



# Protection of Animals (Amendment) Act 1988

## 1988 CHAPTER 29

An Act to enable a court to disqualify a person for having custody of an animal on a first conviction of cruelty; and to increase the penalties for offences relating to animal fights, and to make further provision with respect to attendance at such fights, in England and Wales and to penalise attendance at such fights in Scotland. [29th July 1988]

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

### **1 Disqualification orders on first conviction of cruelty.**

- (1) In section 1(1) of the <sup>M1</sup>Protection of Animals (Amendment) Act 1954 (power of court to disqualify a person for having custody of an animal on a subsequent conviction for an offence of cruelty under the Acts for the protection of animals) for the words from the beginning to “the court by whom he is convicted on the subsequent occasion may” there shall be substituted the words “Where a person has been convicted under the Protection of Animals Act 1911 or the Protection of Animals (Scotland) Act 1912 of an offence of cruelty to any animal the court by which he is convicted may”.
- (2) This section does not affect the powers of a court on a conviction for an offence committed before the coming into force of this Act.

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#### **Marginal Citations**

**M1** 1954 c. 40.

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*Status: Point in time view as at 01/02/1991.*

*Changes to legislation: There are currently no known outstanding effects for the Protection of Animals (Amendment) Act 1988. (See end of Document for details)*

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## 2 Offences relating to animal fights.

- (1) In section 47 of the <sup>M2</sup>Metropolitan Police Act 1839, section 31 of the <sup>M3</sup>City of London Police Act 1839 and section 36 of the <sup>M4</sup>Town Police Clauses Act 1847 (penalties for offences relating to animal fights) for the references to level 1 on the standard scale there shall be substituted references to level 4 on that scale.
- (2) After section 5 of the <sup>M5</sup>Protection of Animals Act 1911 there shall be inserted—

### “5A Attendance at animal fights.

A person who, without reasonable excuse, is present when animals are placed together for the purpose of their fighting each other shall be liable on summary conviction to a fine not exceeding level 4 on the standard scale.

### 5B Advertising of animal fights.

If a person who publishes or causes to be published an advertisement for a fight between animals knows that it is such an advertisement he shall be liable on summary conviction to a fine not exceeding level 4 on the standard scale.”

- (3) After section 1 of the <sup>M6</sup>Protection of Animals (Scotland) Act 1912 there shall be inserted—

### “1A Offence of being present at animal fights.

- (1) A person who is present when animals are placed together for the purpose of their fighting each other shall be guilty of an offence and liable on summary conviction to a penalty not exceeding level 4 on the standard scale.
- (2) It shall be a defence for a person charged with an offence under subsection (1) above to prove that he had a reasonable excuse for being so present.

### 1B Offence of advertising animal fights.

If a person who publishes or causes to be published an advertisement for a fight between animals knows that it is such an advertisement he shall be guilty of an offence and liable on summary conviction to a penalty not exceeding level 4 on the standard scale.”

- (4) Subsection (1) above does not affect the punishment for an offence committed before the coming into force of this Act. Short title, repeals, commencement and extent.

#### Marginal Citations

- M2** 1839 c. 47.  
**M3** 1839 c. xciv.  
**M4** 1847 c. 89.  
**M5** 1911 c. 27.  
**M6** 1912 c. 14.

- (1) This Act may be cited as the Protection of Animals (Amendment) Act 1988.

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- (2) The enactments mentioned in the Schedule to this Act are hereby repealed to the extent specified in the third column of that Schedule.
- (3) Those repeals do not affect the operation of the enactments mentioned in that Schedule in relation to any disqualification order made before the coming into force of this Act under either of the first two Acts there mentioned.
- (4) This Act shall come into force at the end of the period of two months beginning with the day on which it is passed.
- (5) This Act does not extend to Northern Ireland.

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## SCHEDULE

Section 3(2) and (3).

## REPEALS

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23 & 24 Geo.5 c.17.	The Protection of Animals (Cruelty to Dogs) Act 1933.	The whole Act.
24 & 25 Geo.5 c.25.	The Protection of Animals (Cruelty to Dogs) (Scotland) Act 1934.	The whole Act.
2 & 3 Eliz.2 c.40.	The Protection of Animals (Amendment) Act 1954.	Section 3, so far as unrepealed.
1963 c.43.	The Animal Boarding Establishments Act 1963.	Section 1(2)(c) and (d).
1964 c.70.	The Riding Establishments Act 1964.	Section 1(2)(b) and (c).
1973 c.60.	The Breeding of Dogs Act 1973.	Section 1(2)(c) and (d).

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