
STATUTORY INSTRUMENTS

2004 No. 1993

The Dangerous Wild Animals (Northern Ireland) Order 2004

Title and commencement

- 1.—(1) This Order may be cited as the Dangerous Wild Animals (Northern Ireland) Order 2004.
- (2) This Article, Article 2 (including the Schedule) and Article 12 shall come into operation on the expiration of 7 days from the day on which this Order is made.
- (3) The remaining provisions of this Order shall come into operation on such day or days as the Department may by order appoint.

Subordinate Legislation Made

- P1** [Art. 1\(3\)](#) power fully exercised: 4.12.2006 appointed by [S.R. 2006/416, art. 2](#) (this S.R. was revoked before coming into force by [S.R. 2006/496, art. 3](#));
power fully exercised: 28.12.2006 appointed by [S.R. 2006/496, art. 2](#) (this S.R. revoked [S.R. 2006/416](#))

Interpretation

- 2.—(1) The Interpretation Act (Northern Ireland) 1954 (c. 33) applies to this Order as it applies to an Act of the Assembly.
- (2) Subject to paragraphs (3) and (4), for the purposes of this Order a person is a keeper of an animal if he has it in his possession.
- (3) If at any time an animal ceases to be in the possession of a person, any person who immediately before that time was a keeper thereof by virtue of paragraph (2) continues to be a keeper of the animal until another person becomes a keeper thereof by virtue of that paragraph.
- (4) Where an animal is in the possession of any person for the purpose of—
- (a) preventing it from causing damage,
 - (b) restoring it to its owner,
 - (c) undergoing veterinary treatment, or
 - (d) being transported on behalf of another person,
- the person having such possession shall not by virtue only of that possession be treated for the purposes of this Order as a keeper of the animal.
- (5) In this Order—
- “circus” includes any place where animals are kept or introduced wholly or mainly for the purpose of performing tricks or manoeuvres;
 - “damage” includes the death or disease of, or injury to, any person;
 - “dangerous wild animal” means any animal of a kind for the time being specified in the first column of the Schedule;
 - “the Department” means the Department of the Environment;

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“licence” means a licence under this Order;

“licence holder” means a person holding a licence;

“modifications” includes additions, omissions, amendments and substitutions;

“premises” includes any place;

“statutory provision” has the meaning assigned by section 1(f) of the Interpretation Act (Northern Ireland) 1954 (c. 33);

“veterinary surgeon” means a person who is for the time being registered in the register of veterinary surgeons;

“the Welfare of Animals Act” means the [F1Welfare of Animals Act (Northern Ireland) 2011].

(6) The second column of the Schedule is included by way of explanation only and, in the event of any dispute or proceedings, only the first column is to be taken into account.

F1 Words in [art. 2\(5\)](#) substituted (11.7.2011) by [Welfare of Animals Act \(Northern Ireland\) 2011 \(c. 16\)](#), [ss. 57\(1\), 59](#), [Sch. 4 para. 5](#) (with [ss. 1\(2\), 52\(1\), 53, 54](#)); [S.R. 2011/245](#), [art. 2](#), [Sch. 1](#)

Licences

3.—(1) Subject to Articles 6(7), 7 and 9(9), a person shall not keep a dangerous wild animal except under the authority of a licence granted by the Department.

(2) The Department shall not grant a licence unless an application for it—

- (a) specifies the species (whether one or more) of animal, and the number of animals of each species, proposed to be kept under the authority of the licence;
- (b) specifies the premises where any animal concerned will normally be held;
- (c) contains such further particulars as the Department may reasonably require;
- (d) is made by a person who—
 - (i) in the case of an individual is over the age of 18; and
 - (ii) has not been disqualified under Article 10(2) from keeping any dangerous wild animal; and
- (e) is accompanied by such fee as the Department may by order prescribe.

