



# Animal Welfare Act 2006

## 2006 CHAPTER 45

### *General*

#### **51 Inspectors**

- (1) In this Act, “inspector”, in the context of any provision, means a person appointed to be an inspector for the purposes of that provision by—
  - (a) the appropriate national authority, or
  - (b) a local authority.
- (2) In appointing a person to be an inspector for purposes of this Act, a local authority shall have regard to guidance issued by the appropriate national authority.
- (3) The appropriate national authority may, in connection with guidance under subsection (2), draw up a list of persons whom the authority considers suitable for appointment by a local authority to be an inspector for purposes of this Act.
- (4) A person may be included in a list under subsection (3) as suitable for appointment as an inspector for all the purposes of this Act or only for such one or more of those purposes as may be specified in the list.
- (5) An inspector shall not be liable in any civil or criminal proceedings for anything done in the purported performance of his functions under this Act if the court is satisfied that the act was done in good faith and that there were reasonable grounds for doing it.
- (6) Relief from liability of an inspector under subsection (5) shall not affect any liability of any other person in respect of the inspector’s act.

#### **52 Conditions for grant of warrant**

- (1) This section is satisfied in relation to premises if any of the following four conditions is met.
- (2) The first condition is that the whole of the premises is used as a private dwelling and the occupier has been informed of the decision to apply for a warrant.

- (3) The second condition is that any part of the premises is not used as a private dwelling and that each of the following applies to the occupier of the premises—
- (a) he has been informed of the decision to seek entry to the premises and of the reasons for that decision;
  - (b) he has failed to allow entry to the premises on being requested to do so by an inspector or a constable;
  - (c) he has been informed of the decision to apply for a warrant.
- (4) The third condition is that—
- (a) the premises are unoccupied or the occupier is absent, and
  - (b) notice of intention to apply for a warrant has been left in a conspicuous place on the premises.
- (5) The fourth condition is that it is inappropriate to inform the occupier of the decision to apply for a warrant because—
- (a) it would defeat the object of entering the premises, or
  - (b) entry is required as a matter of urgency.

### **53 Powers of entry, inspection and search: supplementary**

Schedule 2 (which makes supplementary provision in relation to powers of entry, inspection and search) has effect.

### **54 Power to stop and detain vehicles**

- (1) A constable in uniform or, if accompanied by such a constable, an inspector may stop and detain a vehicle for the purpose of entering and searching it in the exercise of a power conferred—
- (a) by section 19(1), or
  - (b) by a warrant under section 19(4) or 23(1).
- (2) A constable in uniform may stop and detain a vehicle for the purpose of entering and searching it in the exercise of a power conferred—
- (a) by section 22(2), or
  - (b) by a warrant under section 22(4).
- (3) If accompanied by a constable in uniform, an inspector may stop and detain a vehicle for the purpose of entering it and carrying out an inspection in the exercise of a power conferred—
- (a) by section 26(2), 27(2), 28(2) or 29(2), or
  - (b) by a warrant under section 28(4).
- (4) A vehicle may be detained for as long as is reasonably required to permit a search or inspection to be carried out (including the exercise of any related power under this Act) either at the place where the vehicle was first detained or nearby.

### **55 Power to detain vessels, aircraft and hovercraft**

- (1) Where an inspector appointed by the appropriate national authority certifies in writing that he is satisfied that an offence under or by virtue of this Act is being or has been committed on board a vessel in port, the vessel may be detained.

- (2) A certificate under subsection (1) shall—
  - (a) specify each offence to which it relates, and
  - (b) set out the inspector's reasons for being satisfied that each offence to which it relates is being or has been committed.
- (3) Section 284 of the Merchant Shipping Act 1995 (c. 21) (which provides for enforcement of the detention of a ship under that Act by specified officers) shall apply as if the power of detention under subsection (1) were conferred by that Act.
- (4) An officer who detains a vessel in reliance on a certificate under subsection (1) shall as soon as is reasonably practicable give a copy of it to the master or person in charge of the vessel.
- (5) A vessel may be detained under subsection (1) until the appropriate national authority otherwise directs.
- (6) The appropriate national authority may by regulations—
  - (a) apply this section to aircraft or hovercraft, with such modifications as the authority thinks fit, or
  - (b) make such other provision for the detention of aircraft or hovercraft in relation to offences under or by virtue of this Act as the authority thinks fit.

