

2006 No. 482 (C. 41)

ANIMALS

**The Animal Health and Welfare (Scotland) Act 2006
(Commencement No. 1, Savings and Transitional Provisions)
Order 2006**

Made - - - - *28th September 2006*

The Scottish Ministers, in exercise of the powers conferred by section 55(1) of the Animal Health and Welfare (Scotland) Act 2006(a), hereby make the following Order:

Citation and interpretation

1.—(1) This Order may be cited as the Animal Health and Welfare (Scotland) Act 2006 (Commencement No. 1, Savings and Transitional Provisions) Order 2006.

(2) In this Order, “the Act” means the Animal Health and Welfare (Scotland) Act 2006.

Appointed day

2. Subject to the particular purpose specified in article 3, and to the savings and transitional provisions contained in article 4, the appointed day for the coming into force of the provisions of the Act (except sections 53 to 55) is 6th October 2006 except for the following provisions—

- (a) section 20(1) to (3); and
- (b) section 52 insofar as introducing paragraphs 6, 9(b), (h) to (l), (n) and (p) of Schedule 2 to the Act.

3. Section 52 insofar as introducing paragraph 9(d) of Schedule 2 to the Act shall come into force on 6th October 2006 only for the purpose of the repeal of section 3 (pets not to be sold to children under twelve years of age) of the Pet Animals Act 1951(b).

Savings and transitional provisions

4.—(1) (a) Where a court has imposed, by an order under section 1 of the Protection of Animals (Amendment) Act 1954(c), a disqualification on a person from having custody of any animal or any specified kind of animal, section 40(11) of the Act shall apply to a person who breaches such an order as it applies to a person who breaches a disqualification order imposed under section 40(1) of the Act.

(b) Where a person has been convicted of an offence under section 40(11) of the Act, by virtue of breaching a disqualification imposed by an order under section 1 of the Protection of Animals (Amendment) Act 1954, section 39 of the Act shall have effect

(a) 2006 asp 11.

(b) 1951 c.35.

(c) 1954 c.40. Section 1 is amended by 1988 c.29, section 1(1) and (2).

with the substitution for the words “owning or keeping an animal” in subsection (10)(d) of “having custody of an animal in breach of disqualification under section 1 of the Protection of Animals (Amendment) Act 1954 (c.40)”.

- (c) Where a person has custody of an animal in breach of a disqualification imposed by an order under section 1 of the Protection of Animals (Amendment) Act 1954, section 41 of the Act shall apply to such a breach as it does to a breach of a disqualification order imposed under section 40(1) of the Act.
- (d) Where a person is disqualified, by virtue of an order under section 1 of the Protection of Animals (Amendment) Act 1954, section 42 of the Act shall apply as it does in relation to a person who is disqualified by virtue of an order under section 40(1) of the Act with the exception of section 42(2)(c)(i) which shall be omitted.

(2) Any Code of Recommendations issued under section 3 of the Agriculture (Miscellaneous Provisions) Act 1968(a) shall be treated as an animal welfare code of practice made by the Scottish Ministers under section 37 of the Act and approved by resolution of the Scottish Parliament.

(3) Sections 2, 6, 7 and 8(b) of the Agriculture (Miscellaneous Provisions) Act 1968 shall continue to apply for the purposes of the Welfare of Farmed Animals (Scotland) Regulations 2000(c) and the Welfare of Livestock (Prohibited Operations) Regulations 1982(d).

ROSS FINNIE

A member of the Scottish Executive

St Andrew's House,
Edinburgh
28th September 2006

(a) 1968 c.34. Section 3 is amended by S.I. 1999/1820, Schedule 2(I) paragraph 46.
(b) Section 6 is amended by 2004 c.14, Schedule 1(17)(1) paragraph 1, section 7 is amended by 1975 c.21, section 289G and 1982 c.48, sections 39 and 46, Schedule 3 and Schedule 6, paragraph 38 and section 8 is amended by 1981 c.22, Schedule 5 paragraph 8.
(c) S.S.I. 2000/442 as amended by S.S.I. 2002/334 and 2003/488.
(d) S.I. 1982/1884 as amended by S.I. 1987/114.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order provides that the appointed day for the coming into force of the Animal Health and Welfare (Scotland) Act 2006 (“the Act”) except sections 53 to 55 (which came into force on Royal Assent) and those sections specified in article 2(a) and (b) is 6th October 2006. Article 3 provides that Schedule 2 paragraph 9(d) is commenced only for the purpose of the repeal of section 3 (pets not to be sold to children under twelve years of age) of the Pet Animals Act 1951.

Section 20(1) to (3) shall come into force once the regulations providing exemptions to the offences created by those provisions are in force. Schedule 2, paragraphs 6 and 9(b), (d) (except as commenced by article 3), (h) to (l), (n), and (p) shall also come into force once secondary legislation has been made to replace the provisions of the primary legislation to be repealed by those provisions.

Article 4(1) contains savings and transitional provisions considered necessary or expedient for the purposes of, or in connection with, the Act. Paragraph (1) makes provision for section 40(11) of the Act to apply in respect of breaches of disqualification orders imposed under section 1 of the Protection of Animals (Amendment) Act 1954 as it does to breaches of disqualification orders imposed under section 40(1) of the Act and applies and adopts sections 39, 41 and 42 of the Act for that purpose.

Article 4(2) makes provision in relation to the Codes of Recommendations issued under section 3 of the Agriculture (Miscellaneous Provisions) Act 1968 by providing for them to be treated as made under section 37 of the Act. Copies of the Codes of Recommendations can be obtained from the Scottish Executive Environment and Rural Affairs Department, Room 350, Pentland House, 47 Robb’s Loan, Edinburgh, EH14 1TY.

Article 4(3) provides for the retention of sections 2, 6, 7 and 8 of the Agriculture (Miscellaneous Provisions) Act 1968 for the purposes of the Welfare of Farmed Animals (Scotland) Regulations 2000 and the Welfare of Livestock (Prohibited Operations) Regulations 1982.

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