



# Marine (Scotland) Act 2010

## 2010 asp 5

### PART 6

#### CONSERVATION OF SEALS

##### *Offence: killing, injuring or taking seals*

#### **108 Exceptions: alleviating suffering**

- (1) It is not an offence under section 107 for a person to end a seal's life humanely (or to injure a seal when attempting to do so) if—
  - (a) it has been seriously disabled (otherwise than by the person's unlawful conduct),
  - (b) it has no reasonable chance of recovering, and
  - (c) ending its life—
    - (i) is the only satisfactory way to end its suffering, and
    - (ii) is not detrimental to the maintenance of the population of any species of seal at a favourable conservation status in their natural range (within the meaning of Article 1(e) of the Habitats Directive).
- (2) It is not an offence under section 107 for a person to take a seal (or to kill or injure a seal when attempting to take it) if—
  - (a) it has been disabled (otherwise than by the person's unlawful conduct),
  - (b) it is (or is to be) taken only in order to—
    - (i) tend it with a view to releasing it after it has recovered, or
    - (ii) release it after it has been tended,
  - (c) it is (or is to be) taken in a manner and in circumstances unlikely to cause the seal to suffer unnecessarily, and
  - (d) taking it—
    - (i) is the only satisfactory way to help it to recover, and
    - (ii) is not detrimental to the maintenance of the population of any species of seal at a favourable conservation status in their natural range (within the meaning of Article 1(e) of the Habitats Directive).

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*Changes to legislation: There are currently no known outstanding effects for the Marine (Scotland) Act 2010, Section 108. (See end of Document for details)*

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- (3) It is the duty of a person who kills, injures or takes a seal in a manner which is lawful by virtue of this section to report the matter to the Scottish Ministers as soon as reasonably practical after doing so.
- (4) Failure to comply with the reporting duty is an offence.

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**Commencement Information**

**II** [S. 108](#) in force at 31.1.2011 by [S.S.I. 2010/230](#), [art. 4\(a\)](#)

**Changes to legislation:**

There are currently no known outstanding effects for the Marine (Scotland) Act 2010, Section 108.