



Animal Health and Welfare (Scotland) Act 2006 2006 asp 11

PART 2

ANIMAL WELFARE

Welfare bodies, codes and guidance

36 Animal welfare bodies

- (1) The Scottish Ministers may by regulations—
 - (a) establish a body with the function of providing advice to—
 - (i) the Scottish Ministers, and
 - (ii) such other persons as the Scottish Ministers may direct,on such matters concerning the welfare of protected animals as may be specified in the regulations,
 - (b) make such provision for the purposes of and in connection with the establishment and operation of the body as the Scottish Ministers consider appropriate.
- (2) The Scottish Ministers may by regulations make provision for facilitating or improving co-ordination among bodies which have functions relating to the welfare of protected animals.

Commencement Information

II S. 36 in force at 6.10.2006 by S.S.I. 2006/482, art. 2

37 Animal welfare codes

- (1) The Scottish Ministers may make codes of practice for the purpose of providing practical guidance in respect of any provision made by this Part or by regulations under this Part.

Changes to legislation: There are currently no known outstanding effects for the Animal Health and Welfare (Scotland) Act 2006, Cross Heading: Welfare bodies, codes and guidance. (See end of Document for details)

- (2) Before making a code of practice under subsection (1) (in this section referred to as an “animal welfare code”), the Scottish Ministers must consult—
- (a) such persons appearing to them to represent relevant interests, and
 - (b) such other persons,
- as they consider appropriate.
- (3) An animal welfare code may—
- (a) make different provision for different cases or class of case,
 - (b) revise a previous code.
- (4) The Scottish Ministers may by notice revoke, with such transitional or saving provision as they consider to be necessary or expedient, any animal welfare code.
- (5) The Scottish Ministers must, in such manner and to such extent as they consider appropriate, publicise any animal welfare code.
- (6) An animal welfare code—
- (a) requires to be laid before, and approved by resolution of, the Scottish Parliament, and
 - (b) comes into effect on such date after approval under paragraph (a) as is specified in the code.
- (7) A notice revoking an animal welfare code—
- (a) requires to be laid before, and approved by resolution of, the Parliament, and
 - (b) revokes the code on such date after approval under paragraph (a) as is specified in the notice.
- (8) A person's failure to comply with a provision of an animal welfare code does not of itself render the person liable to proceedings of any sort.
- (9) In any proceedings for an offence under this Part, or under regulations made under section 26 or 27—
- (a) failure to comply with a relevant provision of an animal welfare code may be relied upon as tending to establish liability,
 - (b) compliance with a relevant provision of an animal welfare code may be relied upon as tending to negative liability.

Commencement Information

I2 S. 37 in force at 6.10.2006 by [S.S.I. 2006/482](#), [art. 2](#)

38 Animal welfare guidance

The Scottish Ministers may, with a view to securing the welfare of protected animals, issue guidance on such matters as they consider appropriate.

Commencement Information

I3 S. 38 in force at 6.10.2006 by [S.S.I. 2006/482](#), [art. 2](#)

Changes to legislation:

There are currently no known outstanding effects for the Animal Health and Welfare (Scotland) Act 2006, Cross Heading: Welfare bodies, codes and guidance.