



Animal Health and Welfare (Scotland) Act 2006

2006 asp 11

PART 2

ANIMAL WELFARE

Animals in distress

[^{F1}32E Effect of decision notice on applications under section 33

- (1) Subsections (2) to (4) and (6) set out how section 33 operates where a decision notice has been served specifying a relevant step mentioned in section 32A(2)(b) or (c) in respect of a protected animal (whether or not a step mentioned in section 32A(2)(a) is also specified).
- (2) An application to the court for an order under section 33 in respect of the animal—
 - (a) may be made before the expiry of the period of 3 weeks beginning with the date of service of the decision notice,
 - (b) may not then be made unless and until one of the circumstances mentioned in subsection (3) occurs.
- (3) Those circumstances are—
 - (a) the court makes an order under section 32D(6) which—
 - (i) results in no relevant step being permitted (other than a step mentioned in section 32A(2)(a)), and
 - (ii) does not result in the animal being returned to its owner or its ownership being transferred to another person,
 - (b) the relevant step specified in the decision notice is not taken within 1 year beginning with the date mentioned in subsection (4),
 - (c) an authorised person advises the owner in writing that the relevant step specified in the decision notice will not be taken.
- (4) The date referred to in subsection (3)(b) is—
 - (a) the date on which the decision notice was served, provided that—

Changes to legislation: Animal Health and Welfare (Scotland) Act 2006, Section 32E 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

- (i) no application under section 33 is made in accordance with subsection (2)(a), and
 - (ii) no appeal under section 32D is made in accordance with section 32D(3),
 - (b) where an application under section 33 made in accordance with subsection (2) (a) is rejected by the court, the date it is so rejected, provided no appeal is made,
 - (c) where a decision mentioned at paragraph (b) is appealed, the date on which the appeal is rejected,
 - (d) where an appeal under section 32D is made in accordance with section 32D(3) and the court makes an order under section 32D(6)(a) or (c) which results in a step mentioned in section 32A(2)(b) or (c) being permitted, the date of that order, or
 - (e) where such an appeal is determined without any order being made which prevents a relevant step (other than a step mentioned in section 32A(2)(a)) being taken, the date of that determination.
- (5) If an application is made to the court under section 33 before a decision notice has been served—
- (a) an authorised person may not serve such a notice in respect of the animal to which the application relates until the proceedings under section 33 are finally disposed of or abandoned, and
 - (b) if such a notice is served, it is of no effect.
- (6) If an application is made to the court under section 33 in accordance with subsection (2), an authorised person may not take the relevant step specified in the decision notice in respect of the animal until the proceedings under section 33 are finally disposed of or abandoned.]

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\(4\)](#)