



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

8 Protection of Badgers Act 1992: penalties for offences

(1) The Protection of Badgers Act 1992 is amended as follows.

(2) In section 12 (penalties)—

(a) in subsection (1)—

(i) for “six” substitute “twelve”,

(ii) for “level 5 on the standard scale” substitute “£40,000”,

(iii) for “that level” substitute “level 5 on the standard scale”,

(b) in subsection (1ZA), paragraph (b) (together with “and” immediately preceding it) are repealed,

(c) in subsection (1B)—

(i) for paragraph (a) substitute—

“(a) section 1(3) and (6) (in relation to an act made unlawful by section 1(3)),”,

(ii) paragraphs (b) and (c) are repealed,

(d) after subsection (1B) insert—

“(1C) A person guilty of an offence under a provision mentioned in subsection (1D) 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 to a fine or both.

(1D) The provisions referred to in subsection (1C) are—

- (a) section 1(1) and (6) (in relation to an act made unlawful by section 1(1)),
- (b) section 2(1)(a) to (c) and (3) (in relation to an act made unlawful by section 2(1)(a) to (c)),
- (c) section 3.”,

- (e) in subsection (2), for “or (1A)(a)” substitute “, (1A)(a) or (1C)(a)”.

(3) In section 12A (time limit for bringing summary proceedings)—

- (a) in subsection (1), for “any of sections 1 to 5 or 10(8) of this Act” substitute “a provision mentioned in subsection (1A)”,
- (b) after that subsection insert—

“(1A) The provisions referred to in subsection (1) are—

- (a) section 1(3), (5) and (6) (in relation to an act made unlawful by section 1(3)),
- (b) section 2(1)(d) and (3) (in relation to an act made unlawful by section 2(1)(d)),
- (c) section 3,
- (d) section 4,
- (e) section 5,
- (f) section 10(8).”.