

SCHEDULES

SCHEDULE 1

Section 13

REGULATIONS UNDER SECTION 13

PART 1

LICENCES FOR THE PURPOSES OF THE SECTION

Introductory

- 1 This Part has effect in relation to regulations under section 13(7) about licences for the purposes of section 13.

Licensing authority

- 2 Regulations shall provide for the licensing authority to be—
- (a) a local authority, or
 - (b) the appropriate national authority.
- 3 Where the licensing authority is a local authority, regulations may require the licensing authority to have regard in carrying out its functions under the regulations to such guidance as may be issued by the appropriate national authority.

Period of licence

- 4 Regulations may, in particular—
- (a) make provision about the period for which licences are to be granted;
 - (b) make provision, in connection with the death of the holder of a licence, for the continuation in force of the licence for such period and subject to such conditions as the regulations may provide.
- 5 Regulations may not provide for licences to be granted for a period of more than 3 years.

Exercise of licensing functions

- 6 Regulations may, in particular—
- (a) require a licensing authority not to grant a licence unless satisfied as to a matter specified in the regulations;
 - (b) require a licensing authority to have regard, in deciding whether to grant a licence, to a matter specified in the regulations.
- 7 Regulations shall make provision requiring a licensing authority not to grant a licence authorising the carrying on of an activity on specific premises unless the premises have been inspected as the regulations may provide.

Status: This is the original version (as it was originally enacted).

Grant of licence subject to conditions

- 8 (1) Regulations may, in particular, make provision for the grant of a licence subject to conditions.
- (2) Provision of the kind mentioned in sub-paragraph (1) may—
- (a) enable a licensing authority to attach conditions to a licence;
 - (b) require a licensing authority to attach to a licence conditions specified in the regulations.

Breach of licence condition

- 9 (1) Regulations may provide for breach of a condition of a licence to be an offence.
- (2) Regulations may not provide for an offence of breach of condition of a licence to be 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.
- (3) Regulations may provide that an offence of breach of condition of a licence is to be treated as a relevant offence for the purposes of section 23.
- (4) Regulations may apply a relevant post-conviction power in relation to conviction for an offence of breach of condition of a licence.

Appeals

- 10 Regulations may, in particular, make provision for appeals in relation to decisions of a licensing authority under the regulations.

Fees

- 11 Regulations may include provision for fees or other charges in relation to the carrying out of functions of the licensing authority under the regulations.

PART 2

REGISTRATION FOR THE PURPOSES OF THE SECTION

Introductory

- 12 This Part has effect in relation to regulations under section 13(7) about registration for the purposes of section 13.

Registering authority

- 13 Regulations shall provide for the registering authority to be—
- (a) a local authority, or
 - (b) the appropriate national authority.
- 14 Where the registering authority is a local authority, regulations may require the registering authority to have regard in carrying out its functions under the regulations to such guidance as may be issued by the appropriate national authority.

Exercise of registration functions

- 15 Regulations may, in particular—
- (a) require a registering authority not to register an applicant for registration unless satisfied as to a matter specified in the regulations;
 - (b) require a registering authority to have regard, in deciding whether to register an applicant for registration, to a matter specified in the regulations.

Appeals

- 16 Regulations may, in particular, make provision for appeals in relation to decisions of a registering authority under the regulations.

Fees

- 17 Regulations may include provision for fees or other charges in relation to the carrying out of functions of the registering authority under the regulations.

PART 3

SUPPLEMENTARY

- 18 Power to make regulations under section 13(7) includes power—
- (a) to make provision for purposes other than the purpose of promoting the welfare of animals for which a person is responsible;
 - (b) to make different provision for different cases or areas;
 - (c) to provide for exemptions from a provision of the regulations, either subject to specified conditions or without conditions.
- 19 (1) Power to make regulations under section 13 includes power to make incidental, supplementary, consequential or transitional provision or savings.
- (2) In the case of provision consequential on the repeal of an enactment specified in section 13(8), the power under sub-paragraph (1) includes power—
- (a) to amend or repeal an enactment;
 - (b) to make provision for the purpose of continuing the effect of an enactment repealed under paragraph (a).
- (3) The power under sub-paragraph (2)(b) includes power to provide that breach of a provision of the regulations is an offence, but 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.