(3) The Department shall not grant a licence unless it is satisfied that—

- (a) it is not contrary to the public interest on the grounds of safety, nuisance or otherwise to grant the licence;
- (b) the applicant for the licence is a suitable person to hold a licence;
- (c) any animal concerned will at all times when it is being kept only under the authority of the licence—
 - (i) be held in accommodation which secures that the animal will not escape, which is suitable as regards construction, size, temperature, lighting, ventilation, drainage and cleanliness and which is suitable for the number of animals proposed to be held in the accommodation, and
 - (ii) be supplied with adequate and suitable food, drink and bedding material and be visited at suitable intervals;
- (d) appropriate steps will at all such times be taken for the protection of any animal concerned in case of fire or other emergency;

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- (e) all reasonable precautions will be taken at all such times to prevent and control the spread of infectious diseases; and
 - (f) while any animal concerned is at the premises where it will normally be held, its accommodation is such that it can take adequate exercise.
- (4) The Department shall not grant a licence unless the application for it is made by a person who both owns and possesses, or proposes both to own and to possess, any animal concerned, except where the circumstances are in the Department's opinion exceptional.
- (5) The Department shall not grant a licence unless—
- (a) a veterinary surgeon or other person authorised under Article 5(1), has inspected the premises where any animal will normally be held under the authority of the licence; and
 - (b) the Department has received and considered a report by the veterinary surgeon or other person—
 - (i) containing such particulars as in the Department's opinion enable it to decide whether the animal is likely to be properly cared for and whether the premises are such that any animal proposed to be kept under the authority of the licence may suitably be held there; and
 - (ii) describing the condition of the premises and of any animal or other thing found there.
- (6) Subject to paragraphs (2) to (5), the Department may grant or refuse a licence as it thinks fit, but where it decides to grant such a licence it shall specify as conditions of the licence—
- (a) conditions that, while any animal concerned is being kept only under the authority of the licence,—
 - (i) the animal shall not be kept by any person other than a person specified (whether by name or description) in the licence;
 - (ii) the animal shall normally be held at such premises as are specified in the licence;
 - (iii) the animal shall not be moved from those premises or shall only be moved from them in such circumstances as are specified in the licence;
 - (iv) the licence holder shall notify the Department if the animal gives birth or dies;
 - (v) the licence holder shall hold a current insurance policy which insures him and any other person entitled to keep the animal under the authority of the licence against liability for any damage which may be caused by the animal; and
 - (vi) the terms of any such policy shall be satisfactory in the opinion of the Department;
 - (b) conditions restricting the species (whether one or more) of animal, and number of animals of each species, which may be kept under the authority of the licence;
 - (c) a condition that the licence holder shall at all reasonable times make available a copy of the licence to any person entitled to keep any animal under the authority of the licence;
 - (d) a condition that the licence holder shall notify the Department of the sale or other disposal of the animal concerned;
 - (e) a condition relating to the steps to be taken by the licence holder in the event of any escape or release of the animal concerned; and
 - (f) such other conditions as in the opinion of the Department are necessary or desirable for the purpose of securing the objectives specified in sub-paragraphs (c) to (f) of paragraph (3).
- (7) Subject to paragraph (6), the Department may, in granting a licence, specify such conditions of the licence as it thinks fit.
- (8) The Department may at any time vary a licence by—
- (a) specifying any new condition of the licence; or

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- (b) varying or revoking any condition of it (including any condition specified, or previously varied, under this paragraph);

but any condition of a licence specified by virtue of paragraph (6) may not be revoked and any condition specified by virtue of sub-paragraph (a)(ii) of that paragraph may not be varied.

(9) Where the Department varies a licence under paragraph (8), then—

- (a) if the variation was requested by the licence holder, the variation shall take effect immediately after the Department decides to make it;
- (b) in any other case, the variation shall not take effect until the licence holder has become aware of the variation and had a reasonable time to comply with it.

