

# **ANIMAL HEALTH AND WELFARE (SCOTLAND) ACT 2006**

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## **EXPLANATORY NOTES**

### **COMMENTARY ON SECTIONS**

#### **Part 2 – Animal Welfare**

##### ***Section 26 – Provision for securing welfare***

136. **Section 26** enables the Scottish Ministers to make regulations to secure the welfare of animals and their progeny, for which a person is responsible. The inclusion of progeny in this section enables regulations to be made governing, for example, animal breeding to protect the progeny as well as the parent.
137. Subsection (2) provides a non-exhaustive list of the type of provision which may be made in such regulations. The list includes requirements or prohibitions, provision for enforcement, provision in relation to offences and post conviction orders. Subsection (3) provides a non-exhaustive list of the matters to which requirements and prohibitions may relate and provides examples of the issues which may be addressed in such regulations including the prevention of suffering, the breeding and rearing of animals and the transportation of animals.
138. The power in subsection (2)(d) to apply a “post-conviction order” (as outlined in sections 39 to 43) in relation to an offence under the regulations enables the regulations to provide that conviction for certain offences may lead to consequences such as being disqualified from owning and keeping animals.
139. Subsection (5) imposes a duty on the Scottish Ministers to consult interested persons before introducing regulations under this section.