



Animal Health and Welfare (Scotland) Act 2006 2006 asp 11

PART 2

ANIMAL WELFARE

Prevention of harm

19 Unnecessary suffering

- (1) A person commits an offence if—
 - (a) the person causes a protected animal unnecessary suffering by an act, and
 - (b) the person knew, or ought reasonably to have known, that the act would have caused the suffering or be likely to do so.
- (2) A person who is responsible for an animal commits an offence if—
 - (a) the person causes the animal unnecessary suffering by an act or omission, and
 - (b) the person knew, or ought reasonably to have known, that the act or omission would have caused the suffering or be likely to do so.
- (3) A person (“person A”) who is responsible for an animal commits an offence if—
 - (a) another person causes the animal unnecessary suffering by an act or omission, and
 - (b) person A—
 - (i) permits that to happen, or
 - (ii) fails to take such steps (whether by way of supervising the other person or otherwise) as are reasonable in the circumstances to prevent that happening.
- (4) The considerations to which regard is to be had in determining, for the purposes of subsections (1) to (3), whether suffering is unnecessary include—
 - (a) whether the suffering could reasonably have been avoided or reduced,

Status: This is the original version (as it was originally enacted).

- (b) whether the conduct concerned was in compliance with any relevant enactment or any relevant provisions of a licence or code of practice issued under an enactment,
 - (c) whether the conduct concerned was for a legitimate purpose, for example—
 - (i) the purpose of benefiting the animal, or
 - (ii) the purpose of protecting a person, property or another animal,
 - (d) whether the suffering was proportionate to the purpose of the conduct concerned,
 - (e) whether the conduct concerned was in the circumstances that of a reasonably competent and humane person.
- (5) This section does not apply to the destruction of an animal in an appropriate and humane manner.