



## 2011 CHAPTER 16

### **PART 4**

#### **ENFORCEMENT**

##### *Post-conviction powers*

#### **Seizure of animals in connection with disqualification**

**34.—**(1) Where—

- (a) a court makes an order under section 33(1), and
- (b) it appears to the court that the person to whom the order applies owns or keeps any animal contrary to the disqualification imposed by the order,

it may order that all animals that that person owns or keeps contrary to the disqualification be taken into possession.

(2) Where a person is convicted of an offence under section 33(9) because of owning or keeping an animal in breach of disqualification under section 33(2), the court by or before which that person is convicted may order that all animals that that person owns or keeps in breach of the disqualification be taken into possession.

(3) An order under subsection (1) or (2), so far as relating to any animal owned by the person subject to disqualification, shall have effect as an order for the disposal of the animal.

(4) Any animal taken into possession in pursuance of an order under subsection (1) or (2) that is not owned by the person subject to disqualification shall be dealt with in such manner as the court may order.

(5) A court may not make an order for disposal under subsection (4) unless—

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**Changes to legislation:** *There are currently no known outstanding effects for the Welfare of Animals Act (Northern Ireland) 2011, Section 34. (See end of Document for details)*

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- (a) it has given the owner of the animal an opportunity to be heard, or
  - (b) it is satisfied that it is not reasonably practicable to communicate with the owner.
- (6) Where a court makes an order under subsection (4) for the disposal of an animal, the owner may—
- (a) in the case of an order made by a magistrates' court, appeal against the order to the county court;
  - (b) in the case of an order made by the Crown Court, appeal against the order to the Court of Appeal.
- (7) In this section, references to disposing of an animal include destroying it.

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**Modifications etc. (not altering text)**

- C1** S. 34 applied (1.4.2013) by [The Welfare of Animals \(Dog Breeding Establishments and Miscellaneous Amendments\) Regulations \(Northern Ireland\) 2013 \(S.R. 2013/43\)](#), regs. 1, 17

**Changes to legislation:**

There are currently no known outstanding effects for the Welfare of Animals Act (Northern Ireland) 2011, Section 34.