



■ caring for your  
**animals**



**The Animal Health and Welfare (Scotland) Act 2006**

**Animal Welfare:**  
What the Act means for you



SCOTTISH EXECUTIVE

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## **INTRODUCTION**

The Animal Health and Welfare (Scotland) Act 2006 places a duty of care on pet owners and others responsible for animals to ensure that the welfare needs of their animals are met.

The new Act

- makes it an offence to fail to take reasonable steps to ensure the welfare of a protected animal
- makes it an offence to cause a protected animal unnecessary suffering
- prohibits using animals as prizes
- raises the age limit for buying animals
- increases the penalties for animal abuse and
- allows the courts to disqualify a person from owning, keeping or being in charge of animals.

The Act also has the flexibility to allow a wide range of animal related activities, such as circuses, animal sanctuaries, pet dealing, greyhound racing and livery yards to be regulated.

## **WHICH ANIMALS ARE PROTECTED UNDER THE ACT?**

All pets (including cats, dogs, rabbits, rodents, birds, horses, ponies, fish, snakes and other reptiles), farm, circus and zoo animals are protected by the new Act. In fact, all vertebrate animals which are looked after by people are protected. The vertebrate family of animals includes all creatures which are mammals, birds, reptiles, amphibians and fish.

However, spiders and insects, including pets such as tarantulas and stick insects, are not vertebrate animals and are therefore not protected by this legislation. The other group of animals not protected by this legislation are wild animals, living in the wild. Although many wild animals and birds are protected by other legislation.

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### **WHAT IS THE DUTY OF CARE?**

The Act places a duty on people who are responsible for animals to ensure that the welfare needs of their animals are met. The vast majority of pet owners take proper care of their animals but there are some, whilst not being deliberately cruel to their animals, nevertheless, fail to meet their animals' basic welfare needs. This duty of care does not mean that it will be an offence to fail to take your dog for a walk one day, but if you kept it in a cage in a house and never took it for a walk, that would be failing to meet the welfare needs of the dog. The duty of care also means that people will need to ensure that their animals are given an adequate and appropriate diet.

If you are responsible for the care of an animal you must provide for its basic needs. These needs include:

- A suitable environment and accommodation. This would include providing adequate room for the animal, fresh bedding changed or cleaned at appropriate intervals and, where necessary, shelter from the weather.
- A suitable diet, which should be adequate to keep your pet healthy throughout its life. Overfeeding certain kinds of animals can lead to serious health problems which can be just as bad for animals as giving them too little to eat.
- The ability to allow your pet to exhibit normal behaviour and to interact with other animals where appropriate. This need could be met by providing sufficient space, toys or other things which the animal can play with. Some animals are happier when in the company of the animal's own kind, others are perfectly happy with human company.
- To be protected from suffering, pain, injury and disease. Animals should be protected from fear and distress by providing conditions which avoid mental suffering. If you have a sick or injured animal it must be given appropriate treatment and, where necessary, you should take it to a vet.

The Scottish Executive will issue Guidance Booklets or “Codes of Practice” which will give practical advice on how to take care of your animals. Codes for farm animals already exist and codes for pet animals will be issued in due course. In the meantime, if you are in any doubt about how to take care of your pet, you should obtain an information leaflet from your vet, pet shop, pet breeder, animal society or the Scottish SPCA.

### **WHO IS RESPONSIBLE FOR THE ANIMAL?**

The animal’s owner always has a responsibility for the animal, but that responsibility can be shared with another person if that person is in charge of the animal, even if on a temporary basis. For example, if a cat were left at a cattery the responsibility for the welfare of the animal would be shared by the animal’s owner and the cattery. The owner would need to satisfy himself or herself that the cattery was a suitable place to leave the cat, and the cattery would have a responsibility for the day-to-day welfare of the animal.

Where an animal belongs to a person under 16, the person who has the care for that youngster also has a responsibility for the welfare of their animal.

### **ANIMAL CRUELTY**

Animal cruelty is defined as causing “unnecessary suffering” to an animal. It is against the law to harm a protected animal or, if you are responsible for the animal, to neglect it and cause suffering. Causing an animal to suffer may not be deliberate, and it is an offence to cause an animal to suffer if you should have known that an animal would suffer due to your actions or neglect. Suffering includes mental as well as physical suffering, so it is not just an offence to cause a protected animal physical pain, but it is also an offence to infuriate or terrify the animal.

