

# **ANIMAL HEALTH AND WELFARE (SCOTLAND) ACT 2006**

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## **EXPLANATORY NOTES**

### **THE ACT – AN OVERVIEW**

5. The main provisions of the Act are as follows:
- **Part 1** of the Act amends the 1981 Act to provide additional powers to prevent the spread of animal diseases including: supplementary slaughter powers; powers to issue biosecurity codes; powers to make veterinary tests and take samples; powers to license gatherings of animals or birds (or both); powers to vaccinate or treat animals and birds; supplemental powers to seize and dispose of carcasses and other items; and the creation of new offences of deliberate infection of animals or birds, and of acquiring or taking possession of diseased animals or birds, or animals or birds which are suspected of being diseased, the carcasses of such animals or birds or anything obtained from, produced by or used in connection with such animals or birds. Part 1 also makes provision for the establishment of a breeding programme to breed resistance in livestock to Transmissible Spongiform Encephalopathies (TSEs), for example Bovine Spongiform Encephalopathy (BSE) or other TSEs. Also, supplemental enforcement provisions are provided and the penalty for contravention of the 1981 Act (where no penalty is specified by any other provision of that Act) is revised.
  - **Part 2** of the Act supersedes a number of existing provisions in animal welfare legislation to prevent cruelty, promote welfare and protect animals in distress. It introduces an offence for the failure to take reasonable steps to ensure the welfare of animals for which a person is responsible (the duty of care), prohibits the giving of animals as prizes, raises the age at which young people can be sold animals, re-affirms the specific offence of abandonment and strengthens the provisions for animal fights. It also provides that an inspector or constable may take into their possession an animal which is suffering or likely to suffer; that a person can be deprived of possession or ownership of an animal on conviction for certain specified offences; and that a person can be disqualified from participating in animal-related activities following conviction for certain offences. Provision has been made to allow Scottish Ministers to make Regulations for the purpose of securing the welfare of animals and to require certain animal activities to be licensed or registered.
  - **Part 3** of the Act makes provision for Crown application, consequential amendments, ancillary provision, order making powers and commencement provisions.
  - Schedule 1 to the Act contains further provisions detailing the powers of authorised persons for Part 2.
  - Schedule 2 to the Act contains amendments to other enactments in consequence of the Act.