



# Animal Welfare Act 2006

## 2006 CHAPTER 45

### *Post-conviction powers*

#### **43 Termination of disqualification under section 34 or 42**

- (1) A person who is disqualified by virtue of an order under section 34 or 42 may apply to the appropriate court for the termination of the order.
- (2) No application under subsection (1) may be made—
  - (a) before the end of the period of one year beginning with the date on which the order is made,
  - (b) where a previous application under that subsection has been made in relation to the same order, before the end of the period of one year beginning with the date on which the previous application was determined, or
  - (c) before the end of any period specified under section 34(6), 42(3) or subsection (5) below in relation to the order.
- (3) On an application under subsection (1), the court may—
  - (a) terminate the disqualification,
  - (b) vary the disqualification so as to make it less onerous, or
  - (c) refuse the application.
- (4) When determining an application under subsection (1), the court shall have regard to the character of the applicant, his conduct since the imposition of the disqualification and any other circumstances of the case.
- (5) Where the court refuses an application under subsection (1), it may specify a period during which the applicant may not make a further application under that subsection in relation to the order concerned.
- (6) The court may order an applicant under subsection (1) to pay all or part of the costs of the application.
- (7) In subsection (1), the reference to the appropriate court is to—
  - (a) the court which made the order under section 34 or 42, or

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*Status: This is the original version (as it was originally enacted).*

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- (b) in the case of an order made by a magistrates' court, to a magistrates' court acting for the same local justice area as that court.