SCOTTISH STATUTORY INSTRUMENTS

2012 No. 321

The Welfare of Animals at the Time of Killing (Scotland) Regulations 2012

PART 6

Offences and penalties

Offences

22.—(1) A person commits an offence if the person contravenes any of the following provisions—

(a) regulation 4(1) or (2) (requirement for certificate or temporary certificate);

(b) Schedule 1 (additional requirements);

(c) a provision of the EU Regulation specified in Schedule 2 (provision of the EU Regulation), except where it is not necessary to comply with the provision by virtue of—

(i) an exemption or transitional provision specified in the EU Regulation; or

(ii) a derogation granted by a competent authority under Article 18(3) in relation to a depopulation operation; or

(d) until 8th December 2019, Schedule 3 (transitional provisions) to the extent that it applies by virtue of regulation 27.

(2) A person commits an offence if the person fails to comply with an enforcement notice served under regulation 21.

(3) A person commits an offence if the person—

(a) intentionally obstructs a person acting in execution of the EU Regulation or these Regulations;

(b) without reasonable cause, fails to give such a person any assistance or information which that person reasonably requires;

(c) provides to such a person information knowing it to be false or misleading; or

(d) fails to produce a document or record to such a person when required to do so.

(4) A person commits an offence if the person provides information or makes a declaration, knowing it to be false or misleading, in order to obtain a certificate.

Bodies corporate, Scottish partnerships and unincorporated associations

23.—(1) Where—

(a) an offence under regulation 22 has been committed by a body corporate or a Scottish partnership or other unincorporated association; and

(b) it is proved that the offence was committed with the consent or connivance of or was attributable to any neglect on the part of—

(i) a relevant individual; or

(ii) an individual purporting to act on behalf of a relevant individual,

the individual as well as the body corporate, Scottish partnership or unincorporated association commits an offence and is liable to be proceeded against and punished accordingly.

(2) In paragraph (1) "relevant individual" means—

(a) in relation to a body corporate—

(i) a director, manager, secretary or other similar officer of the body; or

(ii) where the affairs of the body are managed by its members, a member;

(b) in relation to a Scottish partnership, a partner; and

(c) in relation to an unincorporated association other than a Scottish partnership, a person who is concerned in the management or control of the association.

Penalties

24.—(1) A person guilty of an offence under regulation 22(1)(b), (c) or (d) is liable on summary conviction to a fine not exceeding level 5 on the standard scale or imprisonment for a term not exceeding 3 months, or both.

(2) A person guilty of an offence under regulation 22(1)(a), (2), (3) or (4) is liable on summary conviction to a fine not exceeding level 5 on the standard scale.

Status:
Point in time view as at 01/01/2013.

Changes to legislation:
There are currently no known outstanding effects for the The Welfare of Animals at the Time of Killing (Scotland) Regulations 2012, PART 6.