



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

PART 2

ANIMAL WELFARE

Promotion of welfare

25 Care notices

(1) If—

- (a) it comes to an inspector's attention (including on information received from a constable) that a person is failing to secure the welfare of an animal for which the person is responsible, and
- (b) it appears to the inspector that the failure constitutes an offence by the person under section 24,

the inspector may serve on the person a notice (in this section referred to as a “care notice”).

(2) A care notice must—

- (a) specify—
 - (i) the nature of the failure (including the reasons why it appears to the inspector that the failure constitutes an offence under section 24),
 - (ii) the date on which the failure came to the inspector's attention,
- (b) describe the steps that the inspector considers need to be taken in order for the failure to be rectified,
- (c) require that those steps be taken,
- (d) fix a period (the “compliance period”) within which those steps are to be taken, and
- (e) explain the effect of subsections (3) to (7).

(3) Where a care notice is served, no proceedings for—

- (a) an offence under subsection (7),

Changes to legislation: There are currently no known outstanding effects for the Animal Health and Welfare (Scotland) Act 2006, Section 25. (See end of Document for details)

- (b) an offence under section 24 which is constituted by the failure specified (or any continuation of it),
may be taken in respect of the default period before the compliance period expires.
- (4) Where a person complies with a care notice in every material regard, no proceedings for an offence under section 24 which is constituted by the failure specified (or any continuation of it) may be taken in respect of the default period.
- (5) In subsections (3) and (4), the “default period” is the period—
- (a) beginning on the date specified under subsection (2)(a)(ii), and
 - (b) ending on the date on which the compliance period expires.
- (6) An inspector may extend any compliance period.
- (7) A person on whom a care notice has been served commits an offence if, without reasonable excuse, the person fails in a material regard to comply with the notice.

Commencement Information

II S. 25 in force at 6.10.2006 by S.S.I. 2006/482, art. 2

Changes to legislation:

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