



Animal Health and Welfare (Scotland) Act 2006

2006 asp 11

PART 2

ANIMAL WELFARE

Animals in distress

[^{F1}32A Powers of authorised person where animal taken into possession

- (1) Where a protected animal has been taken into possession under section 32, an authorised person may—
 - (a) without the consent of the owner of the animal or of any other person who is responsible for it, and
 - (b) without having applied for or obtained an order under section 34, take any of the steps mentioned in subsection (2) (in this section and in sections 32B to 32M, “relevant steps”).
- (2) The relevant steps are—
 - (a) administering treatment to the animal,
 - (b) transferring ownership of the animal to another person,
 - (c) destroying the animal.
- (3) Subject to subsection (4), in deciding to take a relevant step, the authorised person must have regard to the desirability of—
 - (a) protecting the long-term welfare of the animal so far as it is reasonable to do so,
 - (b) where the relevant step is administering treatment to the animal, protecting the value of the animal,
 - (c) avoiding increasing any expenses which a person may be required to reimburse.
- (4) An authorised person may decide to destroy the animal under subsection (1) only if a veterinary surgeon certifies that destruction of the animal is appropriate.

Changes to legislation: *Animal Health and Welfare (Scotland) Act 2006, Section 32A is up to date with all changes known to be in force on or before 26 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

- (5) An authorised person may take a relevant step only if—
- (a) a notice has been served in accordance with sections 32B and 32C, and
 - (b) either—
 - (i) the time period specified in section 32D(3) has expired without an appeal being made to the court under section 32D, or
 - (ii) such an appeal having been made, subsection (6) applies.
- (6) This subsection applies where—
- (a) the court has made an order under section 32D(6)(a) or (c) permitting the relevant step to be taken, or
 - (b) the appeal has been determined without any order being made which prevents the relevant step being taken.
- (7) Subsection (5) is subject to section 32E(6).
- (8) If a relevant step may be taken under this section, the authorised person has all of the rights and powers an owner of the animal would have in relation to the taking of that step.
- (9) This section is without prejudice to—
- (a) the powers of inspectors and constables under sections 32 and 35,
 - (b) any other power or authority of an authorised person to take any relevant step or other action in relation to the animal.
- (10) In this section and in sections 32B to 32M—
- “authorised person” means—
- (a) an inspector or a constable who is caring for, or has arranged for the care of, the animal taken into possession under section 32,
 - (b) any other person—
 - (i) with whom an arrangement for the care of the animal has been made under section 32, and
 - (ii) who is authorised by the Scottish Ministers to exercise the power to take relevant steps under this section,

references to the “taking” of relevant steps include references to arranging for those steps to be taken (and cognate expressions are to be construed accordingly),

“treatment” means any treatment or procedure which has as its purpose—

- (a) the prevention, reduction or alleviation of a protected animal's illness, disease, pain or discomfort,
- (b) the better management of the animal,
- (c) the health, safety or well-being of any other animal or person.]

Textual Amendments

F1 Ss. 32A-32M inserted (30.9.2021) by [Animals and Wildlife \(Penalties, Protections and Powers\) \(Scotland\) Act 2020 \(asp 14\)](#), ss. 19, 22(2); S.S.I. 2021/303, reg. 2(c)

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 49(2A) inserted by [2024 asp 4 s. 11\(2\)\(a\)](#)
- s. 51(4) inserted by [2024 asp 4 s. 11\(3\)](#)
- Sch. 1 para. 5A and cross-heading inserted by [2024 asp 4 s. 11\(4\)](#)