



Animals (Scotland) Act 1987

1987 CHAPTER 9

2 Exceptions from liability under section 1.

- (1) A person shall not be liable under section 1(1) of this Act if—
- (a) the injury or damage was due wholly to the fault of—
 - (i) the person sustaining it; or
 - (ii) in the case of injury sustained by an animal, a keeper of the animal;
 - (b) the person sustaining the injury or damage or a keeper of the animal sustaining the injury willingly accepted the risk of it as his; or
 - (c) subject to subsection (2) below, the injury or damage was sustained on, or in consequence of the person or animal sustaining the injury or damage coming on to, land which was occupied by a person who was a keeper, or by another person who authorised the presence on the land, of the animal which caused the injury or damage; and, either—
 - (i) the person sustaining the injury or damage was not authorised or entitled to be on that land; or (as the case may be)
 - (ii) no keeper of the animal sustaining the injury was authorised or entitled to have the animal present on that land.
- (2) A person shall not be exempt from liability by virtue of subsection (1)(c) above if the animal causing the injury or damage was kept on the land wholly or partly for the purpose of protecting persons or property, unless the keeping of the animal there, and the use made of the animal, for that purpose was reasonable, and, if the animal was a guard dog within the meaning of the ^{M1}Guard Dogs Act 1975, unless there was compliance with section 1 of that Act.
- (3) In subsection (1) above—
- (a) in paragraph (a) “fault” has the same meaning as in the ^{M2}Law Reform (Contributory Negligence) Act 1945;
 - (b) in paragraph (c) “authorised” means expressly or impliedly authorised.

Marginal Citations

M1 1975 c. 50.

Changes to legislation: There are currently no known outstanding effects for the Animals (Scotland) Act 1987, Section 2. (See end of Document for details)

M2 1945 c. 28.

Changes to legislation:

There are currently no known outstanding effects for the *Animals (Scotland) Act 1987*, Section 2.