

LORDS AMENDMENTS TO THE
ANIMAL WELFARE BILL

[The page and line references are to HL Bill 88, the bill as first printed for the Lords.]

Clause 6

- 1** Page 4, line 2, after “certified” insert “, in accordance with regulations made by the appropriate national authority, that the first and second conditions mentioned below are met.
- (4A) The first condition referred to in subsection (4) is that there has been produced to the veterinary surgeon such evidence as the appropriate national authority may by regulations require for the purpose of showing”
- 2** Page 4, line 8, at end insert –
- “(4B) The second condition referred to in subsection (4) is that the dog is of a type specified for the purposes of this subsection by regulations made by the appropriate national authority.”
- 3** Page 4, line 16, leave out “under this section” and insert “by the appropriate national authority”
- 4** Page 4, line 34, after “appropriate” insert “national”
- 5** Page 4, line 35, leave out paragraphs (a) and (b)
- 6** Page 4, line 41, leave out “subsection (11)” and insert “this section”
- 7** Page 4, line 41, after second “power” insert “ –
- (a) to make different provision for different cases, and
- (b) ”
- 8** Page 4, line 42, leave out first “provision”
- 9** Page 4, line 44, leave out “subsection (11)” and insert “this section”

Clause 7

- 10** Page 5, line 9, after “or” insert “reasonable”
- 11** Page 5, line 16, after “or” insert “reasonable”

Clause 13

12 Page 10, line 1, at end insert—

- “() Before making regulations under this section, the appropriate national authority shall consult such persons appearing to the authority to represent any interests concerned as the authority considers appropriate.”

Clause 15

13 Page 10, line 25, leave out “such persons”

14 Page 10, line 25, after “draft” insert “such persons appearing to him to represent any interests concerned”

15 Page 10, line 25, leave out “thinks fit” and insert “considers appropriate”

Clause 16

16 Page 11, line 14, leave out “such persons”

17 Page 11, line 14, after “draft” insert “such persons appearing to it to represent any interests concerned”

18 Page 11, line 14, leave out “thinks fit” and insert “considers appropriate”

Clause 17

19 Page 11, line 24, at end insert—

- “(3) Before making an order under subsection (1), the appropriate national authority shall consult such persons appearing to the authority to represent any interests concerned as the authority considers appropriate.

- (4) Subsection (3) does not apply in relation to an order revoking a code of practice in connection with its replacement by a new one.”

Clause 18

20 Page 12, line 37, at end insert—

- “() A person affected by a decision under subsection (13) may appeal against the decision to the Crown Court.”

Clause 20

21 Page 13, line 28, leave out “An order under” and insert “The power conferred by”

22 Page 13, line 28, leave out “may be made” and insert “shall be exercisable”

23 Page 13, line 28, leave out “, by way of complaint for an order,”

24 Page 13, line 44, after “reimburse” insert “the”

25 Page 13, line 44, leave out “incurred in” and insert “of”

26 Page 14, line 3, leave out “costs” and insert “expenses”

After Clause 20

27 Insert the following new Clause –

“Orders under section 20: appeals

- (1) Where a court makes an order under section 20(1), the owner of the animal to which the order relates may appeal against the order to the Crown Court.
- (2) Nothing may be done under an order under section 20(1) unless –
 - (a) the period for giving notice of appeal against the order has expired, and
 - (b) if the order is the subject of an appeal, the appeal has been determined or withdrawn.
- (3) Where the effect of an order is suspended under subsection (2) –
 - (a) no directions given in connection with the order shall have effect, but
 - (b) the court may give directions about how any animal to which the order applies is to be dealt with during the suspension.
- (4) Directions under subsection (3)(b) may, in particular –
 - (a) appoint a person to carry out, or arrange for the carrying out, of the directions;
 - (b) require any person who has possession of the animal to deliver it up for the purposes of the directions;
 - (c) confer additional powers (including power to enter premises where the animal is being kept) for the purpose of, or in connection with, the carrying out of the directions;
 - (d) provide for the recovery of any expenses which are reasonably incurred in carrying out the directions.
- (5) Where a court decides on an application under section 20(3)(a) not to exercise the power conferred by subsection (1) of that section, the applicant may appeal against the decision to the Crown Court.
- (6) Where a court makes an order under section 20(5)(d), the person against whom the order is made may appeal against the order to the Crown Court.”