## **56 Obtaining of documents in connection with carrying out orders etc.**

- (1) Where—
  - (a) an order under section 20(1), 33(1) or (2), 35(1) or (2) or 37(1) has effect, and
  - (b) the owner of an animal to which the order relates has in his possession, or under his control, documents which are relevant to the carrying out of the order or any directions given in connection with it,

the owner shall, if so required by a person authorised to carry out the order, deliver the documents to that person as soon as practicable and in any event before the end of the period of 10 days beginning with the date on which he is notified of the requirement.
- (2) Where—
  - (a) directions under section 41(3)(b) have effect, and
  - (b) the owner of an animal to which the directions relate has in his possession, or under his control, documents which are relevant to the carrying out of the directions,

the owner shall, if so required by a person authorised to carry out the directions, deliver the documents to that person as soon as practicable and in any event before the end of the period of 10 days beginning with the date on which he is notified of the requirement.
- (3) A person who fails without reasonable excuse to comply with subsection (1) or (2) commits an offence.

## **57 Offences by bodies corporate**

- (1) Where an offence under this Act is committed by a body corporate and is proved to have been committed with the consent or connivance of or to be attributable to any neglect on the part of—

- (a) any director, manager, secretary or other similar officer of the body corporate, or
  - (b) any person who was purporting to act in any such capacity,
- he (as well as the body corporate) commits the offence and shall be liable to be proceeded against and punished accordingly.
- (2) Where the affairs of a body corporate are managed by its members, subsection (1) applies in relation to the acts and defaults of a member in connection with his functions of management as if he were a director of the body corporate.

## **58 Scientific research**

- (1) Nothing in this Act applies to anything lawfully done under the Animals (Scientific Procedures) Act 1986 (c. 14).
- (2) No power of entry, inspection or search conferred by or under this Act, except for any such power conferred by section 28, may be exercised in relation to a place which is—
- (a) designated under section 6 of the Animals (Scientific Procedures) Act 1986 as a scientific procedure establishment, or
  - (b) designated under section 7 of that Act as a breeding establishment or as a supplying establishment.
- (3) Section 9 does not apply in relation to an animal which—
- (a) is being kept, at a place designated under section 6 of the Animals (Scientific Procedures) Act 1986 as a scientific procedure establishment, for use in regulated procedures,
  - (b) is being kept, at a place designated under section 7 of that Act as a breeding establishment, for use for breeding animals for use in regulated procedures,
  - (c) is being kept at such a place, having been bred there for use in regulated procedures, or
  - (d) is being kept, at a place designated under section 7 of that Act as a supplying establishment, for the purpose of being supplied for use elsewhere in regulated procedures.
- (4) In subsection (3), “regulated procedure” has the same meaning as in the Animals (Scientific Procedures) Act 1986.

## **59 Fishing**

Nothing in this Act applies in relation to anything which occurs in the normal course of fishing.

## **60 Crown application**

- (1) Subject to the provisions of this section, this Act and regulations and orders made under it shall bind the Crown.
- (2) No contravention by the Crown of any provision made by or under this Act shall make the Crown criminally liable; but the High Court may declare unlawful any act or omission of the Crown which constitutes such a contravention.

- (3) Notwithstanding subsection (2), the provisions of this Act and of regulations and orders made under it shall apply to persons in the service of the Crown as they apply to other persons.
- (4) If the Secretary of State certifies that it appears to him appropriate in the interests of national security that powers of entry conferred by or under this Act should not be exercisable in relation to Crown premises specified in the certificate, those powers shall not be exercisable in relation to those premises.
- (5) In subsection (4), “Crown premises” means premises held, or used, by or on behalf of the Crown.
- (6) No power of entry conferred by or under this Act may be exercised in relation to land belonging to Her Majesty in right of Her private estates.
- (7) In subsection (6), the reference to Her Majesty’s private estates shall be construed in accordance with section 1 of the Crown Private Estates Act 1862 (c. 37).

