

*These notes refer to the Animal Welfare Act 2006 (c.45)
which received Royal Assent on 8 November 2006*

ANIMAL WELFARE ACT 2006

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

General

Schedule 1- Regulations under section 13

229. *Schedule 1* is divided into three parts: Part 1 deals with licensing, Part 2 with registration and Part 3 contains general provisions.
230. The Schedule has effect in relation to regulations that can be made under section 13. *Paragraph 2* provides that the “licensing authority” (the particular authority which has responsibility for enforcing the regulations) will either be the relevant local authority or the appropriate national authority (in England, the Secretary of State or in Wales, the National Assembly for Wales). *Paragraph 5* stipulates that licences cannot run for more than 3 years.
231. *Paragraph 7* requires that regulations provide that a licensing authority must inspect premises before granting a licence.
232. *Paragraph 8* provides that regulations may allow a licensing authority to attach conditions to a licence, or require it to do so.
233. *Paragraph 9* provides that breach of a licence condition may be made an offence under the regulations, and that regulations may apply a relevant post-conviction power in relation to conviction for an offence. The expression “relevant post-conviction power” is defined in section 62 (general interpretation), and is explained further in the explanatory note for section 12.
234. Provisions in Part 2 (registration) mirror those in *paragraphs 1, 2, 3, 6, 10 and 11* of Part 1 (licensing)
235. *Part 3* (supplementary) contains provisions which expand the regulation-making powers under section 13. *Paragraphs 18(a) and 19(2) and (3)* enable existing licensing regimes for the licensing of activities involving animals, to be reproduced by regulations under section 13, even though not required for the purpose of promoting animal welfare (for example, the requirement under section 1(4A)(d) of the Riding Establishments Act 1964, which makes it a licence condition that the keeper of a riding establishment should have appropriate insurance). *Paragraph 18(a)* enables regulations under section 13(7) to include an equivalent licence condition in any new licensing regime substituted by the regulations for an existing regime. Alternatively, if the existing licensing regime is simply repealed by regulations under section 13(8), *paragraph 19(2) and (3)* enable regulations to make consequential provision for the purpose of continuing the effect of the old licence condition, i.e. that the keeper of a riding establishment is required to have appropriate insurance.