

FUR FARMING (PROHIBITION) (SCOTLAND) ACT 2002

EXPLANATORY NOTES

THE ACT

Section 1: Offences relating to fur farming

4. **Section 1** creates the offence of keeping animals solely or primarily for slaughter for the value of their fur or for breeding progeny for such slaughter (sections 1(1)(a) and (b) respectively).
5. By applying the “solely or primarily” test, anyone who keeps animals partly for slaughter for the value of their fur and partly for another purpose will be guilty of the offence only if the primary purpose for which they keep the animals is for the value of their fur. This principally means commercial value, but the term is sufficiently wide to include the value of the fur to an individual who has no intention of selling it.
6. **Section 1(2)** also makes it an offence for a person to knowingly cause or permit another person to keep animals where the purpose is to keep animals solely or primarily for the value of their fur (section 1(2)). It is anticipated that there will be relatively few cases where an offence would arise under section 1(2). Notably a person might knowingly cause or permit the keeping of animals for the prohibited purpose without there being any clear relationship of agency with the person who physically keeps the animals. An example of this could be a person who grants a tenancy of land for the purpose of enabling the tenant to carry on a fur farming business.
7. **Section 1(3)** makes it clear that the reference in the offence provision to keeping animals for slaughter and to breeding progeny for slaughter includes keeping or breeding such animals with the intention of selling them on for slaughter, as well as the slaughter of them while they are in the ownership or possession of such a person.
8. The offence provisions apply to any person, whether an individual or a legal person. They also apply to the officers of a company (section 1(4)) and to partners of a Scottish partnership (section 1(5)).
9. **Section 1(6)** provides that the maximum penalty is £20,000 for offences committed under section 1.