SCHEDULE 2

Section 53

POWERS OF ENTRY, INSPECTION AND SEARCH: SUPPLEMENTARY

Safeguards etc. in connection with powers of entry conferred by warrant

- 1 (1) Sections 15 and 16 of the Police and Criminal Evidence Act 1984 (c. 60) shall have effect in relation to the issue of a warrant under section 19(4) or 23(1) to an inspector as they have effect in relation to the issue of a warrant under that provision to a constable.
- (2) In their application in relation to the issue of a warrant under section 19(4) or 23(1), sections 15 and 16 of that Act shall have effect with the following modifications.
- (3) In section 15—
- (a) in subsection (2), omit the words from the end of paragraph (a)(ii) to the end of paragraph (b);
 - (b) omit subsections (2A) and (5A);
 - (c) in subsection (5), omit the words from “unless” to the end;
 - (d) in subsection (6)(a), omit the words from the end of sub-paragraph (iii) to the end of sub-paragraph (iv);
 - (e) in subsection (7), omit the words from “(see” to the end.
- (4) In section 16—
- (a) omit subsections (3A) and (3B);
 - (b) in subsection (9), omit the words after paragraph (b).
- 2 (1) This paragraph and paragraph 3 have effect in relation to the issue to inspectors of warrants under section 28(4); and an entry on premises under such a warrant is unlawful unless it complies with this paragraph and paragraph 3.
- (2) Where an inspector applies for a warrant, he shall—
- (a) state the ground on which he makes the application,
 - (b) state the enactment under which the warrant would be issued, and
 - (c) specify the premises which it is desired to enter.
- (3) An application for a warrant shall be made without notice and supported by an information in writing.
- (4) The inspector shall answer on oath any question that the justice of the peace hearing the application asks him.
- (5) A warrant shall authorise an entry on one occasion only.
- (6) A warrant shall specify—
- (a) the name of the person who applies for it,
 - (b) the date on which it is issued, and
 - (c) the enactment under which it is issued.
- (7) Two copies shall be made of a warrant.
- (8) The copies shall be clearly certified as copies.
- 3 (1) A warrant may be executed by any inspector.

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- (2) A warrant may authorise persons to accompany any inspector who is executing it.
- (3) A person authorised under sub-paragraph (2) has the same powers as the inspector whom he accompanies in respect of the execution of the warrant, but may exercise those powers only in the company, and under the supervision, of an inspector.
- (4) Execution of a warrant must be within three months from the date of its issue.
- (5) Execution of a warrant must be at a reasonable hour unless it appears to the inspector executing it that the purpose of entry may be frustrated on an entry at a reasonable hour.
- (6) Where the occupier of premises which are to be entered under a warrant is present at the time when an inspector seeks to execute it, the inspector shall—
 - (a) identify himself to the occupier and shall produce to him documentary evidence that he is an inspector,
 - (b) produce the warrant to him, and
 - (c) supply him with a copy of it.
- (7) Where—
 - (a) the occupier of premises which are to be entered under a warrant is not present when an inspector seeks to execute it, but
 - (b) some other person who appears to the inspector to be in charge of the premises is present,sub-paragraph (6) shall have effect as if any reference to the occupier were a reference to that other person.
- (8) If there is no person present who appears to the inspector to be in charge of the premises, he shall leave a copy of the warrant in a prominent place on the premises.
- (9) A warrant which—
 - (a) has been executed, or
 - (b) has not been executed within the time authorised for its execution,shall be returned to the designated officer for the local justice area in which the justice of the peace who issued the warrant was acting when he issued it.
- (10) A warrant which is returned under sub-paragraph (9) shall be retained by the officer to whom it is returned for 12 months from its return.
- (11) If during the period for which a warrant is to be retained the occupier of the premises to which it relates asks to inspect it, he shall be allowed to do so.

