

*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

Enforcement Powers

Section 22: Seizure of animals involved in fighting offences

110. This section confers on a police constable power to take possession of an animal in relation to which an offence under section 8(1) or (2) has been committed. The use of this power would ensure that a seized animal could not be involved in further fighting offences. The provision will also improve the chances of enforcing a deprivation or destruction order upon conviction. The Police (Property) Act 1897, which provides that a court may order the return of property seized by the police on application by the owner, will apply to animals seized under this power. This will achieve the same outcome as an order under section 20(1)(b) would for an animal seized under section 18(5).
111. The effect of *subsections (3) to (5)* is that the power contained in *subsection (1)* may be exercised in relation to parts of premises used as a private dwelling only if a justice of the peace has issued a warrant authorising entry to them.
112. *Subsection (5)* provides that, before a justice of the peace issues a warrant, he must be satisfied that there are reasonable grounds for believing that an animal used in connection with a fighting offence is to be found on the premises. One of the four conditions set out in section 52 must also be met.
113. *Subsection (6)* provides that the power to seize extends to any animal which took part in the fight in relation to which an offence under section 8(1) or (2) has been committed. So, where an offence under section 8(2) is reasonably suspected, for example, the power to seize extends to the animals used in the fight at which the person was present.