



# Animal Health and Welfare (Scotland) Act 2006

2006 asp 11

## PART 2

### ANIMAL WELFARE

#### *Animals in distress*

#### **32 Taking possession of animals**

- (1) An inspector or a constable may, if it appears that a protected animal is suffering—
  - (a) take, or
  - (b) arrange for the taking of,such steps as appear to be immediately necessary to alleviate the animal's suffering.
- (2) However, subsection (1) does not authorise the destruction of a protected animal (for which [F1sections 32A and 35 make] provision).
- (3) If a veterinary surgeon certifies that a protected animal is—
  - (a) suffering, or
  - (b) likely to suffer if its circumstances do not change,an inspector or a constable may take possession of the animal.
- (4) But an inspector or a constable may take that step, or arrange for the taking of that step, without the certification of a veterinary surgeon if—
  - (a) it appears that the animal is—
    - (i) suffering, or
    - (ii) likely to suffer if its circumstances do not change, and
  - (b) it is reasonable in the circumstances not to seek the assistance of, or wait for, a veterinary surgeon.
- (5) Where possession is taken of an animal under subsection (3) or (4), an inspector or constable may also take possession of any dependent offspring of the animal.

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*Changes to legislation: There are currently no known outstanding effects for the Animal Health and Welfare (Scotland) Act 2006, Section 32. (See end of Document for details)*

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- (6) Where possession is taken of an animal under subsection (3), (4) or (5), an inspector or a constable may—
- (a) remove the animal, or arrange for it to be removed, to a place of safety,
  - (b) care for the animal, or arrange for it to be cared for—
    - (i) at the place where it was found,
    - (ii) at such other place as the inspector or constable considers appropriate.
  - [<sup>F2</sup>(c) administer treatment (as defined in section 32A) to the animal, or arrange for treatment to be administered, but only where the treatment is, in the opinion of the inspector or constable, consistent with the long-term welfare of the animal and is unlikely to significantly—
    - (i) reduce the value of the animal, or
    - (ii) otherwise affect the character of the animal.]
- (7) An inspector or a constable may use (or arrange to have used) a mark, microchip or another method for identifying any animal so taken.
- (8) An inspector or a constable may, in acting under subsection (6)(b)(i), make use of any equipment found at the place.
- (9) A veterinary surgeon may examine, and take samples from, an animal for the purpose of determining its condition for the purposes of subsection (3).
- (10) In considering, for the purposes of subsection (3) or (4), whether an animal is likely to suffer if its circumstances do not change, account may be taken of any suffering of other animals that are (or were recently) subject to similar circumstances at the same place.
- (11) Any expenses reasonably incurred by an inspector or a constable in consequence of acting under this section are to be reimbursed by the owner or any other person responsible for the animal concerned.
- (12) This section is without prejudice to—
- (a) the ability of an inspector or a constable to take possession of an animal with the consent of its owner or of any other person who is responsible for it, and
  - (b) any other authority for taking possession of an animal.

#### Textual Amendments

- F1** Words in s. 32(2) substituted (30.9.2021) by [Animals and Wildlife \(Penalties, Protections and Powers\) \(Scotland\) Act 2020 \(asp 14\), ss. 20\(a\), 22\(2\)](#); S.S.I. 2021/303, reg. 2(d)
- F2** S. 32(6)(c) inserted (30.9.2021) by [Animals and Wildlife \(Penalties, Protections and Powers\) \(Scotland\) Act 2020 \(asp 14\), ss. 20\(b\), 22\(2\)](#); S.S.I. 2021/303, reg. 2(d)

#### Commencement Information

- I1** S. 32 in force at 6.10.2006 by [S.S.I. 2006/482, art. 2](#)

**Changes to legislation:**

There are currently no known outstanding effects for the Animal Health and Welfare (Scotland) Act 2006, Section 32.