Duty to produce evidence of identity

- 4 (1) This paragraph applies to a power of entry conferred by section 19(1), 22(2), 26(2), 27(2), 28(2) or 29(2).
- (2) A person may only exercise a power of entry to which this paragraph applies if on request—
 - (a) he produces evidence of his identity and of his entitlement to exercise the power;
 - (b) he outlines the purpose for which the power is exercised.

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Power to take persons onto premises

- 5 In exercising a power to which paragraph 4 applies, a person may take with him onto the premises such persons as he thinks appropriate.

Duty to exercise power of entry at reasonable time

- 6 Entry under a power to which paragraph 4 applies shall be at a reasonable time, unless it appears to the person exercising the power that the purpose for which he is exercising the power would be frustrated on entry at a reasonable time.

Power to require assistance

- 7 (1) This paragraph applies to a power of entry conferred by—
- (a) section 19(1), 22(2), 26(2), 27(2), 28(2) or 29(2), or
 - (b) a warrant under section 19(4), 22(4), 23(1) or 28(4).
- (2) Where a person enters premises in the exercise of a power of entry to which this paragraph applies, he may require any qualifying person on the premises to give him such assistance as he may reasonably require for the purpose for which entry is made.
- (3) The reference in sub-paragraph (2) to a qualifying person is to—
- (a) the occupier of the premises;
 - (b) any person who appears to the person exercising the power to be responsible for animals on the premises;
 - (c) any person who appears to the person exercising the power to be under the direction or control of a person mentioned in paragraph (a) or (b).
- (4) In the case of a power under section 26(2), the reference in sub-paragraph (2) to a qualifying person also includes the holder of a licence—
- (a) specifying the premises as premises on which the carrying on of an activity is authorised, or
 - (b) relating to an activity which is being carried on on the premises.

Power to take equipment onto premises

- 8 In exercising a power to which paragraph 7 applies, a person may take with him such equipment and materials as he thinks appropriate.

Duty to leave premises secured

- 9 If, in the exercise of a power of entry to which paragraph 7 applies, a person enters premises which are unoccupied, he shall leave them as effectively secured against entry as he found them.

Functions in connection with inspection and search

- 10 (1) This paragraph applies to—
- (a) a power of inspection conferred by section 26(1), 27(1), 28(1) or 29(1), and
 - (b) a power of search conferred by a warrant under section 23(1).
- (2) A person exercising a power to which this paragraph applies may—
- (a) inspect an animal found on the premises;

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- (b) inspect any other thing found on the premises, including a document or record (in whatever form it is held);
 - (c) carry out a measurement or test (including a measurement or test of an animal found on the premises);
 - (d) take a sample (including a sample from an animal found on the premises or from any substance on the premises which appears to be intended for use as food for such an animal);
 - (e) mark an animal found on the premises for identification purposes;
 - (f) remove a carcass found on the premises for the purpose of carrying out a post-mortem examination on it;
 - (g) take copies of a document or record found on the premises (in whatever form it is held);
 - (h) require information stored in an electronic form and accessible from the premises to be produced in a form in which it can be taken away and in which it is visible and legible or from which it can readily be produced in a visible and legible form;
 - (i) take a photograph of anything on the premises;
 - (j) seize and detain or remove anything which the person exercising the power reasonably believes to be evidence of any non-compliance, or of the commission of any offence, relevant to the purpose for which the inspection or search is made.
- (3) A person taken onto premises under paragraph 5 may exercise any power conferred by sub-paragraph (2) if he is in the company, and under the supervision, of a person exercising a power to which this paragraph applies.
- 11 A person who takes a sample from an animal pursuant to paragraph 10(2)(d) shall give a part of the sample, or a similar sample, to any person appearing to be responsible for the animal, if, before the sample is taken, he is requested to do so by that person.
- 12 (1) Paragraph 10(2)(j) does not include power to seize an item which the person exercising the power has reasonable grounds for believing to be subject to legal privilege (within the meaning of section 10 of the Police and Criminal Evidence Act 1984 (c. 60)).
- (2) A person who seizes anything in exercise of the power under paragraph 10(2)(j) shall on request provide a record of the thing seized to a person showing himself—
- (a) to be the occupier of premises on which it was seized, or
 - (b) to have had possession or control of it immediately before its seizure.
- (3) Subject to sub-paragraph (4), anything which has been seized in the exercise of a power under paragraph 10(2)(j) may be retained so long as is necessary in all the circumstances and in particular—
- (a) for use as evidence at a trial for a relevant offence, or
 - (b) for forensic examination or for investigation in connection with a relevant offence.
- (4) Nothing may be retained for either of the purposes mentioned in sub-paragraph (3) if a photograph or a copy would be sufficient for that purpose.
- 13 As soon as reasonably practicable after having exercised a power to which paragraph 10 applies, the person who exercised the power shall—