Clause 32

- 28 Page 18, line 8, leave out “this section” and insert “subsection (1) or (2)”
- 29 Page 18, line 11, leave out “this section” and insert “subsection (1) or (2)”
- 30 Page 18, line 20, leave out “or another person”
- 31 Page 18, line 20, leave out “pay a sum representing” and insert “reimburse”
- 32 Page 18, line 26, leave out subsection (6)
- 33 Page 18, line 28, leave out “this section” and insert “subsection (1) or (2)”

Clause 33

- 34 Page 19, line 27, after “disqualification” insert “imposed by an order”

35 Page 19, line 27, leave out “(2), (3) or (4)” and insert “(1)”

Clause 35

36 Page 20, line 33, after “reimburse” insert “the”

37 Page 20, line 33, leave out “incurred in” and insert “of”

38 Page 20, line 42, leave out “costs” and insert “expenses”

Clause 36

39 Page 21, line 28, leave out “pay a sum representing” and insert “reimburse”

40 Page 21, line 30, leave out subsection (4)

Clause 37

41 Page 22, line 19, leave out “pay a sum representing” and insert “reimburse”

42 Page 22, line 21, leave out subsection (4)

Clause 38

43 Page 22, line 37, leave out subsection (2)

Clause 40

44 Page 23, line 31, after “36” insert “or”

45 Page 23, line 31, after “37” insert “with respect to an animal”

46 Page 23, line 31, after “or” insert “an order under section”

47 Page 24, line 10, leave out “costs” and insert “expenses”

48 Page 24, line 12, leave out “sum” and insert “expenses”

49 Page 24, line 12, leave out from “be” to end of line 13 and insert “recoverable summarily as a civil debt”

After Clause 42

50 Insert the following new Clause –

“Orders made on conviction for reimbursement of expenses

Where an order is made under section 32(4)(e), 35(1)(e), 36(3)(e), 37(3)(e) or 38(1), the expenses that are required by the order to be reimbursed shall not be regarded for the purposes of the Magistrates’ Courts Act 1980 (c. 43) as a sum adjudged to be paid by a summary conviction, but shall be recoverable summarily as a civil debt.”

51 Insert the following new Clause –

“Orders for reimbursement of expenses: right of appeal for non-offenders

- (1) Where a court makes an order to which this section applies, the person against whom the order is made may –
 - (a) in the case of an order made by a magistrates’ court, appeal against the order to the Crown Court;
 - (b) in the case of an order made by the Crown Court, appeal against the order to the Court of Appeal.
- (2) This section applies to –
 - (a) an order under section 35(1)(e) against a person other than the person subject to disqualification, and
 - (b) an order under section 36(3)(e), 37(3)(e) or 38(1) against a person other than the offender.”

Clause 58

52 Page 33, line 13, leave out “6(11)” and insert “6”

53 Page 33, line 16, at end insert –

- “(2A) No order under section 17(1) shall be made by the Secretary of State unless a draft of the instrument containing the order has been laid before Parliament.
- (2B) Subsection (2A) does not apply in relation to an order revoking a code of practice in connection with its replacement by a new one.”

Clause 63

54 Page 35, line 7, at end insert –

- “(3) Section 33(9) shall apply in relation to a disqualification imposed by an order under section 1 of the Protection of Animals (Amendment) Act 1954 (c. 40) (power to disqualify persons convicted of cruelty to animals) as it applies in relation to a disqualification imposed by an order under section 33(1).
- (4) In relation to a person convicted of an offence under section 33(9) by virtue of breaching a disqualification imposed by an order under section 1 of the Protection of Animals (Amendment) Act 1954 (c. 40), section 34(2) shall have effect with the substitution for the words from “owning” to “keeps” of “having custody of an animal in breach of disqualification under section 1 of the Protection of Animals (Amendment) Act 1954, the court by or before which he is convicted may order that all animals of which he has custody”.
- (5) Section 42 shall apply in relation to a person who is disqualified by virtue of an order under section 1 of the Protection of Animals (Amendment) Act 1954 (c. 40) as it applies in relation to a person who is disqualified by virtue of an order under section 33 or 41.
- (6) In its application by virtue of subsection (5), section 42(2)(c) shall have effect with the omission of the words “section 33(6), 41(3) or”.

