

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

COMMENTARY ON SECTIONS

Chapter 1 – Animal welfare, animal health and wildlife: offences and penalties

Wildlife offences: penalties

Section 16 – Review of requirements for additional animal welfare, animal health and wildlife offences

106. Section 16(1) 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.
107. Section 16(2) provides that the review must in particular consider whether provision should be made (i) for a specific offence of theft of a pet; and (ii) to prohibit or otherwise regulate the use of collars or other wearable devices designed to administer an electronic shock (“the specified matters”). Section 16(2) also requires that the Scottish Ministers consider whether provision should be made for appropriate penalties for any such offences.
108. Section 16(3) requires that the Scottish Ministers complete the review as soon as reasonably practicable and no later than 1 April 2025.
109. Section 16(4) requires that the Scottish Ministers lay a report on the review before the Scottish Parliament and publish it in such manner as they consider appropriate.
110. Section 16(5) requires that the report must include a statement of the action, if any, the Scottish Ministers intend to take as a result of the review. In addition, it specifies that where the Scottish Ministers do not intend to take steps to make provision for the specified matters, the report must include a statement of their reasons for this.