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- (a) prepare a written report of the inspection or search, and
 - (b) if requested to do so by the occupier of the premises, give him a copy of the report.
- 14 (1) A person exercising a power of search conferred by a warrant under section 23(1) may (if necessary) use reasonable force in the exercise of powers under paragraph 10 in connection with the execution of the warrant.
- (2) A person carrying out an inspection under section 28(1) on premises which he is authorised to enter by a warrant under section 28(4) may (if necessary) use reasonable force in the exercise of powers under paragraph 10 in connection with the inspection.

Functions in connection with entry under section 19

- 15 (1) Where a person enters premises in exercise of a power of entry conferred by section 19(1), or by a warrant under section 19(4), he may—
- (a) inspect an animal found on the premises;
 - (b) remove a carcass found on the premises for the purposes of carrying out a post-mortem examination on it;
 - (c) remove for those purposes the carcass of an animal destroyed on the premises in exercise of power conferred by section 18(3) or (4);
 - (d) take a photograph of anything on the premises.
- (2) Where a person exercising a power of entry under section 19(1) takes another person with him under paragraph 5, the other person may exercise any power conferred by sub-paragraph (1) if he is in the company, and under the supervision, of the person exercising the power of entry.

Offences

- 16 A person commits an offence if he—
- (a) intentionally obstructs a person in the lawful exercise of a power to which paragraph 7 or 10 applies;
 - (b) intentionally obstructs a person in the lawful exercise of a power conferred by this Schedule;
 - (c) fails without reasonable excuse to give any assistance which he is required to give under paragraph 7.

SCHEDULE 3

Section 64

MINOR AND CONSEQUENTIAL AMENDMENTS

Performing Animals (Regulation) Act 1925 (c. 38)

- 1 In section 4 of the Performing Animals (Regulation) Act 1925 (offences and legal proceedings), in subsection (2), after “enactment,” insert “or of an offence under any of sections 4, 5, 6(1) and (2), 7 to 9 and 11 of the Animal Welfare Act 2006”.

Cinematograph Films (Animals) Act 1937 (c. 59)

- 2 In section 1 of the Cinematograph Films (Animals) Act 1937 (prohibition of films involving cruelty to animals), in subsection (4), for paragraph (b) substitute—
- “(b) in relation to England and Wales, the expression “animal” means a “protected animal” within the meaning of the Animal Welfare Act 2006.”

Pet Animals Act 1951 (c. 35)

- 3 (1) Section 2 of the Pet Animals Act 1951 (pets not to be sold in streets etc.) ceases to have effect.
- (2) In section 5 of that Act (offences and disqualifications), in subsection (3), after “1912,” insert “or of any offence under any of sections 4, 5, 6(1) and (2), 7 to 9 and 11 of the Animal Welfare Act 2006,”.

Protection of Animals (Amendment) Act 1954 (c. 40)

- 4 (1) In the Protection of Animals (Amendment) Act 1954, after section 2 insert—

“2A Breach of disqualification order

- (1) If a person has custody of any animal in contravention of an order made under this Act by a court in Scotland, he shall be liable on summary conviction to—
- (a) imprisonment for a term not exceeding 51 weeks, or
- (b) a fine not exceeding level 3 on the standard scale.
- or to both.
- (2) This section applies to orders made before, as well as to orders made after, the coming into force of this section.”
- (2) In relation to an offence under the inserted section 2A committed before the commencement of section 281(5) of the Criminal Justice Act 2003 (c. 44), the reference in subsection (1)(a) of the section to 51 weeks is to be read as a reference to 6 months.

