

These notes relate to the Animals and Wildlife (Penalties, Protections and Powers) (Scotland) Act 2020 (asp 14) which received Royal Assent on 21 July 2020

ANIMALS AND WILDLIFE (PENALTIES, PROTECTIONS AND POWERS) (SCOTLAND) ACT 2020

EXPLANATORY NOTES

THE ACT

3. The Act amends the Animal Health and Welfare (Scotland) Act 2006 (“the 2006 Act”), several pieces of wildlife legislation and the Animal Health Act 1981 to further protect health and welfare in connection with animals and wildlife in Scotland.
 - Section 1 increases the maximum available penalties for the most serious animal welfare offences, makes related procedural changes and increases the maximum penalties that may be specified in future regulations made under certain provisions of the 2006 Act.
 - Section 2 gives the Scottish Ministers power to make regulations for the issuing of fixed penalty notices in relation to less serious animal welfare offences.
 - Section 3 increases the protection for service animals by making it easier to convict people of causing them unnecessary suffering (also known as “Finn’s Law”).
 - Sections 4 and 5 place new requirements on the court in relation to disqualification orders under the 2006 Act, and require the Scottish Courts and Tribunals Service to establish and maintain a record about disqualification orders.
 - Section 6 gives the Scottish Ministers power to make regulations for the issuing of fixed penalty notices in relation to less serious animal health offences.
 - Sections 7 to 12 increase the maximum available penalties for various wildlife offences; make related procedural changes; make procedural changes to the offence of possession of prescribed pesticides; and extend the offence of vicarious liability to certain offences involving the illegal use of traps and snares.
 - Section 13 gives the Scottish Ministers power to make regulations for the issuing of fixed penalty notices in relation to less serious wildlife offences.
 - Section 14 amends Part 6 of the Marine (Scotland) Act 2010 to remove two grounds upon which the Scottish Ministers can grant licences authorising the taking or killing of seals. This section also makes certain consequential amendments arising out of the removal of these seal licensing grounds, and increases the penalties associated with the offence of killing, injuring or taking seals (intentionally or recklessly) under section 107 of the Marine (Scotland) Act 2010.
 - Section 15 requires the Scottish Ministers to lay a report before the Scottish Parliament by 1 March 2021 on the use of acoustic deterrent devices on land constituting a fish farm.

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- Section 16 requires the Scottish Ministers to conduct a review of whether the provisions of the Act are sufficient to ensure appropriate standards of animal welfare, animal health and protection of wildlife.
- Section 17 requires the Scottish Ministers to publish and lay a report before the Scottish Parliament, before the end of the period of 5 years beginning with the day after the section comes into force, reporting on information sharing about persons issued with a fixed penalty notice or convicted of an animal health, animal welfare or wildlife offence.
- Section 18 reclassifies mountain hares as protected wild animals which may not be intentionally or recklessly killed, injured or taken at any time of the year under the Wildlife and Countryside Act 1981.
- Sections 19 to 21 give authorised persons (including certain inspectors and constables) new powers (as regards animals taken into possession to alleviate suffering) to transfer, sell, treat or, in limited circumstances, humanely destroy those animals.
- Sections 22 and 23 make provision regarding, respectively, commencement and the short title.