

10. Disqualification from ownership of animals

Guideline users should be aware that the [Equal Treatment Bench Book](#) covers important aspects of fair treatment and disparity of outcomes for different groups in the criminal justice system. It provides guidance which sentencers are encouraged to take into account wherever applicable, to ensure that there is fairness for all involved in court proceedings.

Where an offender is convicted of one of the following offences under the Animal Welfare Act 2006, the court may disqualify him or her from owning or keeping animals, dealing in animals, and/or transporting animals ([Animal Welfare Act 2006, s.34](#)):

1. causing unnecessary suffering (s.4);
2. mutilation (s.5);
3. docking of dogs' tails (ss.6(1) and 6(2));
4. administration of poisons etc. (s.7);
5. fighting etc. (s.8);
6. breach of duty to ensure welfare (s.9);
7. breach of licensing or registration requirements (s.13(6));
8. breach of disqualification order (s.34(9)).

When considering disqualification, the court should review whether the order will sufficiently limit harm to animal(s) in the offender's care or for whom he/she is responsible, at present and in the future. The court should also take into consideration whether the order should apply to all types of animals or whether certain exemptions are appropriate. The court is required to give reasons if it decides not to make such an order.

The court may specify the minimum period before an offender may apply for termination of the order under section 43 of the Animal Welfare Act 2006; if no period is specified, an offender may not apply for termination of the order until one year after the order was made.

As set out in s.34(1) of the Animal Welfare Act 2006, disqualification may be imposed instead of or in addition to dealing with the offender in any other way. In most instances, however, a sentence as set out in the relevant sentencing guidelines for these offences will be most appropriate as the primary penalty, with an ancillary order of disqualification.

Where an offender is convicted of an offence contrary to s.4-9 under the Animal Welfare Act 2006, and is the owner of an animal in relation to which the offence is committed, the court may also make an [order depriving him or her of ownership of the animal and for its disposal](#) (Animal Welfare Act 2006, s.33).

6. Deprivation of ownership of animal

Guideline users should be aware that the [Equal Treatment Bench Book](#) covers important aspects of fair treatment and disparity of outcomes for different groups in the criminal justice system. It provides guidance which sentencers are encouraged to

take into account wherever applicable, to ensure that there is fairness for all involved in court proceedings.

Where an offender convicted of one of the following offences under the Animal Welfare Act 2006, is the owner of an animal in relation to which the offence is committed, the court may make an order depriving him or her of ownership of the animal and for its disposal (Animal Welfare Act 2006, s.33).

1. causing unnecessary suffering (s.4);
2. mutilation (s.5);
3. docking of dogs' tails (ss.6(1) and 6(2));
4. administration of poisons etc. (s.7);
5. fighting etc. (s.8);
6. breach of duty to ensure welfare (s.9);
7. breach of disqualification order (s.34(9)).

The court is required to give reasons if it decides not to make such an order.

As set out in ss.33(1) and 33(2) of the Animal Welfare Act 2006, deprivation of ownership may be ordered instead of or in addition to dealing with the offender in any other way. In most instances, however, a sentence as set out in the relevant sentencing guidelines for these offences will be most appropriate as the primary penalty, with an ancillary order of deprivation of ownership.

Where an offender is convicted of any of the offences listed above, the court may also [disqualify him or her from owning or keeping animals, dealing in animals, and/or transporting animals](#) (Animal Welfare Act 2006, s.34).