



Hunting with Dogs (Scotland) Act 2023

2023 asp 1

PART 3

FURTHER PROVISION RELATING TO OFFENCES

Court orders

21 Deprivation orders

- (1) Where a person is convicted of a relevant offence, the convicting court may make an order (in this Part referred to as a “deprivation order”) in respect of any dog or horse used in or present at the commission of the offence.
- (2) A deprivation order is an order—
 - (a) depriving a person of possession or ownership (or both) of a dog or horse, and
 - (b) for—
 - (i) the destruction,
 - (ii) the sale, or
 - (iii) another disposal,of the dog or horse.
- (3) The court may not make—
 - (a) a deprivation order which involves the destruction of a dog or horse unless it is satisfied, on evidence provided (orally or in writing) by a veterinary surgeon, that destruction would be in the interests of the dog or horse,
 - (b) any other deprivation order unless it has considered the need to ensure the welfare of the dog or horse.
- (4) Where the court decides not to make a deprivation order in relation to a relevant offence, it must state its reasons unless it makes a disqualification order under [section 22](#) in relation to the offence.
- (5) A deprivation order may be made in addition to, or instead of, any other penalty or order which may be imposed in relation to a relevant offence.

*Changes to legislation: There are currently no known outstanding effects for the
 Hunting with Dogs (Scotland) Act 2023, Section 21. (See end of Document for details)*

- (6) A deprivation order may make provision in respect of any dependent offspring of a dog or horse to which it applies.
- (7) A deprivation order may include—
- (a) provision—
 - (i) appointing a person who is to secure that the order is carried out,
 - (ii) requiring any person possessing a dog or horse to which the order applies to give it up to a person appointed under [sub-paragraph \(i\)](#),
 - (b) provision authorising—
 - (i) a person appointed under [paragraph \(a\)\(i\)](#), and
 - (ii) any person acting on that person’s behalf,
 to enter any premises where a dog or horse to which the order applies is kept, for the purposes of securing that the order is carried out,
 - (c) such other provision as the court considers appropriate in connection with the order.
- (8) Provision under [subsection \(7\)\(c\)](#) may in particular—
- (a) require reimbursement of—
 - (i) any expenses reasonably incurred in carrying out the order,
 - (ii) if the dog or horse was seized by a constable under [paragraph 4\(b\)](#) or [5\(2\)\(b\)](#) of the schedule, any expenses reasonably incurred in relation to it since it was seized,
 - (b) relate to the retention of the proceeds of any sale.
- (9) Before making a deprivation order, the court must give the owner of the dog or horse concerned an opportunity to make representations unless it is not practicable for the court to do so.
- (10) In this section, “relevant offence” means—
- (a) an offence under [section 1\(1\)](#),
 - (b) an offence under [section 2\(2\)](#),
 - (c) an offence under [section 14\(1\)](#) or [\(4\)](#),
 - (d) an offence under [section 22\(10\)](#) committed by reason of owning or keeping a dog.

Commencement Information

- I1** S. 21 not in force at Royal Assent, see [s. 31\(2\)](#)
I2 S. 21 in force at 3.10.2023 by [S.S.I. 2023/262](#), [reg. 2](#)

Changes to legislation:

There are currently no known outstanding effects for the Hunting with Dogs (Scotland) Act 2023, Section 21.