

*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

General

Schedule 2 - Powers of entry, inspection and search: supplementary

236. This Schedule specifies the powers and duties of those exercising powers of entry, inspection or search under the Act.
237. *Paragraph 1(1)* provides that the safeguards in relation to the issue of warrants to constables contained in the Police and Criminal Evidence Act 1984 (c.69), apply to inspectors for the purposes of the issue of warrants under sections 19(4) or 23(1).
238. *Paragraphs 2* and *3* apply the safeguards in relation to the issue of warrants to constables contained in sections 15 and 16 of the Police and Criminal Evidence Act 1984, to inspectors exercising a right of entry under section 28(4). These paragraphs reflect sections 15 and 16 to the extent that they are relevant to the issue of warrants under section 28(4) – they do not reflect the provisions that relate to search. Multiple entry or multiple premises warrants (available to constables under the 1984 Act) are not available to inspectors.
239. *Paragraph 4(2)* requires the person entering to show evidence of his identity and his authority to enter, and to give information about his reasons for entering. There needs to be a request for these things before there is a requirement to provide them.
240. *Paragraph 5* contains a power to take other persons onto the premises. This is at the discretion of the inspector or constable who is entering. For example, it may be necessary to take a veterinary surgeon onto the premises. In such a case, an accompanying veterinary surgeon will have powers to examine the animals under *paragraph 10(2)(a)* and to take samples, tests etc under *paragraph 10(2)(d)* (see *paragraph 10(3)*). The powers set out in *paragraph 10*, which also include the power to seize documents, apply to entry for the purpose of inspecting licensed and registered activities, inspection of farmed animals and checking compliance with European legislation. They also apply to entry and search where there is reasonable suspicion that an offence is being, or has been committed.
241. *Paragraph 6* imposes a duty to ensure that a search or inspection is undertaken at a reasonable time, unless it appears to the constable or inspector that the purpose of the search or inspection would be frustrated if the power was exercised at a reasonable time.
242. *Paragraph 7* imposes an obligation to give assistance. This is imposed on the occupier, anyone appearing to be the owner or keeper of animals there, or anyone appearing to be under the direction or control of the owner or keeper. In the case of entry to inspect licensed activities under section 26, the obligation to give assistance extends to the licence holder.
243. *Paragraph 8* will allow an inspector or constable entering premises under the powers specified in *paragraph 7(1)* to take equipment onto the premises with him.

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244. *Paragraph 10* outlines the powers of inspection, search, and seizure which an inspector or constable will have once he has entered premises under section 26(1), 27(1), 28(1) or 29(1), or under a warrant conferred under section 23(1). *Paragraph 15* outlines the more limited powers of inspection and seizure which an inspector or constable will have when he has entered to search for an animal in distress under section 19.
245. *Paragraph 14* provides for the use reasonable force in the exercise of certain powers under *paragraph 10*.
246. *Paragraph 16* makes it an offence to obstruct a person lawfully exercising a power of entry or a power under the Schedule, or to fail to give assistance as required under *paragraph 7*.