Provisions supplementary to Article 3

4.—(1) Where—

- (a) a person is aggrieved by the refusal of the Department to grant a licence; or
- (b) the holder of a licence is aggrieved by a condition of the licence (whether specified at the time the licence is granted or later) or by the variation or revocation of any condition of the licence,

he may appeal to a court of summary jurisdiction in accordance with Part VII of the Magistrates' Courts (Northern Ireland) Order 1981 (NI 26).

(2) An appeal under paragraph (1) shall be brought within 21 days from the date on which the person wishing to appeal receives notification of the Department's decision to refuse to grant a licence, to specify a condition (whether on the grant of the licence or later) or to vary or revoke a condition, as the case may be.

(3) On an appeal under paragraph (1), the court may confirm, vary or reverse the Department's decision and generally give such directions with respect to the grant of a licence or, as the case may be, with respect to the conditions of the licence as it thinks proper, having regard to the provisions of this Order.

(4) Subject to paragraphs (5) and (6) and to Article 10(2), a licence shall remain in force for a period of 12 months from the date on which it is granted (or for such longer period as the Department may by order prescribe) and shall then expire.

(5) If before a licence expires application is made for a further licence, the licence shall remain in force pending the grant or refusal of the further licence, and if it is granted the further licence shall commence from the date of the expiry of the last licence.

(6) Where the licence holder dies—

- (a) the licence shall continue in force for a period of 28 days from the date of death as if it had been granted to the personal representatives of the deceased; and
- (b) if application is made for a new licence within that period, the licence shall remain in force pending the grant or refusal of the new licence.

(7) Any person who contravenes Article 3(1) shall be guilty of an offence.

(8) If any condition of a licence is contravened or not complied with, then,—

- (a) the licence holder, and
- (b) any other person who is entitled to keep any animal under the authority of the licence and who was primarily responsible for the contravention or failure to comply,

shall, subject to paragraph (9), be guilty of an offence.

(9) In any proceedings for an offence under paragraph (8), it shall be a defence for the person charged to prove that he took all reasonable precautions and exercised all due diligence to avoid the commission of such an offence.

Inspection by the Department

5.—(1) The Department may authorise in writing any veterinary surgeon or such other person as it may think competent to do so to inspect any premises where any animal is proposed to be held under the authority of a licence.

(2) A person authorised under paragraph (1) may, on producing his authority if so required, enter any premises mentioned in that paragraph at all reasonable times and inspect them and any animal or other thing found there, for the purpose of ascertaining whether or not a licence should be granted.

(3) Where the Department has authorised any person to inspect premises under paragraph (1), the Department may require the person who applied for the licence to pay it the reasonable costs of the inspection.

(4) Where the Department has granted a licence, it may authorise in writing any veterinary surgeon or such other person as it may think competent to do so to inspect any premises where any animal is or may be held under the authority of the licence.

(5) A person authorised under paragraph (4) may, on producing his authority if so required, enter any premises mentioned in that paragraph at all reasonable times and inspect them and any animal or other thing found there, for the purpose of ascertaining—

- (a) whether or not a licence should be varied; or
- (b) whether an offence under this Order is being committed.

(6) Where the Department has authorised any person to inspect premises under paragraph (4), the Department may require the licence holder to pay it the reasonable costs of the inspection.

(7) The Department may authorise in writing any veterinary surgeon or such other person as it may think competent to do so to inspect any premises if it has reasonable grounds for suspecting that an animal is being kept there in contravention of Article 3(1).

(8) Subject to paragraph (9), a person authorised under paragraph (7) may—

- (a) enter any premises mentioned in that paragraph at all reasonable times;
- (b) inspect them and any animal or other thing found there; and
- (c) take bodily samples from any animal found there,

for the purpose of ascertaining whether an animal is being kept there in contravention of Article 3(1).

(9) A person authorised to inspect premises under paragraph (7) may only enter those premises under the authority of a warrant issued under paragraph (10).

