



2011 CHAPTER 16

PART 4

ENFORCEMENT

*Post-conviction powers*

**Destruction in the interests of an animal**

**36.—**(1) The court by or before which a person is convicted of an offence under any of sections 4, 5, 6(1), (2), (11) and (15), 7, 8(1) and (2), 9, 10(6) and 14 may order the destruction of an animal in relation to which the offence was committed if it is satisfied, on the basis of evidence given by a veterinary surgeon, that it is appropriate to do so in 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), each of the offender and, if different, the owner of the animal may—

(a) in the case of an order made by a magistrates' court, appeal against the order to the county court;

(b) in the case of an order made by the Crown Court, appeal against the order to the Court of Appeal.

(5) Subsection (4) does not apply if the court by which the order is made directs that it is appropriate in the interests of the animal that the carrying out of the order should not be delayed.

(6) In subsection (1), the reference to an animal in relation to which an offence was committed includes, in the case of an offence under section 8(1) or (2), an animal which took part in an animal fight in relation to which the offence was committed.