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## **ANIMAL FIGHTING**

Dog fights, cock fights and other fights between animals or fights or wrestling between animals and humans, such as bull fights, kangaroo "boxing" and rodeo events such as bull wrestling are illegal. It is a serious offence to be involved in animal fighting and that includes attending or betting on an animal fight, allowing premises to be used for an animal fight or possessing animal fighting equipment. Making, showing or distributing a recording of an animal fight is also an offence if the animal fight took place in Great Britain after October 2006. Thus it is not an offence to make or show a recording of a bull fight which took place in Spain or Mexico; or a rodeo which took place in the USA or Canada.

## **ABANDONMENT**

It is illegal to abandon an animal by taking it somewhere and leaving it, such as leaving horses in fields or tying dogs to signs on road side verges and driving off. It is also an offence to leave an animal unattended and failing to make adequate provision for its welfare.

The length of time an animal can be left alone will vary according to the kind of animal, its age, its state of health, and its requirements for food and water, and shelter and warmth. For example, an adult cat with access to a cat flap, a warm bed, water and dried cat food could be left for a longer period than a young puppy.

## **SALE OF ANIMALS TO CHILDREN**

It is illegal to sell an animal to someone under 16. However, it is quite acceptable for a person under 16 to own an animal, including being the "registered" owner or keeper of the animal. This will allow young people under 16 to continue to show or exhibit animals in their own name.

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**USING ANIMALS AS PRIZES**

Animals cannot be used as prizes. This includes goldfish being used as prizes at funfairs, livestock being raffled at agriculture shows, horses or ponies being the prize in a newspaper or magazine competition or any animal being used as a prize at a fete or club. The only exception is where the "prize" is given within a family context. This will allow a parent, guardian or other family member to give a dog, or other pet, to a child as a prize or a reward for success in exams, good behaviour or at a family event.

**REMOVING ANIMALS IN DANGER**

An animal health and welfare inspector from a local authority, a member of the State Veterinary Service, an authorised inspector from the Scottish SPCA or a police officer can remove a protected animal if a vet certifies that the animal is suffering or is in danger of suffering. However, where urgent action is necessary the animal can be removed without waiting for a vet. Dependent offspring can also be removed. For example, if a cat with a litter of young kittens is suffering or in danger of suffering, then the mother cat and her kittens could be removed by an inspector or police officer.

**CARE NOTICES**

Rather than taking people to court for failing to ensure the welfare of an animal, inspectors may issue care notices to the person responsible for the animal. These notices can be used if the inspector believes that the person responsible for an animal is failing in his or her duty of care to secure the welfare of the animal. A care notice will give the person responsible for the animal time to correct the situation. Unless there is a valid excuse, it is an offence to fail to comply with a care notice. A care notice would not normally be used in cases where a person was suspected of causing an animal unnecessary suffering.



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## **PENALTIES**

The penalties for people convicted of animal cruelty and animal fighting offences reflect the very serious nature of these acts. People found guilty of causing an animal unnecessary suffering or being involved in animal fighting can be sent to prison for up to 12 months or can be fined up to £20,000, or both.

People convicted of other offences under the Act, such as abandoning an animal or failing in their duty of care, can be fined up to £5,000 or sent to prison for up to 6 months, or both.

A court can also disqualify a person from keeping or being in charge animals. This disqualification could be a lifetime disqualification from keeping or working with all kinds of animals. It could be for a certain period, of say 5 years, or it could be limited to a ban on keeping certain types of animals. For example, a farmer who had been found guilty of being cruel to sheep, may be banned from keeping livestock, but allowed to keep pets. It is also possible for a court to set a limit on the number of animals a person may keep – perhaps no more than three cats or two dogs.

## **FURTHER INFORMATION**

If you would like further information about this new legislation you should contact the animal health and welfare officer at your local authority, the Scottish SPCA, or the Animal Welfare Branch in the Scottish Executive, Room 350, Pentland House, 47 Robb's Loan, Edinburgh EH14 1TY (email: [animal.health@scotland.gsi.gov.uk](mailto:animal.health@scotland.gsi.gov.uk)).

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