

2020 No. 379 (C. 32)

ANIMALS

WILDLIFE

**The Animals and Wildlife (Penalties, Protections and Powers)
(Scotland) Act 2020 (Commencement No. 1 and Transitional
Provision) Regulations 2020**

<i>Made</i>	- - - -	<i>12th November 2020</i>
<i>Laid before the Scottish Parliament</i>		<i>16th November 2020</i>
<i>Coming into force</i>	- -	<i>30th November 2020</i>

The Scottish Ministers make the following Regulations in exercise of the powers conferred by section 22(2) and (3) of the Animals and Wildlife (Penalties, Protections and Powers) (Scotland) Act 2020(a).

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Animals and Wildlife (Penalties, Protections and Powers) (Scotland) Act 2020 (Commencement No. 1 and Transitional Provision) Regulations 2020 and come into force on 30 November 2020.

(2) In these Regulations “the Act” means the Animals and Wildlife (Penalties, Protections and Powers) (Scotland) Act 2020.

Appointed days

2.—(1) 30 November 2020 is the day appointed for the coming into force of the provisions of the Act specified in column 1 of the table in the schedule (the subject matter of which is specified in column 2 of that table).

(2) 1 February 2021 is the day appointed for the coming into force of section 14(2) to (6) of the Act.

Transitional provision

3. The following sections of the Act apply only in relation to offences committed wholly on or after 30 November 2020—

- (a) sections 1(2)(a) and (3), 7 to 12 and 14(7),

(b) section 3, so far as it inserts section 19(4A) and (4B) into the Animal Health and Welfare (Scotland) Act 2006^(a).

St Andrew's House,
Edinburgh
12th November 2020

MAIRI GOUGEON
Authorised to sign by the Scottish Ministers

^(a) 2006 asp 11.

SCHEDULE

Regulation 2(1)

PROVISIONS OF THE ACT COMING INTO FORCE ON 30 NOVEMBER 2020

<i>Column 1</i>	<i>Column 2</i>
<i>Provision of the Act</i>	<i>Subject matter</i>
Section 1	Prevention of harm to animals: penalties for offences
Section 2	Fixed penalty notices for certain animal welfare offences
Section 3	Harming a service animal
Section 6	Fixed penalty notices for offences relating to animal health
Section 7	Wildlife and Countryside Act 1981: penalties for offences
Section 8	Protection of Badgers Act 1992: penalties for offences
Section 9	Conservation (Natural Habitats, etc.) Regulations 1994: penalties for offences
Section 10	Deer (Scotland) Act 1996: penalties for offences
Section 11	Wild Mammals (Protection) Act 1996: penalties for offences
Section 12	Protection of Wild Mammals (Scotland) Act 2002: penalties for offences
Section 13	Fixed penalty notices for certain wildlife offences
Section 14(1) and (7)	Killing, injuring or taking seals: offences, penalties etc.
Section 15	Acoustic deterrent devices: requirement to report
Section 16	Review of requirements for additional animal welfare, animal health and wildlife offences

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations bring into force certain sections of the Animals and Wildlife (Penalties, Protections and Powers) (Scotland) Act 2020 (“the Act”).

Regulation 2(1) appoints 30 November 2020 for the coming into force of sections 1 to 3, 6 to 13, 14(1) and (7), 15 and 16 of the Act.

Regulation 2(2) appoints 1 February 2021 for the coming into force of section 14(2) to (6) of the Act.

Sections 1, 3 and 7 to 12 of the Act make amendments to several pieces of animal and wildlife legislation to increase penalties and make changes to procedural time limits for certain animal and wildlife offences. Sections 2, 6 and 13 of the Act create new enabling powers for the Scottish Ministers, by regulations, to make provision about the issuing of fixed penalty notices in relation to certain animal and wildlife offences.

Section 14(2) of the Act repeals certain grounds on which a seal licence can be granted and section 14(3) to (6) of the Act repeals certain provisions about powers to authorise entry onto land where a seal licence has been granted under one of the repealed grounds. Section 14(7) increases penalties for certain seal related offences.

Section 15 creates a requirement for the Scottish Ministers to report on the use of acoustic deterrent devices in fish farms. Section 16 creates a requirement for the Scottish Ministers to conduct a review into whether the provisions of the Act are sufficient to ensure appropriate standards of animal welfare, animal health and protection of wildlife.

Regulation 3 provides that section 1(2)(a) and (3), section 3 (so far as it inserts a new section 19(4A) and (4B) into the Animal Health and Welfare (Scotland) Act 2006), sections 7 to 12 and section 14(7) of the Act – which variously increase penalties and make certain other procedural changes in relation to animal protection and related offences – apply only in relation to offences committed on or after 30 November 2020, leaving pre-existing law to apply to offences committed prior to that date.

The Bill for the Act received Royal Assent on 21 July 2020. Sections 17, 22 and 23 came into force the following day.

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