

*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

Post-Conviction Powers

Section 37: Destruction in the interests of the animal

161. This section replaces the power previously in section 2 of the 1911 Act.
162. *Subsection (1)* gives the court power, where it is persuaded by a vet that it is appropriate in the interests of the animal, to order the destruction of an animal in respect of which a cruelty, fighting or welfare offence under section 4, 5, 6(1) or 6(2), 7, 8(1) or 8(2) or 9 has been committed.
163. *Subsection (2)* gives the owner the opportunity to be heard before a destruction order is made, unless the court decides it is not reasonably practicable to communicate with him.
164. Under *subsection (3)*, the court can make orders relating to practical arrangements for carrying out the destruction order and require the offender or any other person to meet the costs of carrying out the order.
165. *Subsections (4) and (5)* confer a right of appeal on the offender or owner (if the owner is not the offender) unless the court considers the welfare of the animal requires it to be destroyed without delay.