



Animal Health and Welfare (Scotland) Act 2006 2006 asp 11

PART 2

ANIMAL WELFARE

Promotion of welfare

28 Prohibition on keeping certain animals

- (1) The Scottish Ministers may by regulations prohibit the keeping at—
 - (a) domestic premises,
 - (b) other premises,of any animals of a kind specified in the regulations.
- (2) For the purposes of subsection (1)(b), “other premises”—
 - (a) does not include the premises of a zoo—
 - (i) to which the Zoo Licensing Act 1981 (c. 37) applies, and
 - (ii) which is licensed under that Act,
 - (b) otherwise, means premises of such type as are described in the regulations.
- (3) Regulations under subsection (1) must be for the purposes of securing the welfare of animals.
- (4) Regulations under subsection (1) may include, in particular—
 - (a) provision for enforcement, other than by way of proceedings for an offence, of provisions of the regulations,
 - (b) provision—
 - (i) that breach of a provision of the regulations is an offence,
 - (ii) for penalties as respects the offence,
 - (c) provision for and in connection with post-conviction orders (whether by reference to sections 39 to 43 or otherwise) in relation to an offence under the regulations,

Status: Point in time view as at 06/10/2006.

Changes to legislation: Animal Health and Welfare (Scotland) Act 2006, Section 28 is up to date with all changes known to be in force on or before 18 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (d) provision conferring on persons of a specified description powers of entry, search, inspection and seizure in connection with breaches (and suspected breaches) of provisions of the regulations,
 - (e) provision—
 - (i) that obstructing a person in the exercise of a power conferred by the regulations is an offence,
 - (ii) for penalties as respects the offence,
 - (f) provision (whether or not subject to specified conditions) for exemptions from, or qualification to, an offence under the regulations.
- (5) In determining whether to make regulations under subsection (1) in relation to a type of premises, the Scottish Ministers must have regard to whether (and the extent to which) adequate provision for the welfare of animals of the kind in question—
- (a) is capable of being made, and
 - (b) is likely to be made,
- at that type of premises.
- (6) Before making regulations under subsection (1), the Scottish Ministers must consult—
- (a) such persons appearing to them to represent relevant interests, and
 - (b) such other persons,
- as they consider appropriate.

Commencement Information

II S. 28 in force at 6.10.2006 by S.S.I. 2006/482, art. 2

Status:

Point in time view as at 06/10/2006.

Changes to legislation:

Animal Health and Welfare (Scotland) Act 2006, Section 28 is up to date with all changes known to be in force on or before 18 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.