



# Animals and Wildlife (Penalties, Protections and Powers) (Scotland) Act 2020 2020 asp 14

## CHAPTER 1

### ANIMAL WELFARE, ANIMAL HEALTH AND WILDLIFE: OFFENCES AND PENALTIES

#### *Animal welfare offences: disqualification orders*

#### **4 Disqualification orders**

- (1) The 2006 Act is amended as follows.
- (2) In section 40 (disqualification orders)—
  - (a) in subsection (1), for “may” substitute “ must consider whether it is necessary, to protect animal welfare, to ”,
  - (b) for subsection (5) substitute—
    - “(5) The court must state its reasons—
      - (a) for deciding to make or, as the case may be, not make a disqualification order,
      - (b) where it decides to make such an order—
        - (i) for including in the order the particular disqualifications imposed by it,
        - (ii) for specifying, under subsection (9)(a), the period for which the order is to have effect, and
        - (iii) for specifying, under subsection (9)(b), a period within which no application under section 42(1) may be made.”.
- (3) In section 42 (termination or variation of disqualification orders), after subsection (5) insert—

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**Changes to legislation:** *There are currently no known outstanding effects for the Animals and Wildlife (Penalties, Protections and Powers) (Scotland) Act 2020, Cross Heading: Animal welfare offences: disqualification orders. (See end of Document for details)*

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“(6) The court must state its reasons—

- (a) for granting or, as the case may be, refusing the application under subsection (1),
- (b) where it grants the application in whole or in part, for varying or, as the case may be, terminating the disqualification order.”.

(4) After that section insert—

**“42A Disqualification orders: record of reasons**

The Scottish Courts and Tribunals Service must establish and maintain a record of reasons relating to disqualification orders stated by the court under sections 40(5) and 42(6).”.

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**Commencement Information**

**I1** S. 4 in force at 30.9.2021 by [S.S.I. 2021/303](#), [reg. 2\(a\)](#)

**5 Disqualification orders: further provision**

- (1) The 2006 Act is amended as follows.
- (2) In section 40 (disqualification orders) —
  - (a) after subsection (1) insert—

“(1A) The purpose of a disqualification order is for the future protection of animals and not in substitution for a penalty for a relevant offence.”,

- (b) in subsection (6), the words “, or instead of,” are repealed.

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**Commencement Information**

**I2** S. 5 in force at 30.9.2021 by [S.S.I. 2021/303](#), [reg. 2\(b\)](#)

**Changes to legislation:**

There are currently no known outstanding effects for the Animals and Wildlife (Penalties, Protections and Powers) (Scotland) Act 2020, Cross Heading: Animal welfare offences: disqualification orders.