

*Status: Point in time view as at 06/10/2006. This version of this schedule contains provisions that are prospective.*

*Changes to legislation: There are currently no known outstanding effects for the Animal Health and Welfare (Scotland) Act 2006, SCHEDULE 2. (See end of Document for details)*

## SCHEDULE 2

(introduced by section 52)

### MODIFICATION OF ENACTMENTS

#### *Animal health provisions*

- 1 In section 8 (movement generally) of the Animal Health Act 1981 (c. 22)—
- (a) in paragraph (e) of subsection (1), for the words “the holding of markets, fairs, exhibitions and sales of animals” there is substituted “ animal gatherings ”,
  - (b) after that subsection there is inserted—
    - “(1A) In subsection (1)(e), “animal gatherings” has the same meaning as it has in section 8A.”.

#### **Commencement Information**

**II** Sch. 2 para. 1 in force at 6.10.2006 by S.S.I. 2006/482, art. 2

- 2 (1) In section 22 (powers of entry etc. for section 21) of that Act, subsection (5) is repealed.
- (2) In section 27 (exclusion of strangers) of that Act—
- (a) in subsection (1), after the word “animals” in each place where it occurs there is inserted “ , birds or amphibians ”,
  - (b) after subsection (2) there is added—
    - “(3) In this section—  
“animals” means any kind of mammal (except man);  
“disease” is not restricted by its definition in this Act.”.
- (3) In section 33 (additional staff and expenses) of that Act—
- (a) the existing words become subsection (1),
  - (b) in that subsection, after the word “animals,” there is inserted “ birds or amphibians, ”,
  - (c) after that subsection there is inserted—
    - “(2) In this section, “animals” means any kind of mammal (except man).”.
- (4) In section 34 (slaughter and compensation generally) of that Act—
- (a) after the word “animal” in each place where it occurs there is inserted “ , bird or amphibian ”,
  - (b) in subsection (7), in paragraph (c), after the word “animals” there is inserted “ , birds or amphibians ”,
  - (c) after that subsection there is added—
    - “(8) In this section—  
“animal” means any kind of mammal (except man);  
“disease” is not restricted by its definition in this Act.”.
- (5) In section 60 (duties and authorities of constables) of that Act—

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- (a) in subsection (1), after the word “Act” there is inserted “, regulations made by the Scottish Ministers under this Act”,
  - (b) in subsection (5)—
    - (i) for the words “other officer” there is substituted “ inspector”,
    - (ii) for the word “officer” in the second place where it occurs there is substituted “ inspector”,
    - (iii) after paragraph (b) there is inserted—
      - “(ba) of regulations made by the Scottish Ministers under this Act.”.
- (6) In section 63 (general powers of inspectors) of that Act—
- (a) in subsection (2), after paragraph (b) there is inserted—
    - “(ba) that the carcase of an animal, bird or amphibian slaughtered by virtue of section 16B, Part 2B or Schedule 3A is or has been kept, or has been buried, destroyed, or otherwise disposed of; or”,
  - (b) in subsection (2)(c), after the word “Minister,” there is inserted “ or of a regulation of the Scottish Ministers under this Act, ”,
  - (c) in subsection (2)(d), after the word “Minister” there is inserted “ or a regulation of the Scottish Ministers under this Act ”,
  - (d) in subsection (3), after the word “Minister” there is inserted “ or a regulation of the Scottish Ministers under this Act ”,
  - (e) in subsection (7), after the word “animal” there is inserted “, bird or amphibian ”,
  - (f) after that subsection there is inserted—
    - “(7A) In subsection (7)—
      - “animal” means any kind of mammal (except man);
      - “disease” is not restricted by its definition in this Act.”.
  - (g) after subsection (9) there is added—
    - “(10) An inspector acting under this section must, if required, produce evidence of the inspector's authority.”.
- (7) In section 64 (powers of inspectors as to poultry) of that Act, after subsection (2) there is added—
- “(3) An inspector acting under this section must, if required, produce evidence of the inspector's authority.”.
- (8) In section 65(1) (power to detain vessels and aircraft) of that Act, after the word “Minister” in the second place where it occurs, there is inserted “ or a regulation of the Scottish Ministers under this Act ”.
- (9) In section 66(a) (refusal and obstruction) of that Act, after the word “Minister,” there is inserted “ or of regulations made by the Scottish Ministers under this Act, ”.

