

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

## **ANIMAL WELFARE ACT 2006**

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### **EXPLANATORY NOTES**

#### **COMMENTARY ON SECTIONS**

##### ***Post-Conviction Powers***

##### ***Section 38: Destruction of animals involved in fighting offences***

166. *Subsection (1)* allows the court to order the destruction of fighting animals, otherwise than in the interests of the animal, where there has been a conviction for a fighting offence under section 8(1) or (2). This power is wider than that accorded in section 37, on the basis that there may be circumstances in which it is appropriate to order the destruction of an animal otherwise than in its interests; for example, if the animal is considered to be a danger to public safety. Section 38 is not the only power available to a court to deal with fighting animals, and a fighting animal will not necessarily be subject to a destruction order. This is simply an additional power to ensure the court has sufficient discretion to dispose of animals that have been involved in fights or trained to fight.
167. *Subsection (3)* provides that the court can make orders relating to practical arrangements for carrying out the destruction order and require the offender or any other person the court thinks fit to meet the costs of its implementation, including keeping the animal until it is destroyed.
168. *Subsection (4)* allows the owner (if different from the person convicted) to appeal the order made under *subsection (1)*.
169. *Subsection (5)* provides that destruction orders may be made against any animal which took part in an animal fight, in relation to which any offence under section 8(1) or (2) has been committed.