



# Hunting with Dogs (Scotland) Act 2023

## 2023 asp 1

### PART 3

#### FURTHER PROVISION RELATING TO OFFENCES

##### *Court orders*

#### **25 Appeals against orders**

- (1) Any deprivation order or disqualification order is, for the purposes of any appeal under the Criminal Procedure (Scotland) Act 1995, to be treated as a sentence.
- (2) Where a deprivation order is made, any person (apart from a person who may appeal against the order by virtue of [subsection \(1\)](#)) who has an interest in any dog or horse to which the order applies may appeal to the Sheriff Appeal Court against the order by the same procedure as applies under [subsection \(1\)](#) in relation to a deprivation order.
- (3) The disqualified person by reference to whom a seizure order is made, or any person (apart from that disqualified person) who entered the process prior to the making of the order, may appeal to the Sheriff Appeal Court against the order.
- (4) The operation of any deprivation order or seizure order is suspended until—
  - (a) any period for an appeal against the order has expired,
  - (b) the period for an appeal against the conviction on which the order depends has expired, and
  - (c) any appeal against the order or that conviction has been withdrawn or finally determined.
- (5) Where the operation of a deprivation order or seizure order is suspended under [subsection \(4\)](#), or such an order cannot be carried out because decree has not been extracted, the court which made the order may make an order under this subsection (an “interim order”) containing such provision as the court considers appropriate in relation to the keeping of a dog or horse for so long as the deprivation order or seizure order remains suspended or incapable of being carried out.
- (6) An interim order may in particular—
  - (a) make provision—

*Status: Point in time view as at 03/10/2023.*

*Changes to legislation: There are currently no known outstanding effects for the Hunting with Dogs (Scotland) Act 2023, Section 25. (See end of Document for details)*

- (i) appointing a person who is to secure that the interim order is carried out,
    - (ii) requiring any person possessing a dog or horse to which the interim order applies to give it up to a person appointed under [sub-paragraph \(i\)](#),
  - (b) make provision authorising—
    - (i) a person appointed under [paragraph \(a\)\(i\)](#), and
    - (ii) any person acting on that person’s behalf,to enter any premises where a dog or horse to which the interim order applies is kept, for the purposes of securing that the interim order is carried out,
  - (c) for reimbursement of—
    - (i) any expenses reasonably incurred in carrying out the interim order,
    - (ii) if the dog or horse was seized by a constable under [paragraph 4\(b\)](#) or [5\(2\)\(b\)](#) of the schedule, any expenses reasonably incurred in relation to it since it was seized.
- (7) In determining whether or how to make an interim order, the court must have regard to the desirability of—
- (a) protecting the value of any dog or horse to which the order applies, and
  - (b) avoiding increasing any expenses which a person may be required to reimburse.
- (8) Where the operation of a deprivation order is suspended under [subsection \(4\)](#), a person commits an offence if the person sells or otherwise parts with a dog or horse to which the order applies.
- (9) A person who commits an offence under [subsection \(8\)](#) is liable on summary conviction to imprisonment for a term not exceeding 6 months or a fine not exceeding level 5 on the standard scale (or both).

#### Commencement Information

- I1** S. 25 not in force at Royal Assent, see [s. 31\(2\)](#)
- I2** S. 25 in force at 3.10.2023 by [S.S.I. 2023/262](#), [reg. 2](#)

**Status:**

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**Changes to legislation:**

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