POLICY NOTE

THE ANIMAL HEALTH AND WELFARE (SCOTLAND) ACT 2006 (COMMENCEMENT NO. 3 AND SAVING PROVISIONS) ORDER 2020

SSI 2020/464

The above instrument was made in exercise of the powers conferred by section 55(1) of the Animal Health and Welfare (Scotland) Act 2006. The instrument is to be laid only.

Purpose of the instrument: This instrument brings into force provisions which were included in the Animal Health and Welfare (Scotland) Act 2006 ("the 2006 Act") in order to repeal primary legislation that would be replaced by licensing regulations made under the 2006 Act. The Animal Welfare (Licensing of Activities Involving Animals) (Scotland) Regulations 2021 ("the Licensing Regulations 2021") are to be laid in draft on the same date as this instrument. The making of the Licensing Regulations 2021 would necessitate the repeal of primary legislation. This instrument provides for the commencement of the relevant provisions of the 2006 Act.

Policy Objectives

This instrument brings into force section 52 of the 2006 Act insofar as it relates to paragraph 9(d) (to the extent that it is not already in force), (k), (l), (n) and (p) of schedule 2 of that Act. The instrument brings into force provisions which were included in the 2006 Act in order to repeal primary legislation that would be replaced by licensing regulations made under the 2006 Act. It was not appropriate to bring these provisions into force until the making of licensing regulations. The provisions being commenced repeal the following Acts:

- the Pet Animals Act 1951 ("the 1951 Act");
- the Breeding of Dogs Act 1973 ("the 1973 Act");
- the Pet Animals Act 1951 (Amendment) Act 1983;
- the Breeding of Dogs Act 1991; and
- the Breeding and Sale of Dogs (Welfare) Act 1999.

These Acts are being repealed as the measures that they introduced will be superseded by the Licensing Regulations 2021 once they come into force.

This instrument also includes provisions to allow for any unexpired pet selling or dog breeding licence issued under the 1951 Act or the 1973 Act to remain in force once the Licensing Regulations 2021 come into force on 1 September 2021 until their natural expiry date.

Consultation

No formal consultation was necessary and accordingly no consultation has taken place. This instrument simply brings into force provisions already provided for in the 2006 Act which repeal primary legislation that will no longer be required if the Licensing Regulations 2021 come into force on 1 September 2021.

Impact Assessments
No impact assessments are required for this instrument. A BRIA has been completed for the associated Licensing Regulations 2021.

Financial Effects
No financial impact will arise from the introduction of this instrument.

The Minister for Rural Affairs and the Natural Environment confirms that no BRIA is necessary as the instrument has no financial effects on the Scottish Government, local government or on business.

Animal Health & Welfare
Directorate for Agriculture & Rural Economy
The Scottish Government
December 2020