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STATUTORY INSTRUMENTS

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**2006 No. 3407**

**The Animal Health and Welfare (Scotland) Act 2006  
(Consequential Provisions) (England and Wales) Order 2006**

**Seizure of animals in connection with disqualification**

4.—(1) Where a person is convicted of an offence under article 3(2) because of owning or keeping an animal (or both) in breach of disqualification under section 28F(1) of the 1981 Act or section 40(1) of the 2006 Act, the court by or before which that person is convicted may order that all animals which that person owns or keeps in breach of the disqualification be taken into possession.

(2) An order under paragraph (1), 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.

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

(4) A court may not make an order for disposal under paragraph (3) unless—

- (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.

(5) Where a court makes an order under paragraph (3) 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 Crown Court;
- (b) in the case of an order made by the Crown Court, appeal against the order to the Court of Appeal.

(6) In paragraph (3), the reference to the appropriate court is to—

- (a) the court which made the order under paragraph (1); or
- (b) in the case of an order made by a magistrates' court, a magistrates' court for the same local justice area as that court.

(7) In this article, references to disposing of an animal include destroying it.