(10) Where a justice of the peace is satisfied by complaint on oath—

- (a) that admission to the premises is reasonably required for the purpose specified in the complaint; and
- (b) that a person authorised under paragraph (7) would, apart from paragraph (9), be entitled for that purpose to exercise in respect of the premises a power of entry under paragraph (8),

he may issue a warrant under his hand authorising that person to enter the premises.

(11) A warrant issued under paragraph (10) shall continue in force until the purpose for which entry is required has been satisfied.

(12) Where a person enters any premises in pursuance of a power of entry under this Article, that person shall ensure that the premises are left no less secure by reason of the entry, and the Department shall make good or pay compensation for any damage to property caused by the person in entering

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the premises, in carrying out any inspection, in taking bodily samples from any animal, in seizing any animal under Article 6(1) or in making the premises secure.

(13) Any question of disputed compensation under paragraph (12) shall be referred to and determined by the Lands Tribunal.

(14) Any person who intentionally obstructs any person in the exercise of any power under this Article shall be guilty of an offence.

(15) In this Article—

“bodily samples” means samples of bodily fluid or bodily tissue taken for the purpose of scientific tests; and

“scientific tests” means scientific tests carried out with the object of ascertaining whether an animal is of a kind for the time being specified in the Schedule.

Power to seize and to destroy or dispose of animals without compensation

6.—(1) Where a veterinary surgeon or other person authorised under paragraph (4) or (7) of Article 5 has entered premises in accordance with the provisions of that Article, he may seize any animal found there if he reasonably suspects that—

- (a) any condition of a licence is contravened or not complied with in relation to that animal; or
- (b) the animal is being kept in contravention of Article 3(1).

(2) Where an animal is seized under paragraph (1), the licence holder or (as the case may be) the keeper of the animal may, within 21 days from the seizure of the animal, appeal against the decision to seize the animal to a court of summary jurisdiction in accordance with Part VII of the Magistrates' Courts (Northern Ireland) Order 1981 (NI 26).

(3) On an appeal under paragraph (2), the court may confirm or reverse the decision to seize the animal concerned and generally give such directions as it thinks proper, having regard to the provisions of this Order.

(4) Subject to paragraphs (8), (9) and (11), where an animal has been seized under paragraph (1), the Department may retain it, destroy it or otherwise dispose of it.

(5) Where the Department wishes to retain the animal concerned, it may designate any person whom it thinks suitable to do so to keep the animal concerned in his possession on behalf of the Department for such period as may be agreed with that person.

(6) Where an animal is in the possession of a person designated under paragraph (5), the Department—

- (a) shall pay the reasonable expenses incurred by that person in keeping the animal concerned in his possession; and
- (b) may make such other arrangements in respect of the animal concerned on such terms and conditions as may be agreed with that person.

(7) During the period agreed with a designated person under paragraph (5), Article 3(1) shall not apply to the keeping by that person of the animal concerned.

(8) An animal seized under paragraph (1) shall not be destroyed or otherwise disposed of by the Department—

- (a) until the expiration of the time within which an appeal may be brought under paragraph (2); or
- (b) where such an appeal is brought, before the determination of the appeal.

(9) An animal seized under paragraph (1) shall not be destroyed by the Department unless the destruction is carried out by, or under the supervision of, a veterinary surgeon.

(10) Paragraphs (8) and (9) do not apply to any action taken to prevent the animal concerned from presenting a serious and immediate risk to the safety of any person, or to any section of the public or the public in general.

(11) An animal seized under paragraph (1) shall not be disposed of by the Department for the purposes of animal experimentation.

(12) Where an animal is disposed of under paragraph (4), any person to whom the animal is sold or given shall have a good title to it.

(13) Without prejudice to paragraphs (12) and (13) of Article 5, the Department shall not be liable to pay compensation to any person in respect of the seizure of any animal under this Article.

