

Animal Health and Welfare (Scotland) Act 2006 2006 asp 11

PART 2

ANIMAL WELFARE

Welfare bodies, codes and guidance

36 Animal welfare bodies

- (1) The Scottish Ministers may by regulations—
 - (a) establish a body with the function of providing advice to—
 - (i) the Scottish Ministers, and
 - (ii) such other persons as the Scottish Ministers may direct,
on such matters concerning the welfare of protected animals as may be specified in the regulations,
 - (b) make such provision for the purposes of and in connection with the establishment and operation of the body as the Scottish Ministers consider appropriate.
- (2) The Scottish Ministers may by regulations make provision for facilitating or improving co-ordination among bodies which have functions relating to the welfare of protected animals.

37 Animal welfare codes

- (1) The Scottish Ministers may make codes of practice for the purpose of providing practical guidance in respect of any provision made by this Part or by regulations under this Part.
- (2) Before making a code of practice under subsection (1) (in this section referred to as an “animal welfare code”), the Scottish Ministers must consult—
 - (a) such persons appearing to them to represent relevant interests, and
 - (b) such other persons,

as they consider appropriate.

- (3) An animal welfare code may—
 - (a) make different provision for different cases or class of case,
 - (b) revise a previous code.
- (4) The Scottish Ministers may by notice revoke, with such transitional or saving provision as they consider to be necessary or expedient, any animal welfare code.
- (5) The Scottish Ministers must, in such manner and to such extent as they consider appropriate, publicise any animal welfare code.
- (6) An animal welfare code—
 - (a) requires to be laid before, and approved by resolution of, the Scottish Parliament, and
 - (b) comes into effect on such date after approval under paragraph (a) as is specified in the code.
- (7) A notice revoking an animal welfare code—
 - (a) requires to be laid before, and approved by resolution of, the Parliament, and
 - (b) revokes the code on such date after approval under paragraph (a) as is specified in the notice.
- (8) A person's failure to comply with a provision of an animal welfare code does not of itself render the person liable to proceedings of any sort.
- (9) In any proceedings for an offence under this Part, or under regulations made under section 26 or 27—
 - (a) failure to comply with a relevant provision of an animal welfare code may be relied upon as tending to establish liability,
 - (b) compliance with a relevant provision of an animal welfare code may be relied upon as tending to negative liability.

38 Animal welfare guidance

The Scottish Ministers may, with a view to securing the welfare of protected animals, issue guidance on such matters as they consider appropriate.