



Animals and Wildlife (Penalties, Protections and Powers) (Scotland) Act 2020

2020 asp 14

CHAPTER 1

ANIMAL WELFARE, ANIMAL HEALTH AND WILDLIFE: OFFENCES AND PENALTIES

Wildlife offences: penalties

12 Protection of Wild Mammals (Scotland) Act 2002: penalties for offences

- (1) The Protection of Wild Mammals (Scotland) Act 2002 is amended as follows.
- (2) After section 7 insert—

“7A Time limit for summary proceedings

- (1) Proceedings for an offence under section 1(2) or 1(3) 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) 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.”.
- (3) In section 8 (proceedings and penalties), for subsection (1) substitute—

Changes to legislation: *There are currently no known outstanding effects for the Animals and Wildlife (Penalties, Protections and Powers) (Scotland) Act 2020, Section 12. (See end of Document for details)*

- “(1) A person guilty of an offence under section 1(1) is liable—
- (a) on summary conviction, to imprisonment for a term not exceeding 12 months or a fine not exceeding £40,000 (or both),
 - (b) on conviction on indictment, to imprisonment for a term not exceeding 5 years or a fine (or both).
- (1A) A person guilty of an offence under section 1(2) or (3) is liable on summary conviction to imprisonment for a term not exceeding 12 months or a fine not exceeding £40,000 (or both).”.

Commencement Information

II [S. 12](#) in force at 30.11.2020 by [S.S.I. 2020/379](#), [reg. 2\(1\)](#), [sch.](#) (with [reg. 3](#))

Changes to legislation:

There are currently no known outstanding effects for the Animals and Wildlife (Penalties, Protections and Powers) (Scotland) Act 2020, Section 12.