



# Animal Health and Welfare (Scotland) Act 2006 2006 asp 11

## PART 2

### ANIMAL WELFARE

#### *Animals in distress*

#### **33 Release orders where animals taken**

- (1) The court may order that any animal taken into possession under section 32 be given up to a person specified in the order.
- (2) An order under subsection (1) may be made on summary application by—
  - (a) the owner of the animal, or
  - (b) any other person appearing to the court to have a sufficient concern for the animal.
- (3) A person is entitled to be heard in relation to an application for an order under subsection (1) if (despite not being the applicant) the person is—
  - (a) the owner of the animal,
  - (b) an inspector,
  - (c) a constable who—
    - (i) took the animal into possession under section 32,
    - (ii) is caring for, or has arranged for the care of, the animal under that section,
  - (d) a person—
    - (i) with whom an arrangement for the care of the animal has been made under that section, and
    - (ii) who is authorised by the Scottish Ministers to be heard in relation to the application, or
  - (e) any other person appearing to the court to have a sufficient concern for the animal.

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*Status: This is the original version (as it was originally enacted).*

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- (4) In determining whether to make an order under subsection (1), the court must have regard to the desirability of—
- (a) protecting the value of any animal to which the order applies, and
  - (b) avoiding increasing any expenses which a person may be required to reimburse.