

*These notes relate to the Animal Health and Welfare (Scotland)  
Act 2006 (asp 11) which received Royal Assent on 11 July 2006*

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

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## **EXPLANATORY NOTES**

### **COMMENTARY ON SECTIONS**

#### **Part 2 – Animal Welfare**

##### ***Section 17 – Protected animals***

98. Animals that are not of a kind commonly domesticated in the British Islands are only “protected animals” if they are under the control of man or are not living in a wild state. The term “not living in a wild state” is intended to cover circumstances where a non-native captive animal escapes. This would cover, for example, a penguin escaping from a zoo. The penguin would not be commonly domesticated in the British Islands, nor would it be under the control of man (as it had escaped). However, although it had escaped, it would not be living in a “wild state” and therefore would continue to be considered as a “protected animal”.