

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

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## **EXPLANATORY NOTES**

### **COMMENTARY ON SECTIONS**

#### **Part 2 – Animal Welfare**

#### ***Section 28 – Prohibition on keeping certain animals***

145. This section gives the Scottish Ministers power to make regulations for animal welfare purposes to prohibit the keeping of certain types of animals at domestic or other premises. “Domestic premises” are defined as premises or a part of premises used exclusively as a dwelling house including any land or structure belonging to or enjoyed with or adjacent to the house (see section 50(2)). Subsection (2) allows the Scottish Ministers to define the meaning of “other premises” by regulations. A distinction is made between domestic and other premises as the facilities which can be provided for an animal can vary greatly between a small flat and a safari park. Subsection (2)(a) excludes zoos licensed under the Zoo Licensing Act 1981 from the premises in respect of which regulations prohibiting the keeping of an animal may be made under subsection (1)(b). Subsection (4) sets out examples of the types of provision which may be included in the subsequent regulations. These include provision for enforcement, offences, penalties, post-conviction orders, the conferring of powers on specified individuals (such as powers of entry, search, inspection, and seizure) and for provision for exemptions from the regulations.
146. Subsection (5) provides that the Scottish Ministers must have regard to whether adequate provision is capable of being made and likely to be made for animals at the type of premises concerned before prohibiting the keeping of animals on such premises.
147. Subsection (6) imposes a duty on the Scottish Ministers to consult interested persons before introducing regulations under this section.