

FUR FARMING (PROHIBITION) (SCOTLAND) ACT 2002

EXPLANATORY NOTES

THE ACT

Section 2: Forfeiture orders

10. [Section 2\(1\)](#) allows the court to make a forfeiture order in respect of any animals, following conviction under section 1(1), of the same type to which the offence related.
11. [Section 2\(2\)](#) allows a forfeiture order to be made in respect of any animals kept by a person where another person is convicted of an offence under section 1(2), provided the animals are of the same type to which the offence related.
12. [Section 2\(3\)](#) defines the relevant period for the purposes of section 2(1) and 2(2). A forfeiture order may apply in respect of any animals of the same type to which the offence related which are kept by a person at the time the forfeiture order is made or which come into that person's keeping pending the carrying out of the order.
13. [Section 2\(4\)](#) explains that a forfeiture order is an order for the destruction or other disposal of the animals to which the order applies. Its effect is to deprive any person of their rights in those animals (section 2(5)).
14. [Section 2\(6\)](#) allows the court to make a forfeiture order irrespective of whether it also deals with the offender. So, where a person is convicted but there is no dealing such as a fine, the court may still make a forfeiture order.
15. [Section 2\(7\)](#) requires the court to take into account any representations made to it by any person who has a legal interest in the ownership of the animals which could be the subject of a forfeiture order. It is expected that procedural provision in this regard could be made by Act of Adjournment under section 305 of the Criminal Procedure (Scotland) Act 1995.
16. [Section 2\(8\)](#) sets out the timescale within which an interested person may lodge an appeal against the making of forfeiture order.