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**Commencement Information**

**I2** Sch. 2 para. 2 in force at 6.10.2006 by S.S.I. 2006/482, art. 2

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- 3 (1) In section 73(a) (general offences) of that Act, after the word “Minister,” there is inserted “ or of regulations made by the Scottish Ministers under this Act, ”.
- (2) In section 79 (evidence and procedure) of that Act—
- (a) in subsection (2), after the word “animal” in each place where it occurs there is inserted “ , bird or amphibian ”,
- (b) after that subsection there is inserted—
- “(2A) In subsection (2)—
- “animal” means any kind of mammal (except man);
- “disease” is not restricted by its definition in this Act.”,
- (c) in subsection (4), after the word “Minister” there is inserted “ or regulations made by the Scottish Ministers under this Act ”.

**Commencement Information**

**I3** Sch. 2 para. 3 in force at 6.10.2006 by S.S.I. 2006/482, art. 2

- 4 In section 91 (orders etc.) of that Act, subsection (2) is repealed.

**Commencement Information**

**I4** Sch. 2 para. 4 in force at 6.10.2006 by S.S.I. 2006/482, art. 2

*Animal welfare provisions*

- 5 The Protection of Animals (Scotland) Act 1912 (c. 14), except—
- (a) section 7 (poisoned grain and flesh etc.), and
- (b) sections 13(a) to (d), 14 and 16 (general provisions),
- is repealed.

**Commencement Information**

**I5** Sch. 2 para. 5 in force at 6.10.2006 by S.S.I. 2006/482, art. 2

PROSPECTIVE

- 6 In the Docking and Nicking of Horses Act 1949 (c. 70), section 1 is repealed.

- 7 In the Protection of Animals (Anaesthetics) Act 1954 (c. 46), in section 1 (use of anaesthetics in operations on animals)—
- (a) after subsection (1) there is inserted—
- “(1A) An operation to which this section applies that is performed on an animal without the use of an anaesthetic administered so as to prevent pain during the operation is, for the purposes of section 21 of the Animal Health and Welfare (Scotland) Act 2006 (asp 11), to be regarded as being performed without due care and humanity.”,
- (b) in subsection (5), paragraph (b) and the word “ and ” immediately preceding it are repealed.

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**Commencement Information**

**I6** Sch. 2 para. 7 in force at 6.10.2006 by S.S.I. 2006/482, art. 2

- 8 (1) Part I of the Agriculture (Miscellaneous Provisions) Act 1968 (c. 34), except—
- (a) section 4 (expenditure on free advice on the welfare of livestock),
  - (b) section 5 (extension of classes of operations in which anaesthetics must be used), and
  - (c) in section 8 (interpretation etc. of Part I)—
    - (i) in subsection (1), the definition of “livestock”, and
    - (ii) subsection (3) so far as relating to those sections,
 is repealed.
- (2) In the Animal Health Act 1981, sections 37 to 39 are repealed.

**Commencement Information**

**I7** Sch. 2 para. 8 in force at 6.10.2006 by S.S.I. 2006/482, art. 2 (with art. 4(2)(3))

- 9 The whole of each of the following Acts is repealed—
- (a) the Protection of Animals (Scotland) Act 1912 Amendment Act 1921 (c. 22),
  - (b) the Performing Animals (Regulation) Act 1925 (c. 38),
  - (c) the Protection of Animals Act 1934 (c. 21),
  - (d) the Pet Animals Act 1951 (c. 35),
  - (e) the Cockfighting Act 1952 (c. 59),
  - (f) the Protection of Animals (Amendment) Act 1954 (c. 40),
  - (g) the Abandonment of Animals Act 1960 (c. 43),
  - (h) the Animal Boarding Establishments Act 1963 (c. 43),
  - (i) the Riding Establishments Act 1964 (c. 70),
  - (j) the Riding Establishments Act 1970 (c. 32),
  - (k) the Breeding of Dogs Act 1973 (c. 60),
  - (l) the Pet Animals Act 1951 (Amendment) Act 1983 (c. 26),
  - (m) the Protection of Animals (Amendment) Act 1988 (c. 29),
  - (n) the Breeding of Dogs Act 1991 (c. 64),
  - (o) the Protection of Animals (Scotland) Act 1993 (c. 15),
  - (p) the Breeding and Sale of Dogs (Welfare) Act 1999 (c. 11)

**Commencement Information**

**I8** Sch. 2 paras. 9(a)(c)(e)-(g)(m)(o) in force at 6.10.2006 by S.S.I. 2006/482, art. 2

**I9** Sch. 2 para. 9(d) in force at 6.10.2006 for specified purposes by S.S.I. 2006/482, art. 3

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