



# Protection of Animals (Scotland) Act 1912

## 1912 CHAPTER 14 2 and 3 Geo 5

An Act to consolidate and amend enactments relating to Animals and Knackers; and to make further provision with respect thereto. [13th December 1912]

### Modifications etc. (not altering text)

- C1 Act extended by [Protection of Animals \(Cruelty to Dogs\) \(Scotland\) Act 1934 \(c. 25\), s. 1](#), [Protection of Animals \(Amendment\) Act 1954 \(c. 40\), s. 1\(1\)](#) and [Abandonment of Animals Act 1960 \(c. 43\), s. 1](#); saved by [Agriculture \(Miscellaneous Provisions\) Act 1968 \(c. 34\), s. 8\(5\)](#)
- C2 Words of enactment omitted under authority of [Statute Law Revision Act 1948 \(c. 62\), s. 3](#)

### Commencement Information

- I1 Act wholly in force at 1.1.1913 by s. 16(1) (now repealed)

## <sup>F1</sup> 1 Offences of cruelty.

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### Textual Amendments

- F1 Act, except ss. 7, 13(a)-(d), 14, 16, repealed (6.10.2006) by [Animal Health and Welfare \(Scotland\) Act 2006 \(asp 11\), s. 55\(1\)](#), [Sch. 2 para. 5](#) (with s. 54); S.S.I. 2006/482, art. 2

## <sup>F1</sup> 1A Offence of being present at animal fights.

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### Textual Amendments

- F1 Act, except ss. 7, 13(a)-(d), 14, 16, repealed (6.10.2006) by [Animal Health and Welfare \(Scotland\) Act 2006 \(asp 11\), s. 55\(1\)](#), [Sch. 2 para. 5](#) (with s. 54); S.S.I. 2006/482, art. 2

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**F1 1B Offence of advertising animal fights.**

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**Textual Amendments**

**F1** Act, except ss. 7, 13(a)-(d), 14, 16, repealed (6.10.2006) by [Animal Health and Welfare \(Scotland\) Act 2006 \(asp 11\)](#), s. 55(1), **Sch. 2 para. 5** (with s. 54); S.S.I. 2006/482, art. 2

**F12 Power for court to order destruction of animal.**

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**Textual Amendments**

**F1** Act, except ss. 7, 13(a)-(d), 14, 16, repealed (6.10.2006) by [Animal Health and Welfare \(Scotland\) Act 2006 \(asp 11\)](#), s. 55(1), **Sch. 2 para. 5** (with s. 54); S.S.I. 2006/482, art. 2

**F13 Power for court to deprive person convicted of cruelty of ownership of animal.**

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**Textual Amendments**

**F1** Act, except ss. 7, 13(a)-(d), 14, 16, repealed (6.10.2006) by [Animal Health and Welfare \(Scotland\) Act 2006 \(asp 11\)](#), s. 55(1), **Sch. 2 para. 5** (with s. 54); S.S.I. 2006/482, art. 2

**4** ..... **F2**

**Textual Amendments**

**F2** S. 4 repealed by [Criminal Justice \(Scotland\) Act 1980 \(c. 62, SIF 39:1\)](#), **Sch. 8**

**F15 Knackers to be registered and to comply with certain regulations.**

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**Textual Amendments**

**F1** Act, except ss. 7, 13(a)-(d), 14, 16, repealed (6.10.2006) by [Animal Health and Welfare \(Scotland\) Act 2006 \(asp 11\)](#), s. 55(1), **Sch. 2 para. 5** (with s. 54); S.S.I. 2006/482, art. 2

**6** ..... **F3**

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### Textual Amendments

**F3** Ss. 5(1)(2), 6, Sch. 1 repealed by Slaughter of Animals (Amendment) Act 1954 (c. 59), Sch. 2 Pt. II

## 7 Poisoned grain and flesh, &c.

If any person—

- (a) shall sell, or offer or expose for sale, or give away, or cause or procure any person to sell or offer or expose for sale or give away, or knowingly be a party to the sale or offering or exposing for sale or giving away of any grain or seed which has been rendered poisonous except for bonâ fide use in agriculture; or
- (b) shall knowingly put or place, or cause or procure any person to put or place, or knowingly be a party to the putting or placing, in or upon any land or building any poison, or any fluid or edible matter (not being sown seed or grain) which has been rendered poisonous;

such person shall, upon summary conviction, be liable to a fine not exceeding [<sup>F4</sup>level 4 on the standard scale]:

Provided that, in any proceedings under paragraph (b) of this section, it shall be a defence that the poison was placed by the accused for the purpose of destroying vermin, where such is found to be necessary in the interests of the public health, agriculture, or the preservation of other animals, domestic or wild, or for the purpose of manuring the land, and that he took all reasonable precautions to prevent access thereto of dogs, cats, fowls, or other domestic animals.

### Textual Amendments

**F4** Words substituted by virtue of Criminal Procedure (Scotland) Act 1975 (c. 21, SIF 39:1), Sch. 7D, para. 4 and Law Reform (Miscellaneous Provisions) (Scotland) Act 1985 (c. 73, SIF 39:1), Sch. 2 para. 25; and it is provided by 1995 c. 40, s. 3, Sch. 1 para. 10, Sch. 2 Pt. III that the penalty of “ten pounds” be substituted (1.4.1996) by “Level 4 on the standard scale”.

