



2011 CHAPTER 16

PART 3

ANIMALS IN DISTRESS

Power of entry for section 17 purposes

18.—(1) An inspector or a constable may enter premises for the purpose of searching for a protected animal and of exercising any power under section 17 in relation to it if the inspector or constable reasonably believes—

- (a) that there is a protected animal on the premises, and
- (b) that the animal is suffering or, if the circumstances of the animal do not change, it is likely to suffer.

(2) Subsection (1) does not authorise entry to any part of premises which is used as a private dwelling.

(3) An inspector or a constable may (if necessary) use reasonable force in exercising the power conferred by subsection (1), but only if it appears to the inspector or constable that entry is required before a warrant under subsection (4) can be obtained and executed.

(4) Subject to subsection (5), a lay magistrate may, on the application of an inspector or constable, issue a warrant authorising an inspector or a constable to enter premises for the purpose mentioned in subsection (1), if necessary using reasonable force.

(5) The power to issue a warrant under subsection (4) is exercisable only if the lay magistrate is satisfied by complaint on oath—

- (a) that there are reasonable grounds for believing that there is a protected animal on the premises and that the animal is suffering or is likely to suffer if its circumstances do not change, and
- (b) that section 46 is satisfied in relation to the premises.