*Draft Regulations laid before the Scottish Parliament under section 76A(9) of the Animal Health Act 1981, for approval by resolution of the Scottish Parliament.*

DRAFT SCOTTISH STATUTORY INSTRUMENTS

# 2026 No.

# ANIMALS

# The Animal Health (Fixed Penalty Notices) (Scotland) Regulations 2026

| | |
|---|---|
| *Made - - - -* | *2026* |
| *Coming into force - -* | *28th February 2026* |

The Scottish Ministers make the following Regulations in exercise of the powers conferred by section 76A of the Animal Health Act 1981(**a**) and all other powers enabling them to do so.

In accordance with section 76A(9) of that Act, a draft of this instrument has been laid before and approved by resolution of the Scottish Parliament.

## PART 1

## Introduction

### Citation and commencement

**1.** These Regulations may be cited as the Animal Health (Fixed Penalty Notices) (Scotland) Regulations 2026 and come into force on 28 February 2026.

### Interpretation

**2.** In these Regulations—

"authorised officer" means—

(a) in relation to offences under the Animal Health Act 1981, an inspector, veterinary inspector, officer of the local authority or constable, or

(b) in relation to offences under the Bees Act 1980(**b**), an authorised person within the meaning of section 3 of that Act,

"domestic premises" means—

(**a**) 1981 c. 22. Section 76A was inserted by section 6 of the Animals and Wildlife (Penalties, Protections and Powers) (Scotland) Act 2020 (asp 14).
(**b**) 1980 c. 12.

(a) premises, or a part of premises, used (or used for the time being) exclusively as a dwelling-house, and

(b) includes any land or structure belonging to or usually enjoyed with, or adjacent to and for the time being enjoyed with, the dwelling-house,

"fixed penalty amount" means the amount specified in regulation 5,

"officer of the local authority" means an officer appointed under section 52(1) of the Animal Health Act 1981 by the local authority for the execution and enforcement of the Act,

"payment period" means the period of 28 days beginning with the date on which the fixed penalty notice is issued, unless—

(a) the period has been extended in accordance with regulation 6(2), in which case it means the period as extended, or

(b) the period has been paused in accordance with regulation 9(3)(a), and the appeal rejected, in which case it means 28 days beginning with the date on which the decision notice rejecting the appeal is issued,

"premises" includes—

(a) any land or building,

(b) any other place, in particular—

(i) a vehicle or vessel,

(ii) a tent or moveable structure,

"relevant enforcement authority" means—

(a) in relation to an inspector appointed by Scottish Ministers, the Scottish Ministers,

(b) in relation to an inspector appointed by the local authority, the local authority,

(c) in relation to an officer of the local authority, the local authority,

(d) in relation to a veterinary inspector appointed by Scottish Ministers, the Scottish Ministers,

(e) in relation to a constable, the Police Service of Scotland,

(f) in relation to an authorised person under section 3 of the Bees Act 1980, the Scottish Ministers,

"relevant offence" means an offence under the Animal Health Act 1981 or the Bees Act 1980 listed in the second column of the table in schedule 1 to these Regulations, that an authorised person has reason to believe a person has committed, by breaching a relevant requirement listed in the corresponding entry in the first column of that table,

"relevant requirement" means a requirement or prohibition specified in the first column of the table in schedule 1, subject to any exclusions specified in the corresponding entry in the fourth column of that table.

# PART 2

## Fixed penalty notices

**Power to issue a fixed penalty notice**

**3.**—(1) This regulation applies where an authorised officer has reason to believe that a person has committed a relevant offence.

(2) The authorised officer may, subject to paragraph (3), issue that person a fixed penalty notice offering the opportunity of discharging any liability to conviction for the relevant offence by payment of a fixed penalty.

(3) A fixed penalty notice may not be issued—

(a) where, within the preceding 3 years, the person has been issued with a fixed penalty notice by the same relevant enforcement authority in relation to a relevant offence for breach of the same relevant requirement as the authorised officer currently has reason to believe that person has committed, with a penalty level of 6 or 7,

(b) where, within the preceding 3 years, the person has been issued with two fixed penalty notices by the same relevant enforcement authority in relation to a relevant offence for breach of the same relevant requirement as the authorised officer currently has reason to believe that person has committed, or

(c) if criminal proceedings may no longer be brought in relation to the relevant offence by virtue of section 75 (penalties and time limits for certain offences: Scotland) of the Animal Health Act 1981 or, in relation to the Bees Act 1980, section 136 (time limit for certain offences) of the Criminal Procedure (Scotland) Act 1995(**a**).

(4) A fixed penalty notice issued under paragraph (2) is properly served on a person if it is—

(a) delivered personally to the person, or

(b) left at or posted to the proper address of the person.

(5) For the purposes of paragraph 4(b), the proper address of a person is—

(a) in the case of a body corporate, the address of the registered or principal office of the body,

(b) in the case of a partnership, the address of the principal office of the partnership,

(c) in any other case—

(i) an address provided to an authorised officer by the person under regulation 11(1), or

(ii) the last known address of the person.

