

SCHEDULE

Paragraph 2(5)

Form 51.2

Rule 51.2

Form of deprivation order

DEPRIVATION ORDER

COURT:

DATE:

OFFENDER:

Address:

Date of birth:

Owner of animal[s] to which offence relates if not offender:

THE COURT, sentencing the offender in respect of an offence mentioned in section 28E(1) of the Animal Health Act 1981 [or section 39(10) of the Animal Health and Welfare (Scotland) Act 2006] [or section 47(1) of the Animal Welfare Act 2006] namely the offence[s] of *(specify)*;

[AND being satisfied on the evidence of *(specify name)* veterinary surgeon that destruction would be in the best interests of [some of] the animal[s] to which this order applies;]

ORDERS that the offender shall be deprived of the possession and/or ownership of the animal[s] in relation to which the offence was committed;

AND for

[(a) the destruction of *(specify animals identified in report of veterinary surgeon to be destroyed)*;]
[and]

[(b) the sale of *(specify animals to be sold)*;][and]

[(c) the disposal of *(specify animals to be disposed of)* by *(specify means of disposal)*;]

[AND that any dependent offspring of an animal to which this order applies shall be *(specify provision to be made for dependent offspring)*;]

[APPOINTS *(specify person appointed)* as the officer responsible for securing that this order is carried out;

REQUIRES any person possessing an animal to which this order applies to give the animal up to the officer appointed;

PROVIDES that the officer appointed and any person acting on the officer's behalf is authorised to enter, for the purposes of securing that the order is carried out, any premises where an animal to which the order applies is kept;]

[AND *(specify any other provision considered appropriate in connection with the order)*].

Signed

Clerk of Court

Copy: Offender, Officer appointed, Owner of animal[s] if not offender

[This Order is not operational until any period for an appeal against the order or conviction has expired or any such appeal has been withdrawn or finally determined.]

Status: This is the original version (as it was originally made).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

Form 51.4

Rule 51.4

Form of appeal under section 28E(11) of the Animal Health Act 1981, section 43(2) of the Animal Health and Welfare (Scotland) Act 2006 or section 49(2) of the Animal Welfare Act 2006

IN THE HIGH COURT OF JUSTICIARY

[or IN THE SHERIFF [or DISTRICT] COURT AT *(place)*]

NOTE OF APPEAL

against deprivation order

under section 28E(11) of the Animal Health Act 1981

[or section 43(2) of the Animal Health and Welfare (Scotland) Act 2006]

[or section 49(2) of the Animal Welfare Act 2006]

by

[A.B.] *(address)*

APPELLANT

against

The Procurator Fiscal

RESPONDENT

To: Clerk of Justiciary

Name of convicted person:

Date of birth:

[Prisoner in the Prison of:]

Date of final determination of the proceedings:

Offence to which appeal relates:

Court and name of judge:

1. A deprivation order has been made against the above named convicted person.
2. The appellant has an interest in an animal to which the deprivation order applies as follows:– *(specify interest in animal(s) to which order applies).*
3. The appellant appeals against the deprivation order on the following grounds:– *(here give full statement of all grounds of appeal).*

(Signed)

[Solicitor for the appellant]

(Address and telephone number of solicitor)

(Place and date)

Form 51.5

Rule 51.5

Form of disqualification order
DISQUALIFICATION ORDER

COURT:

DATE:

OFFENDER:

Address:

Date of birth:

THE COURT, sentencing the offender in respect of an offence mentioned in section 28F(1) of the Animal Health Act 1981 [or section 40(13) of the Animal Health and Welfare (Scotland) Act 2006], namely the offence[s] of *(specify)*;

ORDERS that the offender shall be disqualified from *(specify in numbered paragraphs the activities that the offender is disqualified from; the kind of animals the order applies to and if the order is to apply to animals over a specified maximum number)*;

[during a period of *(specify length of period)* from the date of this order [or the date that this suspended order becomes operational]];

[AND that during a period of *(specify length of period)* from the date of this order [or the date this suspended order becomes operational] the offender may not apply for this order to be terminated or varied;]

[BUT the operation of this order shall be suspended for a period of *(specify period of suspension)*].

Signed

Clerk of Court

Copy: Offender

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

Form 51.6

Rule 51.6

Form of petition for termination or variation of disqualification order

UNTO THE RIGHT HONOURABLE THE LORD JUSTICE GENERAL, THE LORD JUSTICE CLERK and THE LORDS COMMISSIONERS OF JUSTICIARY

[or UNTO THE HONOURABLE THE SHERIFF

OF (*name of sheriffdom*)]

[or UNTO THE JUSTICES in the DISTRICT COURT OF (*name of district*)]

AT (*place*)

PETITION

of

[A.B.] (*address*)

[or Prisoner at the Prison of (*place*)]

PETITIONER

HUMBLY SHEWETH

1. That there is annexed to this petition a copy of the disqualification order which was made by the court [or the sheriff] [or the High Court sitting] at (*place*) on (*date*).

2. That no previous petition to terminate [or vary] the disqualification order has been made [or That a previous petition to terminate [or vary] the disqualification order was determined on (*date*)].

[3. That the disqualification order has been varied on (*date*) as follows:- (*specify details of any previous variation*).]

4. That the petitioner seeks to terminate [or vary] the disqualification order for the following reasons:- (*here state reasons*).

MAY IT THEREFORE PLEASE YOUR LORDSHIP[S] [or THE COURT]:

(1) to appoint intimation of this petition to be made to Her Majesty's Advocate;

(2) to appoint parties to be heard thereon on the earliest practicable date thereafter; and

(3) thereafter, on being duly satisfied, to make an order terminating [or varying] the disqualification order [by (*here state the terms of variation sought*)] and to do further and otherwise as to your Lordship[s] [or the court] shall seem proper.

ACCORDING TO JUSTICE, etc.

(Signed)

Solicitor for [A.B.]

(*address, e-mail address and telephone number of solicitor*)