

ANIMAL WELFARE ACT 2006

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Post-Conviction Powers

Section 33: Deprivation

142. The aim of this section is to enable the courts to confiscate an animal from an owner who has been convicted of an offence in relation to that animal. A deprivation order is limited to cases where there is a clearly identifiable animal in respect of which the offence was committed.
143. In cases where a court has convicted a person of (a) a cruelty offence, (b) a fighting offence, (c) breach of the duty of care in relation to animal welfare, or (d) breach of a disqualification order (i.e. offences under sections 4, 5, 6(1) and 6(2), 7 to 9 and 34(9)), *subsections (1), (2) and (3)* give the court power to make an order depriving him of ownership of the animals in respect of which the offence was committed, and any dependent offspring of those animals, and to make an order for the disposal of those animals. Disposal in this section includes slaughter of the animal. Deprivation of ownership of animals may be ordered in addition to or instead of other penalties.
144. *Subsection (4)* confers ancillary powers to appoint someone to carry out the deprivation order, to require delivery of relevant animals and to confer additional powers on the person appointed to carry out the order, including powers of entry. The offender can also be made to meet the costs of carrying out the order.
145. *Subsection (6)* requires a court to give reasons if it decides not to make a deprivation order against a convicted person. By way of exception to this, *subsection (7)* provides that reasons for not imposing a deprivation order do not have to be given if a disqualification order is made under section 34(1).
146. *Subsection (8)* makes it clear that where a person is convicted of an animal fighting offence, the power to make a deprivation order is exercisable in relation to any animal which took part in the fight.