



Animal Health and Welfare (Scotland) Act 2006

2006 asp 11

PART 2

ANIMAL WELFARE

Post-conviction orders

39 Deprivation orders

- (1) Where a person is convicted of a relevant offence, the convicting court may make an order (in this Part referred to as a “deprivation order”) in respect of any animal in relation to which the offence was committed.
- (2) A deprivation order is an order—
 - (a) depriving a person of possession or ownership (or both) of an animal, and
 - (b) for—
 - (i) the destruction,
 - (ii) the sale, or
 - (iii) another disposal,of the animal.
- (3) Where the court decides not to make a deprivation order in relation to a relevant offence, it must state its reasons except where it makes a disqualification order in relation to the offence.
- (4) A deprivation order may be made in addition to, or instead of, any other penalty or order which may be imposed in relation to a relevant offence.
- (5) A deprivation order may make provision in respect of any dependent offspring of an animal to which it applies.
- (6) A deprivation order may include—
 - (a) provision—
 - (i) appointing a person who is to secure that the order is carried out,

Status: This is the original version (as it was originally enacted).

- (ii) requiring any person possessing an animal to which the order applies to give it up to a person appointed under sub-paragraph (i),
 - (b) provision authorising—
 - (i) a person appointed under paragraph (a)(i), and
 - (ii) any person acting on that person’s behalf,to enter, for the purposes of securing that the order is carried out, any premises where an animal to which the order applies is kept,
 - (c) such other provision as the court considers appropriate in connection with the order.
- (7) Provision under subsection (6)(c) may, in particular—
 - (a) require reimbursement of any expenses reasonably incurred in carrying out the order,
 - (b) relate to the retention of any proceeds of the disposal.
- (8) Except in the case of an offence under section 23, the court may not make a deprivation order which involves the destruction of an animal unless it is satisfied, on evidence provided (orally or in writing) by a veterinary surgeon, that destruction would be in the interests of the animal.
- (9) Before making a deprivation order, the court must give the owner of the animal concerned an opportunity to make representations unless it is not practicable for it to do so.
- (10) In this section, a “relevant offence” is—
 - (a) an offence under sections 19 to 23,
 - (b) an offence under section 24 or 25(7),
 - (c) an offence under section 29,
 - (d) an offence under section 40(11) committed by reason of owning or keeping an animal.