Draft Order laid before Parliament under section 115 of, and paragraphs 1, 2 and 3 of Schedule 7 to, the Scotland Act 1998 for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2006 No.

CONSTITUTIONAL LAW
DEVOLUTION, SCOTLAND
ANIMALS, ENGLAND AND WALES

ANIMAL HEALTH

The Animal Health and Welfare (Scotland) Act 2006 (Consequential Provisions) (England and Wales) Order 2006

Made - - - -	*2006*
Coming into force - -	*2006*

The Secretary of State makes the following Order in exercise of the powers conferred by sections 104, 112(1) and 113(2), (3), (4) and (5) of the Scotland Act 1998(**1**);

In accordance with section 115 of, and paragraphs 1, 2 and 3 of Schedule 7 to, that Act, a draft of this instrument was laid before Parliament and approved by a resolution of each House of Parliament.

Citation commencement, and extent

1.—(1) This Order may be cited as the Animal Health and Welfare (Scotland) Act 2006 (Consequential Provisions) (England and Wales) Order 2006 and shall come into force on the day after the day on which it is made.

(2) This Order extends to England and Wales only.

Interpretation

2. In this Order–

"the 1981 Act" means the Animal Health Act 1981(**2**);

"the 2006 Act" means the Animal Health and Welfare (Scotland) Act 2006(**3**); and

(**1**) 1998 c. 46.
(**2**) 1981 c. 22.
(**3**) 2006 asp 11.

"animal" means a vertebrate other than man.

Effect in England and Wales of disqualification in Scotland under section 28F(1) of the 1981 Act or section 40(1) of the 2006 Act

3.—(1) Disqualification by virtue of an order made under section 28F(1) of the 1981 Act(**4**) (deliberate infection: disqualification orders) or section 40(1) of the 2006 Act (disqualification orders) has effect insofar as it disqualifies a person from owning or keeping animals (or both), dealing in animals, or transporting animals.

(2) A person who breaches a disqualification from owning or keeping animals (or both), dealing in animals, or transporting animals under section 28F(1) of the 1981 Act or section 40(1) of the 2006 Act commits an offence.

(3) A person guilty of an offence under paragraph (2) is liable on summary conviction to–

(a) imprisonment for a term not exceeding three months; or

(b) a fine not exceeding level 5 on the standard scale,

or to both.

Seizure of animals in connection with disqualification

4.—(1) Where a person is convicted of an offence under article 3(2) because of owning or keeping an animal (or both) in breach of disqualification under section 28F(1) of the 1981 Act or section 40(1) of the 2006 Act, the court by or before which that person is convicted may order that all animals which that person owns or keeps in breach of the disqualification be taken into possession.

(2) An order under paragraph (1), so far as relating to any animal owned by the person subject to disqualification, shall have effect as an order for the disposal of the animal.

(3) Any animal taken into possession in pursuance of an order under paragraph (1) that is not owned by the person subject to disqualification shall be dealt with in such manner as the appropriate court may order.

(4) A court may not make an order for disposal under paragraph (3) unless–

(a) it has given the owner of the animal an opportunity to be heard; or

(b) it is satisfied that it is not reasonably practicable to communicate with the owner.

(5) Where a court makes an order under paragraph (3) for the disposal of an animal, the owner may–

(a) in the case of an order made by a magistrates' court, appeal against the order to the Crown Court;

(b) in the case of an order made by the Crown Court, appeal against the order to the Court of Appeal.

(6) In paragraph (3), the reference to the appropriate court is to–

(a) the court which made the order under paragraph (1); or

(b) in the case of an order made by a magistrates' court, a magistrates' court for the same local justice area as that court.

(7) In this article, references to disposing of an animal include destroying it.

Article 4: supplementary

5.—(1) The court by which an order under article 4 is made may–

(**4**) Section 28F was inserted by section 10 of the Animal Health and Welfare (Scotland) Act 2006 (asp 11).