

*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 35 – Resort to destruction of animals***

169. This section replaces and modernises the power currently contained in section 10 of the 1912 Act.
170. In terms of subsection (1), an inspector or constable may destroy or make arrangements for the destruction of a protected animal where a veterinary surgeon certifies the condition of the animal is such that destruction is appropriate. Subsection (3) allows a veterinary surgeon to examine and take samples from an animal with a view to forming an opinion in this regard.
171. In terms of subsection (2), an inspector or constable may destroy or take steps for destroying an animal without veterinary certification if the following conditions are met: (a) it appears that the condition of the animal is such that there is no reasonable alternative to destroying it; and (b) it is reasonable in the circumstances not to seek or wait for veterinary advice.
172. Subsection (4) provides that any reasonable expenses incurred by an inspector or a constable in destroying an animal are recoverable from the owner or other person responsible for the animal.
173. [Schedule 1](#) paragraph 15(1)(c) makes it an offence for a person to intentionally obstruct a person exercising a power conferred by this section.