



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

2020 asp 14

## CHAPTER 1

### ANIMAL WELFARE, ANIMAL HEALTH AND WILDLIFE: OFFENCES AND PENALTIES

#### *Protecting police dogs etc. from unnecessary suffering*

### **3 Harming a service animal**

In section 19 (unnecessary suffering) of the 2006 Act, after subsection (4) insert—

“(4A) In determining for the purposes of subsection (1) whether suffering is unnecessary in a case where it was caused by conduct for a purpose mentioned in subsection (4)(c)(ii), the fact that the conduct was for that purpose is to be disregarded if—

- (a) the animal was under the control of a relevant officer at the time of the conduct,
- (b) it was being used by that officer at that time, in the course of the officer’s duties, in a way that was reasonable in all the circumstances, and
- (c) that officer is not the person accused of committing the offence under subsection (1).

(4B) In subsection (4A), “relevant officer” means—

- (a) a constable,
- (b) a special constable within the meaning of section 9 of the Police and Fire Reform (Scotland) Act 2012,
- (c) a person (other than a constable or a special constable) who has the powers of a constable or is otherwise employed or engaged to carry out, or assist in the carrying out of, police functions (within the meaning of section 99(1) of that Act),

- (d) a prisoner custody officer within the meaning of section 114 of the Criminal Justice and Public Order Act 1994.

(4C) The Scottish Ministers may by regulations modify subsection (4B) to—

- (a) add to the categories of person specified in subsection (4B) other categories of person in the public service of the Crown,
- (b) vary any category of person for the time being specified in subsection (4B),
- (c) remove any category of person for the time being so specified.”.”.