* and in relation to which paragraphs 1 and 2 of this certificate were completed.

I am aware that it is an offence knowingly to give false information to a veterinary surgeon in connection with the giving of a certificate for the purposes of section 6 of the Welfare of Animals Act (Northern Ireland) 2011.

Signature of owner of the dog or of the person authorised by the owner to be a representative:

Please print name:

Address:

4. To be completed by the competent person signing below on the day on which microchipping of the dog takes place.

I *[insert name]* confirm that on *[insert date]* I have inserted a microchip into the dog that the owner or a person whom I believe to be representing the owner has presented to me as the dog whose tail was docked on *[insert date]* by—
 (1) me as certified in paragraph 2;*
 (2) a veterinary surgeon in this practice who signed the certificate in paragraph 2;*
 (3) a veterinary surgeon in a practice which now ceases to operate.*
 *(delete as appropriate)

The microchip reading is *[insert microchip reading]*

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Signature of competent person:

Please print name:

Name *(if applicable)* and Address of the veterinary practice where the competent person carried out the microchipping:

5. Specified type of activities.

Law enforcement.
Lawful pest control.
The lawful shooting of animals.

6. Specified breeds of dogs.

Spaniels of any breed or combination of breeds.
Terriers of any breed or combination of breeds.
Any breed commonly used for hunting, or any combination of such breeds.
Any breed commonly used for pointing, or any combination of such breeds.
Any breed commonly used for retrieving, or any combination of such breeds.

EXPLANATORY NOTE

(This note is not part of the Regulations)

Under section 6 of the Welfare of Animals Act (Northern Ireland) 2011, certain working dogs may be exempted by regulation from the prohibition of the removal of the whole or any part of a dog's tail, otherwise than for the purpose of medical treatment.

Regulation 3 sets out the requirements to be observed before a veterinary surgeon may certify that the dog is a working dog. Regulation 3(1)(a) and the Schedule specify the breeds of dog that are capable of being certified, and regulation 3(1)(c) and (2) describes the further evidence (concerning the likelihood that the dog will be used for certain work) that is required to be shown to a veterinary surgeon in order to obtain such a certificate. Regulation 4 prescribes the way in which a dog whose tail is docked is to be identified by microchipping. Regulation 5 provides for inspection of records. Regulations 6 and 7 make miscellaneous amendments to the Welfare of Animals (Permitted Procedures by Lay Persons) Regulations (Northern Ireland) 2012 (S.R. 2012 No.153) and the Welfare of Farmed Animals Regulations (Northern Ireland) 2012 (S.R. 2012 No.156).

The Schedule prescribes the form in which the certificate is to be given.

A regulatory impact assessment has been prepared for these Regulations and placed in the library of the Northern Ireland Assembly. Copies can be obtained from Animal Health and Welfare Policy Division, Department of Agriculture and Rural Development for Northern Ireland or from the Department's website (www.dardni.gov.uk).

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