
SCOTTISH STATUTORY INSTRUMENTS

2006 No. 482

**The Animal Health and Welfare (Scotland)
Act 2006 (Commencement No. 1, Savings
and Transitional Provisions) Order 2006**

Savings and transitional provisions

- (a) **4.** (1) (a) Where a court has imposed, by an order under section 1 of the Protection of Animals (Amendment) Act 1954(1), a disqualification on a person from having custody of any animal or any specified kind of animal, section 40(11) of the Act shall apply to a person who breaches such an order as it applies to a person who breaches a disqualification order imposed under section 40(1) of the Act.
- (b) Where a person has been convicted of an offence under section 40(11) of the Act, by virtue of breaching a disqualification imposed by an order under section 1 of the Protection of Animals (Amendment) Act 1954, section 39 of the Act shall have effect with the substitution for the words “owning or keeping an animal” in subsection (10)(d) of “having custody of an animal in breach of disqualification under section 1 of the Protection of Animals (Amendment) Act 1954 (c. 40)”.
- (c) Where a person has custody of an animal in breach of a disqualification imposed by an order under section 1 of the Protection of Animals (Amendment) Act 1954, section 41 of the Act shall apply to such a breach as it does to a breach of a disqualification order imposed under section 40(1) of the Act.
- (d) Where a person is disqualified, by virtue of an order under section 1 of the Protection of Animals (Amendment) Act 1954, section 42 of the Act shall apply as it does in relation to a person who is disqualified by virtue of an order under section 40(1) of the Act with the exception of section 42(2)(c)(i) which shall be omitted.
- (2) Any Code of Recommendations issued under section 3 of the Agriculture (Miscellaneous Provisions) Act 1968(2) shall be treated as an animal welfare code of practice made by the Scottish Ministers under section 37 of the Act and approved by resolution of the Scottish Parliament.
- (3) Sections 2, 6, 7 and 8(3) of the Agriculture (Miscellaneous Provisions) Act 1968 shall continue to apply for the purposes of the Welfare of Farmed Animals (Scotland) Regulations 2000(4) and the Welfare of Livestock (Prohibited Operations) Regulations 1982(5).

(1) 1954 c. 40. Section 1 is amended by 1988 c. 29, section 1(1) and (2).

(2) 1968 c. 34. Section 3 is amended by S.I. 1999/1820, Schedule 2(1) paragraph 46.

(3) Section 6 is amended by 2004 c. 14, Schedule 1(17)(1) paragraph 1, section 7 is amended by 1975 c. 21, section 289G and 1982 c. 48, sections 39 and 46, Schedule 3 and Schedule 6, paragraph 38 and section 8 is amended by 1981 c. 22, Schedule 5 paragraph 8.

(4) S.S.I. 2000/442 as amended by S.S.I. 2002/334 and 2003/488.

(5) S.I. 1982/1884 as amended by S.I. 1987/114.