

*Draft Regulations laid before the Scottish Parliament under section 51(3) of the Animal Health and Welfare (Scotland) Act 2006 for approval by resolution of the Scottish Parliament.*

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DRAFT SCOTTISH STATUTORY INSTRUMENTS

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**2017 No.**

**ANIMALS**

**The Prohibited Procedures on Protected Animals  
(Exemptions) (Scotland) Amendment Regulations 2017**

*Made* - - - - 2017  
*Coming into force* - - 2017

The Scottish Ministers make the following Regulations in exercise of the powers conferred by sections 20(5)(b) and 51(2)(b) of the Animal Health and Welfare (Scotland) Act 2006<sup>(1)</sup> and all other powers enabling them to do so.

In accordance with section 20(6) of that Act, they have consulted with such persons appearing to them to represent relevant interests and such other persons as they consider appropriate.

In accordance with section 51(3)(2) of that Act, a draft of these Regulations has been laid before and approved by resolution of the Scottish Parliament.

**Citation and commencement**

1. These Regulations may be cited as the Prohibited Procedures on Protected Animals (Exemptions) (Scotland) Amendment Regulations 2017 and come into force on the day after the day on which they are made.

**Amendment of the Prohibited Procedures on Protected Animals (Exemptions) (Scotland) Regulations 2010**

2. The Prohibited Procedures on Protected Animals (Exemptions) (Scotland) Regulations 2010<sup>(3)</sup> are amended in accordance with regulations 3 and 4.

3. In regulation 2 (interpretation), for “dock” substitute “docking”.

4. In schedule 9 (dogs), after the entry relating to amputation of dew claws, insert—

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(1) 2006 asp 11.

(2) Section 51(3) has been modified by paragraph 5 of schedule 3 of the Interpretation and Legislative Reform (Scotland) Act 2010 (asp 10).

(3) S.S.I. 2010/387, as amended by S.S.I. 2011/164, S.S.I. 2012/40 and S.S.I. 2016/310.

<p>“Docking of any dog aged 5 days or less that is a dog—</p> <p>1) of the type known as spaniel, of any breed or combination of breeds; or</p> <p>2) of the type known as hunt point retrieve, of any breed or combination of breeds</p>	Dog welfare
<p><b>Conditions—</b></p>	
<p>1) The procedure may only be carried out by a veterinary surgeon.</p>	
<p>2) Not more than the end third in length of the tail may be removed.</p>	
<p>3) The veterinary surgeon who is to carry out the procedure must, before doing so, be satisfied that there has been produced to that veterinary surgeon by—</p> <p>(a) the owner of the dog; or</p> <p>(b) another person whom the veterinary surgeon reasonably believes to be representing the owner,</p> <p>evidence showing that the dog is likely to be used for work in connection with the lawful shooting of animals.</p>	
<p>4) The veterinary surgeon who is to carry out the procedure must, before doing so, sign a certificate which—</p> <p>(a) certifies that Condition 3) has been complied with;</p> <p>(b) certifies that the dog is aged 5 days or less according to the date of birth of the dog given by—</p> <p>(i) its owner; or</p> <p>(ii) another person whom the veterinary surgeon reasonably believes to be representing the owner; and</p> <p>(c) states the following information:—</p> <p>(i) the breed and type of the dog;</p> <p>(ii) the sex of the dog;</p> <p>(iii) the colour and a description of the dog;</p> <p>(iv) the unique number of the compliant microchip implanted in the dam of the dog; and</p> <p>(v) where the dog has been implanted with a compliant microchip, the unique number of that compliant microchip.</p> <p>In paragraph (c)(iv) and (v) a reference to a compliant microchip means a microchip within the meaning of regulation 4 of the Microchipping of Dogs (Scotland) Regulations 2016(4).”.</p>	

St Andrew's House,  
Edinburgh  
Date

*Name*  
A member of the Scottish Government

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

Section 20 of the Animal Health and Welfare (Scotland) Act 2006 (“the 2006 Act”) provides that it is an offence for a person to carry out a prohibited procedure on a protected animal, unless the procedure is carried out for the purpose of medical treatment of the animal or is specified in regulations. The Prohibited Procedures on Protected Animals (Exemptions) (Scotland) Regulations 2010 (“the principal Regulations”) specify procedures which are not carried out for the purpose of medical treatment of an animal and are procedures to which section 20 of the 2006 Act does not apply.

Regulation 2 of these Regulations amends the principal Regulations in accordance with regulations 3 and 4.

Regulation 3 amends regulation 2 of the principal Regulations by replacing the defined term “dock” with “docking”. Docking means the amputation of one or more coccygeal vertebrae of the tail of an animal.

Regulation 3 of the principal Regulations exempts the procedures set out in schedules 1 to 12 from the application of section 20 of the 2006 Act. Regulation 4 inserts a new entry into schedule 9 of the principal Regulations to allow docking of the type of dog known as spaniel (of any breed or combination of breeds of spaniel), and the type of dog known as hunt point retrieve (of any breed or combination of breeds of hunt point retrieve), provided that the dog is not more than 5 days old. The procedure is only exempt where its purpose is dog welfare. Regulation 4 provides that section 20 does not apply to this procedure only where it is carried out in accordance with specified conditions. The conditions are that:—

- (1) the procedure must be carried out by a veterinary surgeon;
- (2) not more than the end third of the length of the dog’s tail may be removed;
- (3) the veterinary surgeon who is to carry out the procedure must be satisfied, before doing so, that evidence has been produced by the owner, or person reasonably believed to be representing the owner, showing that the dog is likely to be used for work in connection with lawful shooting of animals; and
- (4) the veterinary surgeon who is to carry out the procedure must, before doing so, sign a certificate which:—
  - (a) certifies that Condition 3 has been met;
  - (b) certifies that the dog is aged 5 days or less, according to the date of birth given by the owner, or person reasonably believed to be representing the owner; and
  - (c) states the matters (i) to (v) set out in Condition 4(c).

A Business and Regulatory Impact Assessment has been prepared and placed in the Scottish Parliament Information Centre. Copies may be obtained from the Scottish Government, Directorate for Agriculture and Rural Economy, Animal Health and Welfare Division, Saughton House, Broomhouse Drive, Edinburgh EH11 3XD, and online at [www.legislation.gov.uk](http://www.legislation.gov.uk).