



Animal Health and Welfare (Scotland) Act 2006

2006 asp 11

PART 2

ANIMAL WELFARE

Offences and penalties

44 Proceedings for animal fighting offences

- (1) Proceedings for an offence under section 23 may be brought within the period of 6 months from the date on which evidence sufficient in the opinion of the prosecutor to justify the proceedings came to the prosecutor's knowledge.
- (2) But no such proceedings may be brought more than 3 years—
 - (a) after the commission of the offence, or
 - (b) in the case of an offence involving a continuous contravention, after the last date on which the offence was committed.
- (3) In a prosecution of an offence involving a continuous contravention, the entire period during which the contravention occurred may be included.
- (4) A certificate signed by or on behalf of the prosecutor which states the date on which evidence referred to in subsection (1) came to the prosecutor's knowledge is conclusive evidence of that fact; and such a certificate which purports to be so signed is to be treated as being so signed unless the contrary is proved.
- (5) For the purposes of this section, proceedings are deemed to be commenced on the date on which a warrant to apprehend or to cite the accused is granted provided that the warrant is executed without undue delay.

45 Offences by bodies corporate etc.

- (1) Where an offence under this Part, or under regulations made under this Part, is committed by a body corporate and is committed with the consent or connivance of, or is attributable to the neglect of—

Status: This is the original version (as it was originally enacted).

- (a) a director, manager, secretary or other similar officer of the body, or
 - (b) a person purporting to act in any such capacity,
- that person (as well as the body corporate) commits the offence.
- (2) Where the affairs of a body corporate are managed by its members, subsection (1) applies to acts and omissions by members in exercising functions of management as if they were directors of the body corporate.
 - (3) Where an offence under this Part, or under regulations made under this Part, is committed by a Scottish partnership and is committed with the consent or connivance of, or is attributable to the neglect of a partner, that partner (as well as the partnership) commits the offence.

46 Penalties for offences

- (1) A person who commits an offence under section 19 or 23 is liable on summary conviction to imprisonment for a term not exceeding 12 months or to a fine not exceeding £20,000 or to both.
- (2) A person who commits any other offence under this Part is liable on summary conviction to imprisonment for a term not exceeding 6 months or to a fine not exceeding level 5 on the standard scale or to both.
- (3) A person who commits an offence under regulations made under this Part is liable on summary conviction to such penalties, not exceeding the penalties referred to in subsection (2), as are provided for in the regulations.