

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

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 2 – Animal Welfare

Section 21 – Cruel operations

113. This provision supersedes section 1(1)(e) of the 1912 Act. Subsection (1) makes it an offence for a person to perform an operation on a protected animal without due care and humanity. Whilst it is difficult to envisage circumstances in which such an offence would be prosecuted except where it appeared that an animal had suffered, it is not necessary to *prove* that the animal suffered to establish the commission of the offence.
114. Subsection (2) provides that if a person who is responsible for an animal permits another person to perform an operation on that animal without due care and humanity or fails to take reasonable steps to prevent that from happening, then an offence is committed. Subsection (3) states that this section is subject to the Protection of Animals (Anaesthetics) Act 1954 (see amendment to Protection of Animals (Anaesthetics) Act 1954 in schedule 2 to the Act).