Animal Boarding Establishments Act 1963 (c. 43)

- 5 (1) In section 1 of the Animal Boarding Establishments Act 1963 (licensing of boarding establishments for animals), in subsection (2), at the end of paragraph (e) insert “or—
- (f) under section 34(2), (3) or (4) of the Animal Welfare Act 2006,”.
- (2) In section 3 of that Act (offences and disqualification), in subsection (3), after “1951,” insert “or of any offence under any of sections 4, 5, 6(1) and (2), 7 to 9 and 11 of the Animal Welfare Act 2006,”.

Riding Establishments Act 1964 (c. 70)

- 6 (1) In section 1 of the Riding Establishments Act 1964 (licensing of riding establishments), in subsection (2), at the end of paragraph (f) insert “or—
- (g) under section 34(2), (3) or (4) of the Animal Welfare Act 2006”.

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- (2) In section 4 of that Act (penalties and disqualification), in subsection (3), after “1963,” insert “or of any offence under any of sections 4, 5, 6(1) and (2), 7 to 9 and 11 of the Animal Welfare Act 2006.”

Breeding of Dogs Act 1973 (c. 60)

- 7 In section 1 of the Breeding of Dogs Act 1973 (licensing of breeding establishments for dogs), in subsection (2), at the end of paragraph (f) insert “or—
 (g) under section 34(2), (3) or (4) of the Animal Welfare Act 2006.”

Guard Dogs Act 1975 (c. 50)

- 8 In section 3 of the Guard Dogs Act 1975 (guard dog kennel licences), in subsection (4), after “1973,” insert “or of an offence under any of sections 4, 5, 6(1) and (2), 7 to 9 and 11 of the Animal Welfare Act 2006.”

Dangerous Wild Animals Act 1976 (c. 38)

- 9 In section 6 of the Dangerous Wild Animals Act 1976 (penalties), in subsection (2)—
 (a) for “Protection of Animals Acts 1911 to 1964,” substitute “Protection of Animals Act 1911,”
 (b) after “1912 to 1964,” insert “the Performing Animals (Regulation) Act 1925,”
 (c) after “1951,” insert “the Animals (Cruel Poisons) Act 1962,” and
 (d) after “1973,” insert “or of an offence under any of sections 4, 5, 6(1) and (2), 7 to 9 and 11 of the Animal Welfare Act 2006.”

Magistrates' Courts Act 1980 (c. 43)

- 10 In section 108 of the Magistrates' Courts Act 1980 (right of appeal to the Crown Court), in subsection (3)(c), for “section 2 of the Protection of Animals Act 1911” substitute “section 37(1) of the Animal Welfare Act 2006”.

Zoo Licensing Act 1981 (c. 37)

- 11 In section 4 of the Zoo Licensing Act 1981 (grant or refusal of licence), in subsection (5)—
 (a) for “the Protection of Animals Acts 1911 to 1964” substitute “the Protection of Animals Act 1911,”
 (b) after the entry for the Protection of Animals (Scotland) Acts 1912 to 1964, insert—
 “the Performing Animals (Regulation) Act 1925;”,
 (c) after the entry for the Pet Animals 1951, insert—
 “the Animals (Cruel Poisons) Act 1962;”, and
 (d) at the end, insert—
 “sections 4, 5, 6(1) and (2), 7 to 9 and 11 of the Animal Welfare Act 2006.”

Animals (Scientific Procedures) Act 1986 (c. 14)

- 12 (1) In section 22(5) of the Animals (Scientific Procedures) Act 1986 (penalties for contraventions)—
- (a) for “section 1 of the Protection of Animals Act 1911” substitute “any of sections 4, 5, 6(1) and (2), 7 and 8 of the Animal Welfare Act 2006”, and
 - (b) at the end insert “(rather than any penalty by way of imprisonment or fine provided for in those Acts)”.
- (2) In section 26 of that Act (prosecutions), in subsection (1)(b), for “section 1 of the Protection of Animals Act 1911” substitute “any of sections 4, 5, 6(1) and (2) and 7 to 9 of the Animal Welfare Act 2006”.
- (3) In section 29 of that Act (application to Northern Ireland), for subsection (5) substitute—
- “(5) In section 22(5) above for the reference to sections 4, 5, 6(1) and (2), 7 and 8 of the Animal Welfare Act 2006 there shall be substituted a reference to sections 13 and 14 of the Welfare of Animals Act (Northern Ireland) 1972.
- (5A) In section 26(1)(b) above for the reference to sections 4, 5, 6(1) and (2) and 7 to 9 of the Animal Welfare Act 2006 there shall be substituted a reference to sections 13 and 14 of the Welfare of Animals Act (Northern Ireland) 1972.”

