



Animal Welfare Act 2006

2006 CHAPTER 45

Scotland

47 Deprivation orders in connection with offence under section 46(2)

- (1) Where a person is convicted of an offence under section 46(2) because of owning or keeping an animal in breach of disqualification under section 34(2), the convicting court may make an order (in this section and sections 49 and 50 referred to as a “deprivation order”) in respect of any animal in relation to which the offence was committed.
- (2) A deprivation order is an order—
 - (a) depriving a person of possession or ownership (or both) of an animal, and
 - (b) for—
 - (i) the destruction,
 - (ii) the sale, or
 - (iii) another disposal,of the animal.
- (3) Where the court decides not to make a deprivation order, it must state its reasons.
- (4) A deprivation order may be made in addition to, or instead of, any other penalty or order which may be imposed in relation to the offence.
- (5) A deprivation order may make provision in respect of any dependent offspring of an animal to which it applies.
- (6) A deprivation order may include—
 - (a) provision—
 - (i) appointing a person who is to secure that the order is carried out,
 - (ii) requiring any person possessing an animal to which the order applies to give it up to a person appointed under sub-paragraph (i),
 - (b) provision authorising—
 - (i) a person appointed under paragraph (a)(i), and

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- (ii) any person acting on that person's behalf,
to enter, for the purposes of securing that the order is carried out, any premises where an animal to which the order applies is kept,
 - (c) such other provisions as the court considers appropriate in connection with the order.
- (7) Provision under subsection (6)(c) may, in particular—
 - (a) require reimbursement of any expenses reasonably incurred in carrying out the order,
 - (b) relate to the retention of any proceeds of the disposal.
- (8) The court may not make a deprivation order which involves the destruction of an animal unless it is satisfied, on evidence provided (orally or in writing) by a veterinary surgeon, that destruction would be in the interests of the animal.
- (9) Before making a deprivation order, the court must give the owner of the animal concerned an opportunity to make representations unless it is not practicable for it to do so.