



Animal Health and Welfare (Scotland) Act 2006

2006 asp 11

PART 2

ANIMAL WELFARE

Promotion of welfare

27 Licensing etc. of activities involving animals

- (1) The Scottish Ministers may by regulations prohibit the carrying on, without the authority of a licence for the purpose, of an activity which—
 - (a) involves animals for which a person is responsible, and
 - (b) is specified in the regulations.
- (2) The Scottish Ministers may by regulations prohibit the carrying on, without the authority of registration for the purpose, of an activity which—
 - (a) involves animals for which a person is responsible, and
 - (b) is specified in the regulations.
- (3) Regulations under subsection (1) or (2) must be for the purposes of securing the welfare of animals for which a person is responsible.
- (4) Regulations under subsection (1) or (2) may include, in particular—
 - (a) provision for enforcement, other than by way of proceedings for an offence, of provisions of the regulations,
 - (b) provision—
 - (i) that breach of a provision of the regulations is an offence,
 - (ii) for penalties as respects the offence,
 - (c) provision for and in connection with post-conviction orders (whether by reference to sections 39 to 43 or otherwise) in relation to an offence under the regulations,

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- (d) provision conferring on persons of a specified description powers of entry, search, inspection and seizure in connection with breaches (and suspected breaches) of provisions of the regulations,
 - (e) provision—
 - (i) that obstructing a person in the exercise of a power conferred by the regulations is an offence,
 - (ii) for penalties as respects the offence,
 - (f) provision (whether or not subject to specified conditions) for exemptions from, or qualification to, an offence under the regulations.
- (5) The Scottish Ministers may by regulations make provision about—
- (a) licences for the purposes of subsection (1),
 - (b) registration for the purposes of subsection (2).
- (6) Such provision may, in particular, relate to—
- (a) procedures for—
 - (i) applying for licences or (as the case may be) registration,
 - (ii) granting and refusing applications,
 - (b) any—
 - (i) qualifications required to be held by applicants for licences or (as the case may be) registration,
 - (ii) other matters to be taken into account when considering applications for licences or (as the case may be) registration,
 - (c) conditions of licences or (as the case may be) registration,
 - (d) suspension and revocation of licences or (as the case may be) registration in specified circumstances,
 - (e) appeals in connection with the matters mentioned in paragraphs (a) to (d).
- (7) Regulations under subsection (5)(a) may include, in particular—
- (a) provision for enforcement, other than by way of proceedings for an offence, of provisions of licences,
 - (b) provision—
 - (i) that contravention of a condition of a licence is an offence,
 - (ii) for penalties as respects the offence,
 - (c) provision for and in connection with post-conviction orders (whether by reference to sections 39 to 43 or otherwise) in relation to an offence under the regulations,
 - (d) provision conferring on persons of a specified description powers of entry, search, inspection and seizure in connection with contraventions (and suspected contraventions) of provisions of licences.
- (8) Regulations under subsection (1), (2) or (5) may also make provision for fees or other charges in relation to the exercise of functions under the regulations.
- (9) Before making regulations under subsection (1), (2) or (5), the Scottish Ministers must consult—
- (a) such persons appearing to them to represent relevant interests, and
 - (b) such other persons,
- as they consider appropriate.

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Commencement Information

II [S. 27](#) in force at 6.10.2006 by [S.S.I. 2006/482](#), **art. 2**

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 49(2A) inserted by [2024 asp 4 s. 11\(2\)\(a\)](#)
- s. 51(4) inserted by [2024 asp 4 s. 11\(3\)](#)
- Sch. 1 para. 5A and cross-heading inserted by [2024 asp 4 s. 11\(4\)](#)