



# Protection of Animals (Amendment) Act 2000

## 2000 CHAPTER 40

An Act to enable provision to be made for the care, disposal or slaughter of animals to which proceedings under section 1 of the Protection of Animals Act 1911 relate; and for connected purposes. [30th November 2000]

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 Application of Act

- (1) Sections 2 to 4 apply where—
  - (a) a person who is mentioned in subsection (3) (referred to in this Act as “the prosecutor”) has brought proceedings for an offence under section 1 of the Protection of Animals Act 1911 (referred to in this Act as “the 1911 Act”) against the owner of the animals to which the offence relates; and
  - (b) the proceedings have not been discontinued or otherwise disposed of.
- (2) But those sections only apply in relation to an animal which the owner keeps or has kept for commercial purposes.
- (3) The persons referred to in subsection (1) are—
  - (a) the Director of Public Prosecutions;
  - (b) a Crown Prosecutor;
  - (c) a government department;
  - (d) a local authority;
  - (e) in relation to a prosecution in England, a person who, at the request of the Minister of Agriculture, Fisheries and Food, has entered into a written agreement under which he may perform the functions conferred on a prosecutor by virtue of this Act;

- (f) in relation to a prosecution in Wales, a person who, at the request of the National Assembly for Wales, has entered into a written agreement under which he may perform the functions conferred on a prosecutor by virtue of this Act.

## **2 Orders for the care, disposal or slaughter of animals**

- (1) If, on the application of the prosecutor, it appears to the court from evidence given by a veterinary surgeon that it is necessary in the interests of the welfare of the animals in question for the prosecutor to do one or more of the things mentioned in subsection (2), the court may make an order authorising him to do so.
- (2) Those things are—
  - (a) taking charge of the animals and caring for them, or causing or procuring them to be cared for, on the premises on which they are kept or at some other place;
  - (b) selling the animals at a fair price;
  - (c) disposing of the animals otherwise than by way of sale;
  - (d) slaughtering the animals, or causing or procuring them to be slaughtered.
- (3) In determining what to authorise by the order, the court must have regard to all the circumstances, including the desirability of protecting the owner's interest in the value of the animals and avoiding increasing his costs.
- (4) An order under this section ceases to have effect on the discontinuance or other disposal of the proceedings under section 1 of the 1911 Act; but this is without prejudice to anything done before, or done in pursuance of a contract entered into before, the order ceases to have effect.

## **3 Powers of entry, etc**

- (1) Where—
  - (a) the prosecutor has given notice to the court of his intention to apply for an order under section 2; and
  - (b) he is of the opinion that the animals need to be marked for identification purposes,the prosecutor, or a person authorised by him, may enter the premises on which the animals are kept and mark them for those purposes.
- (2) Where an order is made under section 2, the prosecutor, or a person authorised by him, may—
  - (a) enter the premises on which the animals are kept for the purpose of exercising the powers conferred by the order;
  - (b) mark the animals (whether by the application of an ear tag or by any other means); and
  - (c) in the case of an order making any provision mentioned in section 2(2)(a), make use for that purpose of any equipment on the premises.
- (3) Any person who obstructs the prosecutor, or a person authorised by him, in the exercise of powers conferred by subsection (1) or (2) or an order under section 2 is guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (4) Nothing in this section authorises a person to enter a dwellinghouse.

- (5) A person entering any premises in the exercise of powers conferred on him by this section must, if so required by the owner or occupier or person in charge of the premises—
- (a) produce to him some duly authenticated document showing that he is, or is a person authorised by, the prosecutor; and
  - (b) state in writing his reasons for entering.

#### **4 Other supplementary provisions**

- (1) Where an order is made under section 2—
- (a) the prosecutor is entitled to be reimbursed for any reasonable expenses incurred by him in the exercise of the powers conferred by virtue of the order; and
  - (b) subject to that, in the case of an order making any provision mentioned in subsection (2)(b), (c) or (d) of that section, the prosecutor must pay to the owner the proceeds of any disposal or slaughter of the animals.
- (2) Any amount for which the prosecutor is entitled to be reimbursed under subsection (1) may be recovered by him from the owner summarily as a civil debt.
- (3) Where—
- (a) an order under section 2 makes any provision mentioned in subsection (2)(b), (c) or (d) of that section; and
  - (b) the owner has in his possession or under his control documents—
    - (i) without which the animals cannot be slaughtered for human consumption; or
    - (ii) which are otherwise relevant to the condition or value of the animals, the owner must, as soon as practicable and in any event within 10 days of the making of the order, deliver those documents to the prosecutor.
- (4) If the owner without reasonable excuse fails to deliver any documents as required by subsection (3), he is guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (5) The prosecutor may, if the owner fails to deliver as required by subsection (3) any documents within paragraph (b)(i), apply to the person by whom the documents were issued for replacement documents to be issued and that person must, if he has sufficient information to do so, issue replacement documents to the prosecutor.
- (6) An application under subsection (5) is to be accompanied by—
- (a) a copy of the order under section 2; and
  - (b) such reasonable fee (if any) as is determined by the person to whom the application is made.
- (7) In this section, “owner” means the owner against whom the proceedings were brought.

#### **5 Short title, interpretation, commencement and extent**

- (1) This Act may be cited as the Protection of Animals (Amendment) Act 2000.
- (2) In this Act—
- “the 1911 Act” means the Protection of Animals Act 1911;

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*Status: This is the original version (as it was originally enacted).*

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“local authority”—

- (a) in relation to England, means a county council, a district council, a London borough council, the Common Council of the City of London or the Council of the Isles of Scilly;
  - (b) in relation to Wales, means a county council or a county borough council;
- “prosecutor” has the meaning given by section 1(3);
- “veterinary surgeon” means a person registered in the register of veterinary surgeons, or the supplementary veterinary register, kept under the Veterinary Surgeons Act 1966;

and expressions which are used in the 1911 Act have the same meanings as in that Act.

- (3) This Act comes into force at the end of the period of two months beginning with the day on which it is passed.
- (4) This Act extends to England and Wales only.