## **61 Orders and regulations**

- (1) Any power of the Secretary of State, the National Assembly for Wales or the Scottish Ministers to make orders or regulations under this Act, except the power under section 17(1) of the National Assembly for Wales, is exercisable by statutory instrument.
- (2) No regulations under section 1(3), 5(4), 6, 12 or 13 shall be made by the Secretary of State unless a draft of the instrument containing the regulations has been laid before, and approved by a resolution of, each House of Parliament.
- (3) No order under section 17(1) shall be made by the Secretary of State unless a draft of the instrument containing the order has been laid before Parliament.
- (4) Subsection (3) does not apply in relation to an order revoking a code of practice in connection with its replacement by a new one.
- (5) A statutory instrument containing regulations under section 55(6) made by the Secretary of State shall be subject to annulment in pursuance of a resolution of either House of Parliament.

## **62 General interpretation**

- (1) In this Act—
  - “animal” has the meaning given by section 1(1);
  - “appropriate national authority” means—
    - (a) in relation to England, the Secretary of State;
    - (b) in relation to Wales, the National Assembly for Wales;
  - “enactment” includes an enactment contained in subordinate legislation (within the meaning of the Interpretation Act 1978 (c. 30));
  - “licence” means a licence for the purposes of section 13;
  - “local authority” means—
    - (a) in relation to England, a county council, a district council, a London borough council, the Common Council of the City of London or the Council of the Isles of Scilly;

- (b) in relation to Wales, a county council or a county borough council;
  - “premises” includes any place and, in particular, includes—
    - (a) any vehicle, vessel, aircraft or hovercraft;
    - (b) any tent or movable structure;
  - “protected animal” has the meaning given by section 2;
  - “suffering” means physical or mental suffering and related expressions shall be construed accordingly;
  - “veterinary surgeon” means a person registered in the register of veterinary surgeons, or the supplementary veterinary register, kept under the Veterinary Surgeons Act 1966 (c. 36).
- (2) In this Act, references to the occupier of premises, in relation to any vehicle, vessel, aircraft or hovercraft, are to the person who appears to be in charge of the vehicle, vessel, aircraft or hovercraft, and “unoccupied” shall be construed accordingly.
- (3) In this Act, references to a part of premises which is used as a private dwelling include any yard, garden, garage or outhouse which is used for purposes in connection with it.
- (4) In this Act, references to responsibility, in relation to an animal, are to be read in accordance with section 3.
- (5) In this Act, references to the needs of an animal are to be read in accordance with section 9(2).
- (6) In this Act, references to a “relevant post-conviction power” are to a power conferred by—
  - (a) section 33, 34, 37 or 42 of this Act,
  - (b) section 4(2) of the Performing Animals (Regulation) Act 1925 (c. 38) (power to remove name from register under Act and disqualify from registration),
  - (c) section 5(3) of the Pet Animals Act 1951 (c. 35) (power to cancel licence under Act and disqualify from carrying on licensable activity),
  - (d) section 3(3) of the Animal Boarding Establishments Act 1963 (c. 43) (provision corresponding to that mentioned in paragraph (c) above),
  - (e) section 4(3) of the Riding Establishments Act 1964 (c. 70) (further corresponding provision),
  - (f) section 3(4) of the Guard Dogs Act 1975 (c. 50) (power to cancel licence under Act),
  - (g) section 6(2) of the Dangerous Wild Animals Act 1976 (c. 38) (power to cancel licence under Act and disqualify from carrying on licensable activity), or
  - (h) section 4(4) of the Zoo Licensing Act 1981 (c. 37) (power to refuse licence under Act for conviction for an offence).

### 63 Financial provisions

- (1) There shall be paid out of money provided by Parliament—
  - (a) any expenditure under this Act of the Secretary of State, and
  - (b) any increase attributable to this Act in the sums payable out of money so provided under any other enactment.
- (2) There shall be paid into the Consolidated Fund any increase attributable to this Act in the sums payable into that Fund under any other enactment.

## **64 Minor and consequential amendments**

Schedule 3 (minor and consequential amendments) has effect.

## **65 Repeals**

The enactments specified in Schedule 4 are hereby repealed to the extent specified.

