# Animal Welfare Act 2006

**2006 CHAPTER 45**

*Post-conviction powers*

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

(1) Where—

(a) a court makes an order under section 34(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 he owns or keeps contrary to the disqualification be taken into possession.

(2) Where a person is convicted of an offence under section 34(9) because of owning or keeping an animal in breach of disqualification under section 34(2), the court by or before which he is convicted may order that all animals he 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 appropriate court may order.

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

(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 Crown Court;

(b) in the case of an order made by the Crown Court, appeal against the order to the Court of Appeal.

(7) In subsection (4), the reference to the appropriate court is to—

(a) the court which made the order under subsection (1) or (2), or

(b) in the case of an order made by a magistrates' court, to a magistrates' court for the same local justice area as that court.

(8) In this section, references to disposing of an animal include destroying it.