

*These notes refer to the Animal Welfare Act 2006 (c.45)
which received Royal Assent on 8 November 2006*

ANIMAL WELFARE ACT 2006

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Post-Conviction Powers

Section 43: Termination of disqualification under section 34 or 42

177. *Subsection (1)* enables a person subject to a disqualification order under section 34 or 42 to apply to the court for termination of the disqualification, but *subsection (2)* imposes restrictions on the right to apply. An application cannot be made until one year has elapsed since the disqualification order was made (*subsection (2)(a)*). Where a previous application for termination of a disqualification order has been made under this section, the application cannot be made until one year after the determination of that application (*subsection (2)(b)*). In addition to this, applications cannot be made until a period specified by the court under sections 34(6), 42(3) or *subsection (5)* of this section has elapsed (*subsection (2)(c)*).
178. *Subsection (3)* sets out the court's powers in relation to an application to terminate a disqualification order. The court may terminate the disqualification, make it less onerous, or refuse the application. *Subsection (5)* provides that, if a court dismisses the application, it may specify a longer period than the period given at *subsection (2)(b)* in which the offender may not make an application for termination of the disqualification order. The court may also order the applicant to pay all or part of the costs of the application.
179. *Subsection (7)* specifies the court to which application must be made.