



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,

- (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.