Animal Welfare Act 2006

2006 CHAPTER 45

Promotion of welfare

9 Duty of person responsible for animal to ensure welfare

(1) A person commits an offence if he does not take such steps as are reasonable in all the circumstances to ensure that the needs of an animal for which he is responsible are met to the extent required by good practice.

(2) For the purposes of this Act, an animal's needs shall be taken to include—

(a) its need for a suitable environment,

(b) its need for a suitable diet,

(c) its need to be able to exhibit normal behaviour patterns,

(d) any need it has to be housed with, or apart from, other animals, and

(e) its need to be protected from pain, suffering, injury and disease.

(3) The circumstances to which it is relevant to have regard when applying subsection (1) include, in particular—

(a) any lawful purpose for which the animal is kept, and

(b) any lawful activity undertaken in relation to the animal.

(4) Nothing in this section applies to the destruction of an animal in an appropriate and humane manner.

Commencement Information

I1 S. 9 in force at 27.3.2007 for W. by S.I. 2007/1030, **art. 2(1)(c)**

I2 S. 9 in force at 6.4.2007 for E. by S.I. 2007/499, **art. 2(2)(e)**

10 Improvement notices

(1) If an inspector is of the opinion that a person is failing to comply with section 9(1), he may serve on the person a notice which—

(a) states that he is of that opinion,
(b) specifies the respects in which he considers the person is failing to comply with that provision,
(c) specifies the steps he considers need to be taken in order to comply with the provision,
(d) specifies a period for the taking of those steps, and
(e) explains the effect of subsections (2) and (3).

(2) Where a notice under subsection (1) ("an improvement notice") is served, no proceedings for an offence under section 9(1) may be instituted before the end of the period specified for the purposes of subsection (1)(d) ("the compliance period") in respect of—
(a) the non-compliance which gave rise to the notice, or
(b) any continuation of that non-compliance.

(3) If the steps specified in an improvement notice are taken at any time before the end of the compliance period, no proceedings for an offence under section 9(1) may be instituted in respect of—
(a) the non-compliance which gave rise to the notice, or
(b) any continuation of that non-compliance prior to the taking of the steps specified in the notice.

(4) An inspector may extend, or further extend, the compliance period specified in an improvement notice.

Commencement Information
I3 S. 10 in force at 27.3.2007 for W. by S.I. 2007/1030, **art. 2(1)(c)**
I4 S. 10 in force at 6.4.2007 for E. by S.I. 2007/499, **art. 2(2)(e)**

11 Transfer of animals by way of sale or prize to persons under 16

(1) A person commits an offence if he sells an animal to a person whom he has reasonable cause to believe to be under the age of 16 years.

(2) For the purposes of subsection (1), selling an animal includes transferring, or agreeing to transfer, ownership of the animal in consideration of entry by the transferee into another transaction.

(3) Subject to subsections (4) to (6), a person commits an offence if—
(a) he enters into an arrangement with a person whom he has reasonable cause to believe to be under the age of 16 years, and
(b) the arrangement is one under which that person has the chance to win an animal as a prize.

(4) A person does not commit an offence under subsection (3) if—
(a) he enters into the arrangement in the presence of the person with whom the arrangement is made, and
(b) he has reasonable cause to believe that the person with whom the arrangement is made is accompanied by a person who is not under the age of 16 years.

(5) A person does not commit an offence under subsection (3) if—

(a) he enters into the arrangement otherwise than in the presence of the person with whom the arrangement is made, and

(b) he has reasonable cause to believe that a person who has actual care and control of the person with whom the arrangement is made has consented to the arrangement.

(6) A person does not commit an offence under subsection (3) if he enters into the arrangement in a family context.

Commencement Information

I5 S. 11 in force at 27.3.2007 for W. by S.I. 2007/1030, **art. 2(1)(c)**

I6 S. 11 in force at 6.4.2007 for E. by S.I. 2007/499, **art. 2(2)(e)**

12 Regulations to promote welfare

(1) The appropriate national authority may by regulations make such provision as the authority thinks fit for the purpose of promoting the welfare of animals for which a person is responsible, or the progeny of such animals.

(2) Without prejudice to the generality of the power under subsection (1), regulations under that subsection may, in particular—

(a) make provision imposing specific requirements for the purpose of securing that the needs of animals are met;

(b) make provision to facilitate or improve co-ordination in relation to the carrying out by different persons of functions relating to the welfare of animals;

(c) make provision for the establishment of one or more bodies with functions relating to advice about the welfare of animals.

(3) Power to make regulations under subsection (1) includes power—

(a) to provide that breach of a provision of the regulations is an offence;

(b) to apply a relevant post-conviction power in relation to conviction for an offence under the regulations;

(c) to make provision for fees or other charges in relation to the carrying out of functions under the regulations;

(d) to make different provision for different cases or areas;

(e) to provide for exemptions from a provision of the regulations, either subject to specified conditions or without conditions;

(f) to make incidental, supplementary, consequential or transitional provision or savings.

(4) Power to make regulations under subsection (1) does not include power to create an offence triable on indictment or punishable with—

(a) imprisonment for a term exceeding 51 weeks, or

(b) a fine exceeding level 5 on the standard scale.

(5) Regulations under subsection (1) may provide that a specified offence under the regulations is to be treated as a relevant offence for the purposes of section 23.

(6) Before making regulations under subsection (1), the appropriate national authority shall consult such persons appearing to the authority to represent any interests concerned as the authority considers appropriate.

(7) In this section, "specified" means specified in regulations under subsection (1).

Commencement Information

I7 S. 12 in force at 27.3.2007 for W. by S.I. 2007/1030, **art. 2(1)(c)**

I8 S. 12 in force at 6.4.2007 for E. by S.I. 2007/499, **art. 2(2)(e)**

Status:
Point in time view as at 06/04/2007.

Changes to legislation:
There are currently no known outstanding effects for the Animal Welfare Act 2006, Cross Heading: Promotion of welfare.