



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

## PART 2

### ANIMAL WELFARE

#### *Post-conviction orders*

#### **42 Termination or variation of disqualification**

- (1) A person who is subject to a disqualification order may request the court which made the order to terminate or vary the order.
- (2) An application under subsection (1) may not be made—
  - (a) before the expiry of the period of one year beginning with the date on which the order was made,
  - (b) where there has been a previous application under that subsection in relation to the same order, before the expiry of the period of one year beginning with the date on which the previous application was determined, or
  - (c) within any period specified under—
    - (i) section 40(9)(b), or
    - (ii) subsection (5).
- (3) On an application under subsection (1), the court may—
  - (a) refuse the application,
  - (b) terminate the disqualification order, or
  - (c) vary the disqualification order so as to relax any disqualification imposed by it.
- (4) In considering the application, the court must have particular regard to—
  - (a) the nature of the offence in relation to which the disqualification order was made,
  - (b) the character of the applicant, and
  - (c) the applicant's conduct since the order was made.

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*Changes to legislation: There are currently no known outstanding effects for the Animal Health and Welfare (Scotland) Act 2006, Section 42. (See end of Document for details)*

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(5) Where the court refuses an application made under subsection (1), the court may specify a period within which the applicant may not make a further application under that subsection in relation to the same order.

[<sup>F1</sup>(6) The court must state its reasons—

- (a) for granting or, as the case may be, refusing the application under subsection (1),
- (b) where it grants the application in whole or in part, for varying or, as the case may be, terminating the disqualification order.]

#### **Textual Amendments**

**F1** S. 42(6) inserted (30.9.2021) by [Animals and Wildlife \(Penalties, Protections and Powers\) \(Scotland\) Act 2020 \(asp 14\)](#), **ss. 4(3)**, 22(2); S.S.I. 2021/303, reg. 2(a)

#### **Modifications etc. (not altering text)**

**C1** Ss. 41, 42 applied (1.9.2021) by [The Animal Welfare \(Licensing of Activities Involving Animals\) \(Scotland\) Regulations 2021 \(S.S.I. 2021/84\)](#), regs. 1, **25(2)**

#### **Commencement Information**

**I1** S. 42 in force at 6.10.2006 by [S.S.I. 2006/482](#), **art. 2** (with art. 4(1)(d))

**Changes to legislation:**

There are currently no known outstanding effects for the Animal Health and Welfare (Scotland) Act 2006, Section 42.