



Animal Health and Welfare (Scotland) Act 2006

2006 asp 11

PART 2

ANIMAL WELFARE

Introductory

16 Animals to which this Part applies

- (1) In this Part, “animal” means a vertebrate other than man.
- (2) But this Part does not apply to an animal while it is in its foetal or embryonic form.
- (3) The Scottish Ministers may by regulations—
 - (a) make provision which—
 - (i) extends the definition of “animal” so as to include invertebrates of any description,
 - (ii) applies instead of subsection (2) as respects any invertebrate so included,
 - (b) amend subsection (2) so as to extend the application of such provisions of this Part as are specified in the regulations to an animal from such earlier stage of its development as is so specified.
- (4) Regulations under subsection (3) may be made only if the Scottish Ministers are satisfied, on the basis of scientific evidence, that creatures of the kind concerned are capable of experiencing pain or suffering.
- (5) Before making regulations under subsection (3), the Scottish Ministers must consult—
 - (a) such persons appearing to them to represent relevant interests, and
 - (b) such other persons,as they consider appropriate.
- (6) In this section—

“vertebrate” means any creature of the Sub-phylum Vertebrata of the Phylum Chordata,

“invertebrate” means any creature not of that Sub-phylum.

17 Protected animals

- (1) In this Part, an animal is a “protected animal” if it is—
 - (a) of a kind which is commonly domesticated in the British Islands,
 - (b) under the control of man on a permanent or temporary basis, or
 - (c) not living in a wild state.
- (2) In subsection (1)(a), “British Islands” is to be construed in accordance with Schedule 1 to the Interpretation Act 1978 (c. 30).

18 Responsibility for animals

- (1) In this Part, references to being responsible for an animal mean being responsible for it on a permanent or temporary basis.
- (2) In this Part, references to being responsible for an animal include being in charge of it.
- (3) For the purposes of this Part, a person who owns an animal is always to be regarded as being a person who is responsible for it.
- (4) For the purposes of this Part, a person (“person A”) is to be regarded as responsible for any animal for which a person who is under 16 years of age, of whom person A has actual care and control, is responsible.
- (5) For the purposes of this Part, a person does not relinquish responsibility for an animal by reason only of abandoning it.