

*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 37 – Animal welfare codes***

176. Codes of practice are already widely used to promote the welfare of farmed animals and the Act provides for their use to be extended to non-farmed animals. The existing codes on the welfare of farmed animals (which have been made under section 3 of the Agriculture (Miscellaneous Provisions) Act 1968) will continue in force.
177. This section gives Scottish Ministers the power, after appropriate consultation, and subject to the approval of Parliament, to issue and revise codes which provide practical guidance in relation to the provisions of the animal welfare part of the Act or regulations made under that part. Subsection (5) makes provision regarding the publicising of any animal welfare code made under this section.
178. Subsections (6) and (7) provide that an animal welfare code when being made or revoked is subject to affirmative Parliamentary procedure.
179. Whilst failure to comply with a provision of an animal welfare code is not in itself an offence (subsection (8)), the courts can refer to the appropriate codes when making a judgement as to whether an offence has been committed under the welfare provisions of the Act or regulations made under section 26 or 27. Owners and keepers of animals may therefore find the codes a useful resource by which to inform their understanding of acceptable welfare standards.