



Animal Welfare Act 2006

2006 CHAPTER 45

Post-conviction powers

38 Destruction of animals involved in fighting offences

- (1) The court by or before which a person is convicted of an offence under section 8(1) or (2) may order the destruction of an animal in relation to which the offence was committed on grounds other than the interests of the animal.
- (2) A court may not make an order under subsection (1) 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.
- (3) Where a court makes an order under subsection (1), it may—
 - (a) appoint a person to carry out, or arrange for the carrying out of, the order;
 - (b) require a person who has possession of the animal to deliver it up to enable the order to be carried out;
 - (c) give directions with respect to the carrying out of the order (including directions about how the animal is to be dealt with until it is destroyed);
 - (d) confer additional powers (including power to enter premises where the animal is being kept) for the purpose of, or in connection with, the carrying out of the order;
 - (e) order the offender or another person to reimburse the expenses of carrying out the order.
- (4) Where a court makes an order under subsection (1) in relation to an animal which is owned by a person other than the offender, that person 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.

Changes to legislation: There are currently no known outstanding effects for the Animal Welfare Act 2006, Section 38. (See end of Document for details)

- (5) In subsection (1), the reference to an animal in relation to which the offence was committed includes an animal which took part in an animal fight in relation to which the offence was committed.

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Commencement Information

- I1** S. 38 in force at 27.3.2007 for W. by S.I. 2007/1030, **art. 2(1)(e)**
I2 S. 38 in force at 6.4.2007 for E. by S.I. 2007/499, **art. 2(2)(g)**

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