



Animal Welfare Act 2006

2006 CHAPTER 45

Enforcement powers

22 Seizure of animals involved in fighting offences

- (1) A constable may seize an animal if it appears to him that it is one in relation to which an offence under section 8(1) or (2) has been committed.
- (2) A constable may enter and search premises for the purpose of exercising the power under subsection (1) if he reasonably believes—
 - (a) that there is an animal on the premises, and
 - (b) that the animal is one in relation to which the power under subsection (1) is exercisable.
- (3) Subsection (2) does not authorise entry to any part of premises which is used as a private dwelling.
- (4) Subject to subsection (5), a justice of the peace may, on the application of a constable, issue a warrant authorising a constable to enter and search premises, if necessary using reasonable force, for the purpose of exercising the power under subsection (1).
- (5) The power to issue a warrant under subsection (4) is exercisable only if the justice of the peace is satisfied—
 - (a) that there are reasonable grounds for believing that there is on the premises an animal in relation to which an offence under section 8(1) or (2) has been committed, and
 - (b) that section 52 is satisfied in relation to the premises.
- (6) In this section, references to an animal in relation to which an offence under section 8(1) or (2) has been committed include an animal which took part in an animal fight in relation to which such an offence was committed.

23 Entry and search under warrant in connection with offences

- (1) Subject to subsection (2), a justice of the peace may, on the application of an inspector or constable, issue a warrant authorising an inspector or a constable to enter premises, if necessary using reasonable force, in order to search for evidence of the commission of a relevant offence.
- (2) The power to issue a warrant under subsection (1) is exercisable only if the justice of the peace is satisfied—
 - (a) that there are reasonable grounds for believing—
 - (i) that a relevant offence has been committed on the premises, or
 - (ii) that evidence of the commission of a relevant offence is to be found on the premises, and
 - (b) that section 52 is satisfied in relation to the premises.
- (3) In this section, “relevant offence” means an offence under any of sections 4 to 9, 13(6) and 34(9).

24 Entry for purposes of arrest

In section 17(1)(c) of the Police and Criminal Evidence Act 1984 (c. 60) (power of constable to enter and search premises for purpose of arresting a person for offence under specified enactments), at end insert—

“(v) any of sections 4, 5, 6(1) and (2), 7 and 8(1) and (2) of the Animal Welfare Act 2006 (offences relating to the prevention of harm to animals);”.

25 Inspection of records required to be kept by holder of licence

- (1) An inspector may require the holder of a licence to produce for inspection any records which he is required to keep by a condition of the licence.
- (2) Where records which a person is so required to keep are stored in electronic form, the power under subsection (1) includes power to require the records to be made available for inspection—
 - (a) in a visible and legible form, or
 - (b) in a form from which they can readily be produced in a visible and legible form.
- (3) An inspector may inspect and take copies of any records produced for inspection in pursuance of a requirement under this section.

26 Inspection in connection with licences

- (1) An inspector may carry out an inspection in order to check compliance with—
 - (a) the conditions subject to which a licence is granted;
 - (b) provision made by or under this Act which is relevant to the carrying on of an activity to which a licence relates.
- (2) An inspector may, for the purpose of carrying out an inspection under subsection (1), enter—
 - (a) premises specified in a licence as premises on which the carrying on of an activity is authorised;

- (b) premises on which he reasonably believes an activity to which a licence relates is being carried on.
- (3) Subsection (2) does not authorise entry to any part of premises which is used as a private dwelling unless 24 hours' notice of the intended entry is given to the occupier.

27 Inspection in connection with registration

- (1) An inspector may carry out an inspection in order to check compliance with provision made by or under this Act which is relevant to the carrying on of an activity to which a registration for the purposes of section 13 relates.
- (2) An inspector may, for the purpose of carrying out an inspection under subsection (1), enter premises on which he reasonably believes a person registered for the purposes of section 13 is carrying on an activity to which the registration relates.
- (3) Subsection (2) does not authorise entry to any part of premises which is used as a private dwelling unless 24 hours' notice of the intended entry is given to the occupier.

28 Inspection of farm premises

- (1) An inspector may carry out an inspection in order to—
 - (a) check compliance with regulations under section 12 which relate to animals bred or kept for farming purposes;
 - (b) ascertain whether any offence under or by virtue of this Act has been or is being committed in relation to such animals.
- (2) An inspector may enter premises which he reasonably believes to be premises on which animals are bred or kept for farming purposes in order to carry out an inspection under subsection (1).
- (3) Subsection (2) does not authorise entry to any part of premises which is used as a private dwelling.
- (4) Subject to subsection (5), a justice of the peace may, on the application of an inspector, issue a warrant authorising an inspector to enter premises, if necessary using reasonable force, in order to carry out an inspection under subsection (1).
- (5) The power to issue a warrant under subsection (4) is exercisable only if the justice of the peace is satisfied—
 - (a) that it is reasonable to carry out an inspection on the premises, and
 - (b) that section 52 is satisfied in relation to the premises.

29 Inspection relating to Community obligations

- (1) An inspector may carry out an inspection in order to check compliance with regulations under section 12 which implement a Community obligation.
- (2) An inspector may enter any premises in order to carry out an inspection under subsection (1).
- (3) Subsection (2) does not authorise entry to any part of premises which is used as a private dwelling.