

## **Professional Dog Walkers Scheme**

### **Animal Welfare Act 2006 Prevention of Harm**

#### **Section 4 Unnecessary suffering**

**(1) A person commits an offence if —**

- (a) an act of his, or a failure of his to act, causes an animal to suffer,
- (b) he knew, or ought reasonably to have known, that the act, or failure to act, would have that effect or be likely to do so,
- (c) the animal is a protected animal, and
- (d) the suffering is unnecessary.

**(2) A person commits an offence if —**

- (a) he is responsible for an animal,
- (b) an act, or failure to act, of another person causes the animal to suffer,
- (c) he 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, and
- (d) the suffering is unnecessary.

**(3) The considerations to which it is relevant to have regard when determining for the purposes of this section whether suffering is unnecessary include —**

- (a) whether the suffering could reasonably have been avoided or reduced;
- (b) whether the conduct which caused the suffering was in compliance with any relevant enactment or any relevant provisions of a license or code of practice issued under an enactment;
- (c) whether the conduct which caused the suffering was for a legitimate purpose, such as —

- (i) the purpose of benefiting the animal, or
- (ii) the purpose of protecting a person, property or another animal;
- (d) whether the suffering was proportionate to the purpose of the conduct concerned;
- (e) whether the conduct concerned was in all the circumstances that of a reasonably competent and humane person.

**(4) Nothing in this section applies to the destruction of an animal in an appropriate and humane manner.**