



Animal Health and Welfare (Scotland) Act 2006

2006 asp 11

PART 2

ANIMAL WELFARE

Animals in distress

[^{F1}32G Compensation notice for exercise of powers under section 32A

- (1) If a relevant step specified in a decision notice is taken in relation to a protected animal, an authorised person must serve a notice (in this section and in sections 32H to 32M, a “compensation notice”) specifying—
- (a) a description of the animal,
 - (b) which relevant step has been taken,
 - (c) the date on which the relevant step was taken,
 - (d) the compensation amount (if any) and how this has been calculated in accordance with section 32H,
 - (e) the effect the existence or possibility of relevant criminal proceedings may have on the payment of the compensation amount,
 - (f) the process for payment of any compensation amount,
 - (g) whether the authorised person is electing to defer payment of the compensation amount under section 32K(3),
 - (h) the procedure for appealing to the court in respect of the compensation amount under section 32J.
- (2) Before serving a compensation notice, an authorised person must—
- (a) make reasonable enquiries to establish the whereabouts of the relevant owner of the animal, or
 - (b) be satisfied that such reasonable enquiries have been made by another person.
- (3) A compensation notice must be served on the relevant owner of the animal by—
- (a) leaving it at the relevant owner's home or business address,

Changes to legislation: There are currently no known outstanding effects for the Animal Health and Welfare (Scotland) Act 2006, Section 32G. (See end of Document for details)

- (b) sending it to such an address by—
 - (i) a registered post service (as defined in section 125(1) of the Postal Services Act 2000), or
 - (ii) sending it by a postal service which provides for the delivery of the document to be recorded, or
 - (c) such other method as the court, on the application of the authorised person, determines.
- (4) Subject to subsection (5), the authorised person must serve a compensation notice on the relevant owner of the animal within 3 months of a relevant step specified in the decision notice being taken.
- (5) Where the decision notice specified more than one relevant step, the authorised person must serve a compensation notice on the relevant owner of the animal within 3 months of the earlier of—
- (a) the last relevant step being taken,
 - (b) the expiry of the period of 1 year beginning with the date on which the first relevant step is taken.
- (6) Where subsection (5)(b) applies, the authorised person must serve a compensation notice in respect of any other relevant step specified in the decision notice within 3 months of it being taken.
- (7) A single compensation notice may be served in respect of two or more animals where—
- (a) a single decision notice was served in respect of those animals by virtue of section 32C(3), and
 - (b) relevant steps have been taken by virtue of that notice in relation to all of those animals.
- (8) Evidence that a compensation notice has been sent in accordance with subsection (3) (b)(i) or (ii) is sufficient evidence of service of it.
- (9) In this section, “court” means the sheriff.
- (10) In this section and in sections 32H to 32L—
- “relevant criminal proceedings” means proceedings in respect of a relevant offence which arise from the circumstances which led to the protected animal being taken into possession under section 32,
- “relevant offence” means an offence under any of the following—
- (a) sections 19 to 23,
 - (b) section 24 or 25(7),
 - (c) section 29,
 - (d) section 40(11),
- “relevant owner” means the person who was the owner of the animal at the time it was taken into possession under section 32.]

Textual Amendments

- F1** Ss. 32A-32M inserted (30.9.2021) by [Animals and Wildlife \(Penalties, Protections and Powers\) \(Scotland\) Act 2020 \(asp 14\)](#), ss. 19, 22(2); S.S.I. 2021/303, reg. 2(c)

Changes to legislation:

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