



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

PART 1

ANIMAL HEALTH

Prevention of the spread of disease

8 Seizure of carcasses etc.

After section 36 of the 1981 Act there is inserted—

“36ZA Seizure of carcasses etc.: further provision for Scotland

- (1) The Scottish Ministers may by order make provision for—
 - (a) the seizure of anything (whether animate or inanimate) which appears to them might be capable of carrying or transmitting any disease to which this subsection applies;
 - (b) the destruction, burial, disposal or treatment of anything seized under the order; and
 - (c) regulating the matters mentioned in paragraphs (a) and (b).
- (2) Subsection (1) does not authorise provision for the seizure of a live animal, bird or amphibian; but an order under that subsection may provide for the seizure of carcasses and of anything obtained from or produced by an animal, bird or amphibian.
- (3) Subsection (1) applies to the diseases in the case of which any power of slaughter is exercisable under or by virtue of section 16B, Part 2B or Schedule 3A.
- (4) A person commits an offence if, without lawful authority or excuse (proof of which lies on the person), that person throws or places, or causes or suffers to be thrown or placed, into—
 - (a) any river, stream, canal, navigation or other water; or

Changes to legislation: There are currently no known outstanding effects for the Animal Health and Welfare (Scotland) Act 2006, Section 8. (See end of Document for details)

(b) the sea within 4.8 kilometres of the shore,
the carcase of, or anything obtained from or produced by, an animal, bird or amphibian which has been slaughtered in the exercise of any power conferred by or under section 16B, Part 2B or Schedule 3A.

(5) In this section, the references to an animal mean any kind of mammal (except man).

36ZB Compensation for seizure

(1) The Scottish Ministers must pay compensation for anything seized under an order made under section 36ZA(1).

(2) But subsection (1) does not apply to—

- (a) carcasses seized; or
- (b) other things seized which are obtained from or produced by creatures.

(3) The Scottish Ministers may pay compensation for—

- (a) carcasses seized under an order made under section 36ZA(1);
- (b) other things seized under such an order which are obtained from or produced by creatures,

of such description as the Scottish Ministers may specify by order.

(4) The compensation payable under subsection (1) or (3) for anything seized shall be its value at the time of seizure.

(5) Where anything destroyed, buried or disposed of under an order made under paragraph (e) of section 23 could have been seized under an order made under section 36ZA(1), compensation (if any) is payable under subsections (1) or (3) as if the thing had been so seized at the time of destruction, burial or disposal.

(6) The Scottish Ministers may make such orders as they think fit for—

- (a) prescribing how the value of anything seized under section 36ZA(1) is to be ascertained;
- (b) regulating applications for, and the mode of payment of, any compensation payable by virtue of this section.”.

Commencement Information

II S. 8 in force at 6.10.2006 by S.S.I. 2006/482, art. 2

Changes to legislation:

There are currently no known outstanding effects for the Animal Health and Welfare (Scotland) Act 2006, Section 8.