



2011 CHAPTER 16

PART 4

ENFORCEMENT

Post-conviction powers

Orders under section 32, 34, 36, 37 or 39: pending appeals

40.—(1) Nothing may be done under an order under section 32, 34, 36 or 37 with respect to an animal or an order under section 39 unless—

- (a) the period for giving notice of appeal against the order has expired,
- (b) the period for giving notice of appeal against the conviction on which the order was made has expired, and
- (c) if the order or conviction is the subject of an appeal, the appeal has been determined or withdrawn.

(2) Subsection (1) does not apply to an order under section 36(1) if the order is the subject of a direction under subsection (5) of that section.

(3) Where the effect of an order is suspended under subsection (1)—

- (a) no requirement imposed or directions given in connection with the order shall have effect, but
- (b) the court may give directions about how any animal to which the order applies is to be dealt with during the suspension.

(4) Directions under subsection (3)(b) may, in particular—

- (a) authorise the animal to be taken into possession;
- (b) authorise the removal of the animal to a place of safety;

Changes to legislation: *There are currently no known outstanding effects for the Welfare of Animals Act (Northern Ireland) 2011, Section 40. (See end of Document for details)*

- (c) authorise the animal to be cared for either on the premises where it was being kept when it was taken into possession or at some other place;
 - (d) appoint a person to carry out, or arrange for the carrying out, of the directions;
 - (e) require any person who has possession of the animal to deliver it up for the purposes of the directions;
 - (f) 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 directions;
 - (g) provide for the recovery of any expenses in relation to removal or care of the animal which are incurred in carrying out the directions.
- (5) Any expenses a person is directed to pay under subsection (4)(g) shall be recoverable summarily as a civil debt.
- (6) Where the effect of an order under section 32 is suspended under subsection (1) the person to whom the order relates may not sell or part with any animal to which the order applies.
- (7) Failure to comply with subsection (6) is an offence.

Changes to legislation:

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