
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations bring into force certain sections of the Animals and Wildlife (Penalties, Protections and Powers) (Scotland) Act 2020 (“the Act”).

Regulation 2(1) appoints 30 November 2020 for the coming into force of sections 1 to 3, 6 to 13, 14(1) and (7), 15 and 16 of the Act.

Regulation 2(2) appoints 1 February 2021 for the coming into force of section 14(2) to (6) of the Act.

Sections 1, 3 and 7 to 12 of the Act make amendments to several pieces of animal and wildlife legislation to increase penalties and make changes to procedural time limits for certain animal and wildlife offences. Sections 2, 6 and 13 of the Act create new enabling powers for the Scottish Ministers, by regulations, to make provision about the issuing of fixed penalty notices in relation to certain animal and wildlife offences.

Section 14(2) of the Act repeals certain grounds on which a seal licence can be granted and section 14(3) to (6) of the Act repeals certain provisions about powers to authorise entry onto land where a seal licence has been granted under one of the repealed grounds. Section 14(7) increases penalties for certain seal related offences.

Section 15 creates a requirement for the Scottish Ministers to report on the use of acoustic deterrent devices in fish farms. Section 16 creates a requirement for the Scottish Ministers to conduct a review into whether the provisions of the Act are sufficient to ensure appropriate standards of animal welfare, animal health and protection of wildlife.

Regulation 3 provides that section 1(2)(a) and (3), section 3 (so far as it inserts a new section 19(4A) and (4B) into the Animal Health and Welfare (Scotland) Act 2006), sections 7 to 12 and section 14(7) of the Act – which variously increase penalties and make certain other procedural changes in relation to animal protection and related offences – apply only in relation to offences committed on or after 30 November 2020, leaving pre-existing law to apply to offences committed prior to that date.

The Bill for the Act received Royal Assent on 21 July 2020. Sections 17, 22 and 23 came into force the following day.