



Animals and Wildlife (Penalties, Protections and Powers) (Scotland) Act 2020

2020 asp 14

CHAPTER 1

ANIMAL WELFARE, ANIMAL HEALTH AND WILDLIFE: OFFENCES AND PENALTIES

Animal welfare offences: disqualification orders

4 Disqualification orders

- (1) The 2006 Act is amended as follows.
- (2) In section 40 (disqualification orders)—
 - (a) in subsection (1), for “may” substitute “must consider whether it is necessary, to protect animal welfare, to”,
 - (b) for subsection (5) substitute—
 - “(5) The court must state its reasons—
 - (a) for deciding to make or, as the case may be, not make a disqualification order,
 - (b) where it decides to make such an order—
 - (i) for including in the order the particular disqualifications imposed by it,
 - (ii) for specifying, under subsection (9)(a), the period for which the order is to have effect, and
 - (iii) for specifying, under subsection (9)(b), a period within which no application under section 42(1) may be made.”.
- (3) In section 42 (termination or variation of disqualification orders), after subsection (5) insert—

Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.

“(6) The court must state its reasons—

- (a) for granting or, as the case may be, refusing the application under subsection (1),
- (b) where it grants the application in whole or in part, for varying or, as the case may be, terminating the disqualification order.”.

(4) After that section insert—

“42A Disqualification orders: record of reasons

The Scottish Courts and Tribunals Service must establish and maintain a record of reasons relating to disqualification orders stated by the court under sections 40(5) and 42(6).”.

5 Disqualification orders: further provision

(1) The 2006 Act is amended as follows.

(2) In section 40 (disqualification orders) —

(a) after subsection (1) insert—

“(1A) The purpose of a disqualification order is for the future protection of animals and not in substitution for a penalty for a relevant offence.”,

(b) in subsection (6), the words “, or instead of,” are repealed.