## **66 Transition**

- (1) Each of the Secretary of State, the National Assembly for Wales and the Scottish Ministers may by order make such transitional provision or savings as are considered necessary or expedient in connection with the coming into force of any provision of this Act.
- (2) Power under subsection (1) includes power to make different provision for different cases.
- (3) Section 34(9) shall apply in relation to a disqualification imposed by an order under section 1 of the Protection of Animals (Amendment) Act 1954 (c. 40) (power to disqualify persons convicted of cruelty to animals) as it applies in relation to a disqualification imposed by an order under section 34(1).
- (4) In relation to a person convicted of an offence under section 34(9) by virtue of breaching a disqualification imposed by an order under section 1 of the Protection of Animals (Amendment) Act 1954, section 35(2) shall have effect with the substitution for the words from “owning” to “keeps” of “having custody of an animal in breach of disqualification under section 1 of the Protection of Animals (Amendment) Act 1954, the court by or before which he is convicted may order that all animals of which he has custody”.
- (5) Section 43 shall apply in relation to a person who is disqualified by virtue of an order under section 1 of the Protection of Animals (Amendment) Act 1954 as it applies in relation to a person who is disqualified by virtue of an order under section 34 or 42.
- (6) In its application by virtue of subsection (5), section 43(2)(c) shall have effect with the omission of the words “section 34(6), 42(3) or”.

## **67 Extent**

- (1) Subject to the following provisions, this Act extends to England and Wales only.
- (2) Sections 46 to 50 and 68(2) extend to Scotland only.
- (3) The following provisions also extend to Scotland—
  - (a) sections 57 and 60(1) and (4) to (7), so far as relating to sections 46 to 50,
  - (b) section 61(1), so far as relating to sections 66 and 68,
  - (c) section 66(1) and (2), this section and sections 68(1), (3) and (4) and 69,
  - (d) paragraphs 2, 12 and 14 of Schedule 3, and section 64 so far as relating to them, and
  - (e) such of the repeals in Schedule 4 as are mentioned in subsection (4), and section 65 so far as relating to them.
- (4) The repeals referred to are—

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*Status: This is the original version (as it was originally enacted).*

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- (a) in section 1(3) of the Protection of Animals Act 1934 (c. 21), the provision about the meaning of “horse” and “bull”;
  - (b) in the Protection of Animals (Amendment) Act 1954 (c. 40)—
    - (i) in section 1(1), the words “the Protection of Animals Act 1911 or”, and
    - (ii) in section 4(1)(a), the words from “, in relation to England” to “in relation to Scotland.”;
  - (c) in the Protection of Animals (Anaesthetics) Act 1954 (c. 46), section 2(2) and Part 1 of Schedule 2;
  - (d) in the Abandonment of Animals Act 1960 (c. 43)—
    - (i) section 2(a), and
    - (ii) in section 3(2), the words “the Protection of Animals Acts 1911 to 1960, or” and the words “, as the case may be”;
  - (e) in section 4(2) of the Animals (Cruel Poisons) Act 1962 (c. 26), the words from “and the Protection of Animals Acts 1911” to “and this Act”;
  - (f) in the Protection of Animals (Anaesthetics) Act 1964 (c. 39), section 2(1)(a);
  - (g) in the Agriculture (Miscellaneous Provisions) Act 1968 (c. 34)—
    - (i) section 7(3), and
    - (ii) in section 8(5), the words “the Protection of Animals Acts 1911 to 1964 or”.
- (5) The following provisions also extend to Northern Ireland—
- (a) section 61(1), so far as relating to sections 66 and 68,
  - (b) section 66(1) and (2), this section and sections 68(1), (3) and (4) and 69, and
  - (c) paragraphs 12 and 14 of Schedule 3, and section 64 so far as relating to them.

## 68 Commencement

- (1) This section and sections 61, 67 and 69 shall come into force on the day on which this Act is passed.
- (2) Sections 46 to 50 shall come into force on such day as the Scottish Ministers may by order appoint.
- (3) The remaining provisions of this Act—
  - (a) so far as relating to England, Scotland or Northern Ireland, shall come into force on such day as the Secretary of State may by order appoint, and
  - (b) so far as relating to Wales, shall come into force on such day as the National Assembly for Wales may by order appoint.
- (4) Power under subsection (3) includes power to appoint different days for different purposes.

## 69 Short title

This Act may be cited as the Animal Welfare Act 2006.