

These notes relate to the Animal Health and Welfare (Scotland) Act 2006 (asp 11) which received Royal Assent on 11 July 2006

ANIMAL HEALTH AND WELFARE (SCOTLAND) ACT 2006

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 2 – Animal Welfare

Section 22 – Administration of poisons etc.

115. This section makes it an offence for a person, without lawful authority or reasonable excuse, knowing a drug or substance to be poisonous or injurious to administer it to a protected animal, or to cause such a drug or substance to be taken by a protected animal .
116. Subsection (2) makes it an offence for a person who is responsible for an animal to permit another person to administer a poisonous or injurious substance or drug to that animal, or to cause such a substance or drug to be taken by that animal unless that person has lawful authority or reasonable excuse. Where a person knows a drug or substance to be injurious or poisonous that person must take reasonable steps to prevent any other person administering to any animal, for which the first person is responsible, that drug or substance or causing that drug or substance to be taken by that animal.
117. Under this section it is not necessary to show that the animal did in fact suffer as a result of the prohibited action in order to establish liability. But it is necessary to show that the person accused of the offence knew the poisonous or injurious nature of the substance administered to, or taken by, the animal.
118. By virtue of subsection (3), subsections (1) and (2) apply in cases where substances that are otherwise harmless have been administered in a harmful quantity or by a harmful method.