

*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

Promotion of welfare

Section 10: Improvement notices

55. **Section 10** empowers inspectors under the Act to issue ‘improvement notices’ to those responsible for animals, if they are of the opinion that the requirements of section 9 are not being met.
56. **Subsection (1)** stipulates the information that an improvement notice must contain. The inspector must state that he believes the person is failing to comply with section 9 and the respects in which he believes the person is failing to comply; state the steps that should be taken in order to comply and the time in which they must be taken; and explain the effect of **subsections (2) and (3)**.
57. **Subsection (2)** ensures that no prosecution under section 9 can be initiated in respect of the non-compliance specified in the notice, or any continuation of that non-compliance, until the period for complying with the notice has passed. This will not affect the ability of enforcers to bring prosecutions under section 9 for non-compliance that is not specified in the notice – for example, a prosecution could still be initiated during the compliance period in relation to animals not specified in the notice (for failure to feed a flock of sheep, if the notice was issued for failure to feed a herd of cattle), or in relation to behaviour not specified in the notice (for failure to water when the notice relates to feed).
58. **Subsection (3)** provides that, where a person responsible for an animal takes the steps specified in a notice issued under **subsection (1)** within the time specified, no prosecution can be brought under section 9 for the non-compliance in relation to which the notice was issued, or any continuation of that non-compliance prior to the taking of the steps specified in the notice. This means that a person who takes the steps required by an inspector within the specified time will have a shield from prosecution under section 9, in relation to that particular instance of non-compliance with section 9.
59. This section will not affect the ability of enforcers to bring prosecutions under section 9 without issuing a notice first, or their ability to bring prosecutions in respect of non-compliance that is not specified in the notice (e.g. in respect of failure to feed cattle, where the notice relates to failure to feed sheep), or in respect of subsequent non-compliance (e.g. where a person takes the steps required by the notice, but two months later lapses again).
60. **Subsection (4)** provides that an inspector may extend, or further extend, the compliance period if he considers it appropriate.