
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.