

These notes relate to the Animal Health and Welfare (Scotland) Act 2006 (asp 11) which received Royal Assent on 11 July 2006

ANIMAL HEALTH AND WELFARE (SCOTLAND) ACT 2006

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 2 – Animal Welfare

Section 33 – Release orders where animals taken

159. **Section 33** makes provision for a court, on summary application by the owner or any other person appearing to the court to have sufficient concern for the animal, to make an order as to the person to whom an animal taken under the previous section is to be delivered.
160. Subsection (3) describes who is entitled to be heard in relation to such an application. These are the owner, an inspector, a constable who took the animal into possession, is caring for the animal or arranged for its care, a person with whom an arrangement for the care of the animal has been made and who is authorised to be heard by the Scottish Ministers in relation to the application, and a person who appears to the court to have a sufficient concern for the animal.
161. In determining what order to make, the court must take into consideration the desirability of protecting the value of the animal and of avoiding any increase in the expenses which may need to be reimbursed by a person responsible for the animal.