### Modifications etc. (not altering text)

- C3** S. 7 excluded by Animals (Cruel Poisons) Act 1962 (c. 26), s. 1
- C4** S. 7 referred to (1.7.2005) by Plant Protection Products (Scotland) Regulations 2005 (S.S.I. 2005/331), regs. 1(1), 22(7) (with Sch. 4)
- C5** S. 7(b) restricted by Agriculture (Miscellaneous Provisions) Act 1972 (c. 62), s. 19(2)
- C6** S. 7 (b) excluded by Wildlife and Countryside Act 1981 (c. 69, SIF 4:5), s. 16(7)
- C7** S. 7(b) modified (16.10.1992) by Protection of Badgers Act 1992 (c. 51), ss. 10(10), 15(3)
- C8** S. 7(b) modified (31.12.2003) by Plant Protection Products (Scotland) Regulations 2003 (S.S.I. 2003/579), regs. 1(1), 22(7)

## <sup>F1</sup>8 Use of dogs for purposes of draught.

### Textual Amendments

**F1** Act, except ss. 7, 13(a)-(d), 14, 16, repealed (6.10.2006) by Animal Health and Welfare (Scotland) Act 2006 (asp 11), s. 55(1), Sch. 2 para. 5 (with s. 54); S.S.I. 2006/482, art. 2

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**F19 Inspection of traps.**

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**Textual Amendments**

**F1** Act, except ss. 7, 13(a)-(d), 14, 16, repealed (6.10.2006) by [Animal Health and Welfare \(Scotland\) Act 2006 \(asp 11\)](#), s. 55(1), **Sch. 2 para. 5** (with s. 54); S.S.I. 2006/482, art. 2

**F110 Injured animals.**

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**Textual Amendments**

**F1** Act, except ss. 7, 13(a)-(d), 14, 16, repealed (6.10.2006) by [Animal Health and Welfare \(Scotland\) Act 2006 \(asp 11\)](#), s. 55(1), **Sch. 2 para. 5** (with s. 54); S.S.I. 2006/482, art. 2

**F111 Powers of constables.**

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**Textual Amendments**

**F1** Act, except ss. 7, 13(a)-(d), 14, 16, repealed (6.10.2006) by [Animal Health and Welfare \(Scotland\) Act 2006 \(asp 11\)](#), s. 55(1), **Sch. 2 para. 5** (with s. 54); S.S.I. 2006/482, art. 2

**F112 Owners to produce animals if so required.**

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**Textual Amendments**

**F1** Act, except ss. 7, 13(a)-(d), 14, 16, repealed (6.10.2006) by [Animal Health and Welfare \(Scotland\) Act 2006 \(asp 11\)](#), s. 55(1), **Sch. 2 para. 5** (with s. 54); S.S.I. 2006/482, art. 2

**13 Definitions.**

In this Act, except the context otherwise requires, or it is otherwise expressly provided,

- (a) the expression “animal” means any domestic or captive animal;
- (b) the expression “domestic animal” means any horse, ass, mule, ox, sheep, pig, goat, dog, cat, or fowl, or any other animal of whatsoever kind or species, and whether a quadruped or not which is tame or which has been or is being sufficiently tamed to serve some purpose for the use of man;
- (c) the expression “captive animal” means any animal (not being a domestic animal) of whatsoever kind or species, and whether a quadruped or not, including any bird, fish, or reptile, which is in captivity, or confinement, or which is maimed, pinioned, or subjected to any appliance or contrivance

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for the purpose of hindering or preventing its escape from captivity or confinement;

- (d) the expression “horse” includes any mare, gelding, pony, foal, colt, filly, or stallion; and the expression “ox” includes any cow, bullock, heifer, calf, steer, or bull, and the expression “sheep” includes any lamb, ewe, or ram; and the expression “pig” includes any boar, hog or sow; and the expression “goat” includes a kid; and the expression “dog” includes any bitch, sapling, or puppy; and the expression “cat” includes a kitten; and the expression “fowl” includes any cock, hen, chicken, capon, turkey, goose, gander, duck, drake, guinea-fowl, peacock, peahen, swan, or pigeon;
- <sup>F1</sup>(e) .....
- <sup>F1</sup>(f) .....

**Textual Amendments**

**F1** Act, except ss. 7, 13(a)-(d), 14, 16, repealed (6.10.2006) by [Animal Health and Welfare \(Scotland\) Act 2006 \(asp 11\)](#), s. 55(1), **Sch. 2 para. 5** (with s. 54); S.S.I. 2006/482, art. 2

**14 Extent of Act.**

This Act shall apply to Scotland only.

**15** ..... <sup>F5</sup>

**Textual Amendments**

**F5** Ss. 15, 16(1)(2), **Sch. 2** repealed by [Statute Law Revision Act 1927 \(c.42\)](#)

**16 †Commencement, saving for pending proceedings, and short title.**

- (1) ..... <sup>F6</sup>
- (3) This Act may be cited as the Protection of Animals (Scotland) Act 1912; and this Act and the <sup>M1</sup>Protection of Animals Act, 1911, may be cited together as the Protection of Animals Acts, 1911 and 1912.

**Textual Amendments**

**F6** Ss. 15, 16(1)(2), **Sch. 2** repealed by [Statute Law Revision Act 1927 \(c.42\)](#)

**Modifications etc. (not altering text)**

**C9** A dagger appended to a marginal note means that it is no longer accurate

**Marginal Citations**

**M1** 1911 c. 27.

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## F7F7 FIRST SCHEDULE

### Textual Amendments

**F7** Ss. 5(1)(2), 6, Sch. 1 repealed by [Slaughter of Animals \(Amendment\) Act 1954 \(c. 59\)](#), **Sch. 2 Pt. II**

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## F8F8 SECOND SCHEDULE

### Textual Amendments

**F8** Ss. 15, 16(1)(2), Sch. 2 repealed by [Statute Law Revision Act 1927 \(c.42\)](#)

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