

# **ANIMAL HEALTH AND WELFARE (SCOTLAND) ACT 2006**

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## **EXPLANATORY NOTES**

### **COMMENTARY ON SECTIONS**

#### **Part 2 – Animal Welfare**

##### ***Section 27 – Licensing etc. of activities involving animals***

140. **Section 27** makes provision enabling the Scottish Ministers to make regulations for the introduction of licensing and registration regimes in relation to activities involving animals for which a person is responsible for the purposes of securing the welfare of animals. It is intended that, with a view to securing animal welfare, certain activities involving animals for which a person is responsible (such as pet shops, animal boarding establishments, livery yards and riding establishments) will be made subject to a requirement that the person carrying out the activity be either licensed by, or registered with, a local authority or the Scottish Ministers. At present, licensing regimes contain many identical or similar provisions and are to be found in a variety of statutes and secondary legislation.
141. It is intended that registration will be used in cases where it is necessary for the enforcement authority to know of the existence and location of organisations or individuals who are keeping specific animals or carrying out particular activities. Registration may be required where it is considered that the additional controls and costs of a licensing regime are either unnecessary or would be unduly burdensome.
142. Subsection (4) sets out the types of provision that regulations for both licensing and registration may include: enforcement; the creation of offences; the imposition of penalties; post-conviction orders; the conferring of powers on specified individuals (such as powers of entry, search, inspection and seizure in connection with breaches and suspected breaches of provisions of the regulations); the creation of an offence of obstructing a person who is exercising their powers under this section; and for exemptions from or qualifications to an offence under the regulations.
143. Subsection (5) provides that the Scottish Ministers may by regulations make provisions about licences and registration for the purposes of this section.
144. Subsections (6) to (8) provide that the Scottish Ministers can set out procedures relating to: applying for licences or registration; granting and refusing applications; qualifications to be held by applicants; other matters that are to be taken into account when considering applications; the conditions that are to be set out in the licence or registration; the suspension or revocation of a licence or registration; appeals; and the making provision for fees or other charges.