

WILD ANIMALS IN TRAVELLING CIRCUSES (SCOTLAND) ACT 2018

EXPLANATORY NOTES

THE ACT

Schedule 1: Enforcement powers

Entry and associated powers: supplementary

27. Paragraphs 7 to 13 set out a number of matters supplementary to the powers discussed above (including the power to issue warrants). Some of these are self-explanatory. Under paragraph 9, an inspector or constable may use reasonable force when exercising a power conferred on them by the schedule or under a warrant. But that does not apply to the power of entry under paragraph 2.
28. Paragraph 11(1) permits an inspector or constable to take additional people (for example, a vet) onto any premises they may enter to provide assistance to the inspector or constable in exercising a power under the schedule. Inspectors or constables may also take any equipment which might be required when entering premises. Paragraph 11(2) provides that the powers conferred on inspectors and constables under the schedule, or in a warrant granted under the schedule, carry with them certain additional powers. These include testing and taking samples from animals, and identifying animals by any means, such as marking or micro-chipping them. Therefore, additional people may accompany inspectors or constables exercising any enforcement powers under the schedule, such as powers of entry, inspection, search or detention under paragraphs 2, 4, 5 and 6. For example, an inspector or constable can exercise powers under paragraphs 4 and 5 to search for and examine any animal and also has additional powers under paragraph 11(2) such as performing tests. But it may be necessary for the inspector or constable to take a vet with them when entering and searching the premises so that the vet can use his or her professional skills to examine or perform tests on any animals which are found to assist the inspector or constable.
29. Paragraph 12 requires certain persons to comply with any reasonable direction made by an inspector or constable and to provide any information and assistance that is reasonably required. Where a power under the schedule or under a warrant is being exercised in respect of particular premises, those persons are the occupier of the premises, the circus operator (where the premises are circus premises) or any other person who seems to be under the control of those persons. A failure to comply with obligations under this paragraph is a criminal offence, as explained below.