Clause 64

55 Page 35, line 15, leave out “63” insert “63(1) and (2)”

- 56 Page 35, line 16, leave out first “and”
- 57 Page 35, line 16, leave out “to” and insert “and”
- 58 Page 35, line 44, leave out “63” insert “63(1) and (2)”

Schedule 2

- 59 Page 40, line 5, after first “to” insert “the issue of”
- 60 Page 40, line 5, leave out “issued”
- 61 Page 40, line 6, after “to” insert “the issue of”
- 62 Page 40, line 7, leave out “issued”
- 63 Page 40, line 7, at end insert –
- “() In their application in relation to the issue of a warrant under section 19(4) or 22(1), sections 15 and 16 of that Act shall have effect with the following modifications.
- () In section 15 –
- (a) in subsection (2), omit the words from the end of paragraph (a)(ii) to the end of paragraph (b);
 - (b) omit subsections (2A) and (5A);
 - (c) in subsection (5), omit the words from “unless” to the end;
 - (d) in subsection (6)(a), omit the words from the end of sub-paragraph (iii) to the end of sub-paragraph (iv);
 - (e) in subsection (7), omit the words from “(see” to the end.
- () In section 16 –
- (a) omit subsections (3A) and (3B);
 - (b) in subsection (9), omit the words after paragraph (b).”
- 64 Page 40, line 8, leave out sub-paragraphs (2) to (4) and insert –
- “1A (1) This paragraph and paragraph 1B have effect in relation to the issue to inspectors of warrants under section 27(4); and an entry on premises under such a warrant is unlawful unless it complies with this paragraph and paragraph 1B.
- (2) Where an inspector applies for a warrant, he shall –
- (a) state the ground on which he makes the application,
 - (b) state the enactment under which the warrant would be issued, and
 - (c) specify the premises which it is desired to enter.
- (3) An application for a warrant shall be made without notice and supported by an information in writing.
- (4) The inspector shall answer on oath any question that the justice of the peace hearing the application asks him.
- (5) A warrant shall authorise an entry on one occasion only.
- (6) A warrant shall specify –
- (a) the name of the person who applies for it,
 - (b) the date on which it is issued, and

- (c) the enactment under which it is issued.
 - (7) Two copies shall be made of a warrant.
 - (8) The copies shall be clearly certified as copies.
- 1B
- (1) A warrant may be executed by any inspector.
 - (2) A warrant may authorise persons to accompany any inspector who is executing it.
 - (3) A person authorised under sub-paragraph (2) has the same powers as the inspector whom he accompanies in respect of the execution of the warrant, but may exercise those powers only in the company, and under the supervision, of an inspector.
 - (4) Execution of a warrant must be within three months from the date of its issue.
 - (5) Execution of a warrant must be at a reasonable hour unless it appears to the inspector executing it that the purpose of entry may be frustrated on an entry at a reasonable hour.
 - (6) Where the occupier of premises which are to be entered under a warrant is present at the time when an inspector seeks to execute it, the inspector shall—
 - (a) identify himself to the occupier and shall produce to him documentary evidence that he is an inspector,
 - (b) produce the warrant to him, and
 - (c) supply him with a copy of it.
 - (7) Where—
 - (a) the occupier of premises which are to be entered under a warrant is not present when an inspector seeks to execute it, but
 - (b) some other person who appears to the inspector to be in charge of the premises is present,sub-paragraph (6) shall have effect as if any reference to the occupier were a reference to that other person.
 - (8) If there is no person present who appears to the inspector to be in charge of the premises, he shall leave a copy of the warrant in a prominent place on the premises.
 - (9) A warrant which—
 - (a) has been executed, or
 - (b) has not been executed within the time authorised for its execution,shall be returned to the designated officer for the local justice area in which the justice of the peace who issued the warrant was acting when he issued it.
 - (10) A warrant which is returned under sub-paragraph (9) shall be retained by the officer to whom it is returned for 12 months from its return.
 - (11) If during the period for which a warrant is to be retained the occupier of the premises to which it relates asks to inspect it, he shall be allowed to do so.”

66 Page 43, line 2, at end insert –

“Functions in connection with entry under section 19

- (1) Where a person enters premises in exercise of a power of entry conferred by section 19(1), or by a warrant under section 19(4), he may –
 - (a) inspect an animal found on the premises;
 - (b) remove a carcass found on the premises for the purposes of carrying out a post-mortem examination on it;
 - (c) remove for those purposes the carcass of an animal destroyed on the premises in exercise of power conferred by section 18(3) or (4);
 - (d) take a photograph of anything on the premises.
- (2) Where a person exercising a power of entry under section 19(1) takes another person with him under paragraph 3, the other person may exercise any power conferred by sub-paragraph (1) if he is in the company, and under the supervision, of the person exercising the power of entry.”

Schedule 3

67 Page 43, leave out lines 22 to 27 and insert –

“(b) in relation to England and Wales, the expression “animal” means a “protected animal” within the meaning of the Animal Welfare Act 2006.”

68 Page 45, line 18, leave out “36” insert “36(1)”

69 Page 46, line 15, leave out “in relation to England and Wales,”

70 Page 46, leave out lines 18 to 20

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