Wild Mammals (Protection) Act 1996 (c. 3)

- 13 For section 3 of the Wild Mammals (Protection) Act 1996 (interpretation) substitute—

“3 Interpretation

In this Act “wild mammal” means any mammal which is not a “protected animal” within the meaning of the Animal Welfare Act 2006.”

Criminal Justice and Police Act 2001 (c. 16)

- 14 (1) In section 57 of the Criminal Justice and Police Act 2001 (retention of seized items), in subsection (1), at the end insert—
- “(r) paragraph 12(3) of Schedule 2 to the Animal Welfare Act 2006.”
- (2) In section 66 of that Act (general interpretation of Part 2), in subsection (4), at the end insert—
- “(p) sections 26(1), 27(1), 28(1) and 29(1) of the Animal Welfare Act 2006 (inspection in connection with licences, inspection in connection with registration, inspection of farm premises and inspection relating to Community obligations).”
- (3) In Part 1 of Schedule 1 to that Act (powers of seizure to which section 50 applies), at the end insert—

“Animal Welfare Act 2006

- 73I The power of seizure conferred by paragraph 10(2)(j) of Schedule 2 to the Animal Welfare Act 2006.”

Status: This is the original version (as it was originally enacted).

SCHEDULE 4

Section 65

REPEALS

<i>Short title and chapter</i>	<i>Extent of repeal</i>
Metropolitan Police Act 1839 (c. 47)	Section 47.
Town Police Clauses Act 1847 (c. 89)	Section 36.
Protection of Animals Act 1911 (c. 27)	Sections 1 to 3, 5 to 5B, 7, 9 and 11 to 14. In section 15, paragraphs (a), (c), (e) and (f).
Protection of Animals (1911) Amendment Act 1921 (c. 14)	The whole Act.
Protection of Animals Act 1934 (c. 21)	The whole Act.
Docking and Nicking of Horses Act 1949 (c. 70)	Section 1. In section 3, the definition of “nicking”.
Pet Animals Act 1951 (c. 35)	Sections 2 and 3.
Cockfighting Act 1952 (c. 59)	The whole Act.
Protection of Animals (Amendment) Act 1954 (c. 40)	Sections 1, 2 and 4(1).
Protection of Animals (Anaesthetics) Act 1954 (c. 46)	The whole Act.
Abandonment of Animals Act 1960 (c. 43)	The whole Act.
Animals (Cruel Poisons) Act 1962 (c. 26)	In section 4(2), the words from “and the Protection of Animals Acts 1911” to “and this Act”.
Protection of Animals (Anaesthetics) Act 1964 (c. 39)	The whole Act.
Agriculture (Miscellaneous Provisions) Act 1968 (c. 34)	Part 1.
Animal Health Act 1981 (c. 22)	Sections 37 to 39. In Schedule 5, paragraph 8.
Animals (Scientific Procedures) Act 1986 (c. 14)	In Schedule 3, paragraphs 1 and 7.
Protection of Animals (Penalties) Act 1987 (c. 35)	The whole Act.
Protection of Animals (Amendment) Act 1988 (c. 29)	Section 1. In section 2— (a) in subsection (1), the words “section 47 of the Metropolitan Police Act 1839,” and the words “and section 36 of the Town Police Clauses Act 1847”, and (b) subsection (2).

Status: This is the original version (as it was originally enacted).

<i>Short title and chapter</i>	<i>Extent of repeal</i>
Protection against Cruel Tethering Act 1988 (c. 31)	The whole Act.
Protection of Animals (Amendment) Act 2000 (c. 40)	The whole Act.