(14) Where the Department incurs any expenditure in exercising its powers under this Article, it shall be entitled to recover the amount of the expenditure as a civil debt from—

- (a) the licence holder concerned, if the power of seizure was exercised under paragraph (1)(a); or
- (b) any person who was at the time of the seizure a keeper of the animal concerned, if the power of seizure was exercised under paragraph (1)(b).

(15) Any person who intentionally obstructs any person in the exercise of a power of seizure under this Article shall be guilty of an offence.

Exemptions

7.—(1) Article 3(1) shall not apply to any dangerous wild animal kept in—

- [^{F2}(a) premises in relation to which a licence under section 12 of the Welfare of Animals Act is in force;]
- (b) premises licensed as a petshop under that section;
- (c) a circus;
- (d) a place which is [^{F3}the place specified in a section 2C licence] within the meaning of the Animals (Scientific Procedures) Act 1986 (c. 14).

(2) For the purposes of this Order an animal shall be treated as kept in premises [^{F4}in relation to which a licence under section 12 of the Welfare of Animals Act is in force] when it is elsewhere in the personal possession of the operator of the [^{F5}premises], or of competent persons acting on his behalf.

(3) Article 3(1) shall not apply to any dangerous wild animal—

- (a) of a kind prescribed in an order made by the Department; and
- (b) which is kept for the production of food, wool, skin, hair or feathers or for such other purpose as the Department may by order prescribe.

F2 Art. 7(1)(a) substituted (11.7.2011) by [Welfare of Animals Act \(Northern Ireland\) 2011 \(c. 16\)](#), ss. 57(1), 59, [Sch. 4 para. 6\(a\)](#) (with ss. 1(2), 52(1), 53, 54); S.R. 2011/245, [art. 2](#), Sch. 1

F3 Words in art. 7(1)(d) substituted (1.1.2013) by [The Animals \(Scientific Procedures\) Act 1986 Amendment Regulations 2012 \(S.I. 2012/3039\)](#), regs. 1(2), [35](#) (with Sch. 3)

F4 Words in art. 7(2) substituted (11.7.2011) by [Welfare of Animals Act \(Northern Ireland\) 2011 \(c. 16\)](#), ss. 57(1), 59, [Sch. 4 para. 6\(b\)\(i\)](#) (with ss. 1(2), 52(1), 53, 54); S.R. 2011/245, [art. 2](#), Sch. 1

F5 Word in art. 7(2) substituted (11.7.2011) by [Welfare of Animals Act \(Northern Ireland\) 2011 \(c. 16\)](#), ss. 57(1), 59, [Sch. 4 para. 6\(b\)\(ii\)](#) (with ss. 1(2), 52(1), 53, 54); S.R. 2011/245, [art. 2](#), Sch. 1

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Restriction on transferring ownership of dangerous wild animals

8.—(1) Subject to paragraph (2) and Article 9(10), an owner of a dangerous wild animal who gives or sells that animal to another person shall not part with possession of that animal unless that other person has produced a licence authorising him to keep the animal in question.

(2) This Article shall not apply where a dangerous wild animal is given or sold to a person who proposes to keep that animal in any premises or place within Article 7(1).

(3) Any person acting in contravention of paragraph (1) shall be guilty of an offence.

Existing keepers

9.—(1) Paragraph (2) applies if a person—

- (a) was keeping a dangerous wild animal at any premises immediately before the coming into operation of Article 3(1); and
- (b) is not disqualified under Article 10(2) from keeping that animal.

(2) That person shall be entitled to keep that animal at those premises without a licence—

- (a) for a period of 90 days beginning with the day on which Article 3(1) comes into operation; and
- (b) if before the end of that period he applies for a licence, until the seventh day after the day on which the application is withdrawn or finally determined.

(3) For the purposes of paragraph (2)(b) an application for a licence is finally determined when—

- (a) the licence is granted; or
- (b) if the application is refused by the Department—
 - (i) the period within which an appeal may be brought under Article 4 expires; or
 - (ii) if such an appeal is brought, that appeal is finally disposed of.

