

Draft Order laid before the Scottish Parliament under section 53(3)(a) of the Animal Health and Welfare (Scotland) Act 2006 for approval by resolution of the Scottish Parliament.

DRAFT SCOTTISH STATUTORY INSTRUMENTS

2022 No.

ANIMALS

**The Animal Health and Welfare (Scotland) Act
2006 (Consequential Provisions) Order 2022**

Made - - - - 2022
Coming into force - - 8th June 2022

The Scottish Ministers make the following Order in exercise of the powers conferred on them by section 53(1) of the Animal Health and Welfare (Scotland) Act 2006⁽¹⁾ and all other powers enabling them to do so.

In accordance with section 53(3)(a) of that Act, a draft of this instrument has been laid before and approved by resolution of the Scottish Parliament.

Citation and commencement

1.—(1) This Order may be cited as the Animal Health and Welfare (Scotland) Act 2006 (Consequential Provisions) Order 2022.

(2) This Order comes into force on 8 June 2022.

Consequential amendments, repeals and revocations

2. The amendments listed in Parts 1 and 2 of schedule 1 (amendments) have effect.

3. Schedule 2 (repeals and revocations) has effect.

St Andrew's House,
Edinburgh
Date

Name
A member of the Scottish Government

SCHEDULE 1

Article 2

AMENDMENTS

PART 1

Primary legislation

The Animal Boarding Establishments Act 1963

1. In section 3(5) (offences and disqualifications) of the Animal Boarding Establishments Act 1963⁽²⁾—

- (a) omit “or” in the second place it appears,
- (b) after “the Animal Health and Welfare (Scotland) Act 2006 (asp 11)” insert “or regulation 23 of the Animal Welfare (Licensing of Activities Involving Animals) (Scotland) Regulations 2021”.

Riding Establishments Act 1964

2. In section 4(5) (penalties and disqualifications) of the Riding Establishments Act 1964⁽³⁾—

- (a) omit “or” in the second place it appears,
- (b) after “the Animal Health and Welfare (Scotland) Act 2006 (asp 11)” insert “or regulation 23 of the Animal Welfare (Licensing of Activities Involving Animals) (Scotland) Regulations 2021”.

Dangerous Wild Animals Act 1976

3.—(1) The Dangerous Wild Animals Act 1976⁽⁴⁾ is amended as follows.

(2) For section 5(3) (exemptions) substitute—

“(3) Premises at which the licensable activity described in paragraph 1 of schedule 1 of the Animal Welfare (Licensing of Activities Involving Animals) (Scotland) Regulations 2021 (selling animals as pets) is carried on under licence;”.

(3) In section 6(3A) (penalties)⁽⁵⁾—

- (a) omit “or” in the second place it appears,
- (b) after “the Animal Health and Welfare (Scotland) Act 2006 (asp 11)” insert “or regulation 23 of the Animal Welfare (Licensing of Activities Involving Animals) (Scotland) Regulations 2021”.

Zoo Licensing Act 1981

4.—(1) The Zoo Licensing Act 1981⁽⁶⁾ is amended as follows.

(2) At the end of section 4(5A) (grant or refusal of licence)⁽⁷⁾ insert—

(2) 1963 c. 43. Section 3(5) was inserted by S.S.I. 2006/536.

(3) 1964 c. 70. Section 4(5) was inserted by S.S.I. 2006/536.

(4) 1976 c. 38.

(5) Section 6(3A) was inserted by S.S.I. 2006/536.

(6) 1981 c. 37.

(7) Section 4(5A) was inserted by S.S.I. 2006/536.

“;

the Animal Welfare (Licensing of Activities Involving Animals) (Scotland) Regulations 2021”.

(3) In section 21 (interpretation) for the definition of “pet shop” substitute—

““pet shop” means premises at which the licensable activity described in paragraph 1 of schedule 1 of the Animal Welfare (Licensing of Activities Involving Animals) (Scotland) Regulations 2021 (selling animals as pets) is carried on;”.

PART 2

The Microchipping of Dogs (Scotland) Regulations 2016

5. In regulation 7 (details to be recorded on databases) of the Microchipping of Dogs (Scotland) Regulations 2016⁽⁸⁾ after paragraph (f) insert—

“(fa) where applicable, the fact that the keeper of the dog is a person who holds a licence under the Animal Welfare (Licensing of Activities Involving Animals) (Scotland) Regulations 2021⁽⁹⁾ for the licensable activity of breeding dogs described in paragraph 14 of schedule 1 of those Regulations and, if so—

- (i) the name of the local authority which issued the licence;
- (ii) the number of the person’s licence;”.

SCHEDULE 2

Article 3

REPEALS AND REVOCATIONS

PART 1

Repeals

1. The enactments listed in column 1 of the Table are repealed to the extent specified in column 3.

<i>Title</i>	<i>Reference</i>	<i>Extent of repeal</i>
Local Government (Scotland) Act 1973	1973 c. 65	Paragraph 26 of schedule 25 (relaxation of controls) and the entry relating to the Pet Animals Act 1951 (c. 35) in schedule 29 (repeals).
Roads (Scotland) Act 1984	1984 c. 54	Paragraph 40 of schedule 9 (minor and consequential amendments).
Animals (Scientific Procedures) Act 1986	1986 c. 14	Section 27(3) (repeal, consequential amendments and transitional provisions).

⁽⁸⁾ [S.S.I. 2016/58](#).

⁽⁹⁾ [S.S.I. 2021/84](#).

Draft Legislation: This is a draft item of legislation. This draft has since been made as a Scottish Statutory Instrument: *The Animal Health and Welfare (Scotland) Act 2006 (Consequential Provisions) Order 2022 No. 195*

<i>Title</i>	<i>Reference</i>	<i>Extent of repeal</i>
Local Government etc. (Scotland) Act 1994	1994 c. 39	Paragraphs 36 and 91 of schedule 13 (minor and consequential amendments).
Courts Act 2003	2003 c. 39	Paragraph 171 of schedule 8 (minor and consequential amendments).

PART 2

Revocations

2. The enactments listed in column 1 of the Table are revoked to the extent specified in column 3.

<i>Title</i>	<i>Reference</i>	<i>Extent of revocation</i>
Breeding of Dogs (Licensing Records) (Scotland) Regulations 1999	S.S.I. 1999/176	The whole regulations.
Sale of Dogs (Identification Tag) (Scotland) Regulations 1999	S.S.I. 1999/177	The whole regulations.
Fire (Scotland) Act 2005 (Consequential Modifications and Savings) Order 2006	S.S.I. 2006/475	Paragraph 2 of schedule 1 (modifications of public general Acts).
Animal Health and Welfare (Scotland) Act 2006 (Consequential Provisions) Order 2006	S.S.I. 2006/536	Paragraphs 3 and 6 of schedule 1 (amendment of public general Acts).

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends and repeals primary legislation and amends and revokes secondary legislation. The amendments, repeals and revocations are consequential to the purposes of, or in connection with, the Animal Health and Welfare (Scotland) Act 2006 (“the Act”). More particularly, this Order is consequential to, or in connection with, the provisions of the Act, which were commenced by [S.S.I. 2020/464](#), and the Animal Welfare (Licensing of Activities Involving Animals) (Scotland) Regulations 2021, which was made in exercise of enabling powers conferred by the Act.