(4) The owner of a dangerous wild animal may at any time during the surrender period surrender that animal to the Department at such premises as the Department may designate for that purpose.

(5) The surrender period for an animal is the period—

- (a) beginning with the coming into operation of this Article; and
- (b) ending on the date on which (having regard where appropriate to the provisions of paragraphs (1) to (3)) the keeping of the animal without a licence first becomes an offence under Article 3(1).

(6) Subject to paragraphs (11) and (13), where an animal has been surrendered under paragraph (4), the Department may retain it, destroy it or otherwise dispose of it.

(7) Where the Department wishes to retain the animal concerned, it may designate any person whom it thinks suitable to do so to keep the animal concerned in his possession on behalf of the Department for such period as may be agreed with that person.

(8) Where an animal is in the possession of a person designated under paragraph (7), the Department—

- (a) shall pay the reasonable expenses incurred by that person in keeping the animal concerned in his possession; and
- (b) may make such other arrangements in respect of the animal concerned on such terms and conditions as may be agreed with that person.

(9) During the period agreed with a designated person under paragraph (7), Article 3(1) shall not apply to the keeping by that person of the animal concerned.

(10) Article 8(1) shall not apply to the surrender of a dangerous wild animal under paragraph (4).

(11) An animal surrendered under paragraph (4) shall not be destroyed by the Department unless the destruction is carried out by, or under the supervision of, a veterinary surgeon.

(12) Paragraph (11) does not apply to any action taken to prevent the animal concerned from presenting a serious and immediate risk to the safety of any person, or to any section of the public or the public in general.

(13) An animal surrendered under paragraph (4) shall not be disposed of by the Department for the purposes of animal experimentation.

(14) Where an animal is disposed of under paragraph (6), any person to whom the animal is sold or given shall have a good title to it.

(15) The Department shall not be liable to pay compensation to any person in respect of the surrender of any animal under this Article.

Penalties

10.—(1) Any person guilty of an offence under this Order shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale.

(2) Where a person is convicted of any offence under—

- (a) this Order;
- (b) the Welfare of Animals Act;
- (c) the Endangered Species (Import and Export) Act 1976 (c. 72) or the Control of Trade in Endangered Species (Enforcement) Regulations 1997 (S.I. 1997/1372) in relation to an animal;
- (d) the Diseases of Animals (Northern Ireland) Order 1981 (NI 22) by reason of the contravention of any provision of Article 21, 23 or 23A of that Order (protection of animals and poultry during transport) or any order made under any such provision;
- (e) the Dogs (Northern Ireland) Order 1983 (NI 8);
- (f) the Wildlife (Northern Ireland) Order 1985 (NI 2); or
- (g) any statutory provision concerning the licensing of zoos within the meaning of that statutory provision,

the court by or before which he is convicted may by order—

- (i) cancel any licence held by him; and
- (ii) whether or not he is the holder of a licence, disqualify him from keeping any dangerous wild animal for such period as the court thinks fit.

(3) A court may, if it thinks fit, suspend the operation of an order under paragraph (2) pending an appeal.

Power of Department to modify the Schedule

11. If the Department is satisfied that the scope of this Order should be—

- (a) extended so as to include animals of a kind not for the time being specified in the Schedule; or
- (b) diminished so as to exclude animals of a kind for the time being specified in the Schedule,

it may by order make the necessary modifications to the Schedule.

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Orders

12.—(1) Orders made by the Department under this Order (except an order under Article 1) shall be subject to negative resolution.

(2) Any orders made by the Department under this Order may contain such incidental, supplementary or transitional provisions or savings as the Department considers appropriate.

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Changes and effects yet to be applied to :

- [art. 7\(1\)\(b\)](#) repealed by [2011 c. 16 \(N.I.\) Sch. 5](#)