**Contents of a fixed penalty notice**

**4.** A fixed penalty notice must state—

(a) the offence to which it relates,

(b) reasonable particulars of the circumstances alleged to constitute the offence,

(c) the date on which the fixed penalty notice is issued,

(d) the amount of the fixed penalty,

---

(**a**) 1995 c. 46.

(e) the relevant enforcement authority to whom the fixed penalty may be paid and their address,

(f) the payment period,

(g) the period during which the discounted amount applies under regulation 5(5),

(h) the method by which payment may be made,

(i) that should the person choose to accept the offer to discharge liability for the offence and pay the fixed penalty before the end of the payment period, that person may not be convicted at any time of the circumstances alleged to constitute the offence,

(j) that if the fixed penalty is not paid within the payment period, or if a person intimates an intention not to pay the fixed penalty under regulation 10, that person may be liable to prosecution for the offence,

(k) details of the procedure for intimating an intention not to pay the fixed penalty under regulation 10, and

(l) details of the procedure for appealing the fixed penalty notice, including the relevant enforcement authority to whom the appeal should be addressed.

**Fixed penalty amount**

**5.**—(1) This regulation and schedules 1 and 2 set out the fixed penalty amount for a relevant offence in relation to a relevant requirement.

(2) The fixed penalty amount is, subject to paragraphs (5) and (7), to be the amount specified in relation to the penalty level for a relevant offence in relation to a relevant requirement.

(3) In the table in schedule 1 the penalty level for a relevant offence in relation to a relevant requirement is specified in the corresponding entry in column 3.

(4) In the table in schedule 2 the fixed penalty amount in relation to a penalty level specified in column 1 is specified in the corresponding entry in column 2.

(5) Where a person has accepted the offer of paying a fixed penalty under regulation 3(2) and makes payment before the end of the period of 14 days beginning with the date on which the fixed penalty notice was issued, the discounted amount payable will be 75% of the fixed penalty set out in schedule 2.

(6) Paragraph (5) does not apply where a person appeals a fixed penalty notice in accordance with regulation 9 and receives a decision notice before the end of the period of 14 days beginning with the date on which the fixed penalty notice was issued confirming the appeal has been rejected.

(7) Where a person is issued with a fixed penalty notice under regulation 3(2) for a relevant offence—

(a) in relation to the same relevant requirement,

(b) by the same relevant enforcement authority,

(c) within a period of three years from the date on which they were first issued with a fixed penalty notice in relation to that relevant requirement, and

(d) where the penalty level is 1, 2, 3, 4 or 5,

the fixed penalty amount is double the amount specified in column 2 of schedule 2.

**Effect of paying a fixed penalty notice within payment period**

**6.**—(1) Where a person is issued with a fixed penalty notice under regulation 3(2)—

(a) no criminal proceedings may be instituted for the relevant offence before the end of the payment period in relation to the relevant requirement in relation to which the fixed penalty notice was issued, and

(b) the person may not be convicted of the relevant offence in relation to the relevant requirement in relation to which the fixed penalty notice was issued if the fixed penalty is paid before the end of the payment period.

(2) An authorised officer may extend the payment period in any particular case if the authorised officer considers it appropriate to do so.

**Payment of fixed penalty notice**

**7.** Payment of the fixed penalty must be made to the relevant enforcement authority in accordance with the method set out in the fixed penalty notice.

**Withdrawal of fixed penalty notice**

**8.**—(1) An authorised officer of the appropriate enforcement authority must withdraw a fixed penalty notice if—

(a) the authorised officer determines that the relevant requirement to which the notice relates was not breached,

(b) that the fixed penalty notice ought not to have been issued to the person to whom it was issued, or

(c) an appeal under regulation 9(1) is upheld.

(2) Where a fixed penalty notice has been withdrawn under paragraph (1)—

(a) no amount is payable by way of fixed penalty in pursuance of that notice,

(b) any amount paid by way of fixed penalty in pursuance of the notice must be repaid to the person, and

(c) it is to be treated as if it had never been issued.

**Appeal of fixed penalty notice**

**9.**—(1) Where a person has been issued with a fixed penalty notice under regulation 3(2), that person may appeal to the relevant enforcement authority by following the process set out in the fixed penalty notice before the end of the payment period.

(2) The intention to appeal and the particulars of the appeal under paragraph (1) must be set out in writing, and may be sent by electronic communication provided that—

(a) the fixed penalty notice indicates that the relevant enforcement authority who issued the fixed penalty notice can be contacted via electronic communication, and

(b) the fixed penalty notice contains an e-mail address that may be used for those purposes.

(3) Upon receiving an appeal under paragraph (1), the relevant enforcement authority must ensure that—

(a) the payment period for the fixed penalty notice is paused,

(b) the particulars of the appeal are reviewed by a different authorised officer to the one who issued the fixed penalty notice, and

(c) a decision notice confirming whether the appeal has been upheld or rejected is issued within 28 days of receipt of the appeal.

(4) Where the appeal is rejected, the person receiving the fixed penalty notice has 28 days beginning with the date on which the decision notice is issued within which to pay the fixed penalty notice.

**Intention not to pay fixed penalty notice**

**10.**—(1) A person to whom a fixed penalty notice is issued may, before the end of the payment period, intimate an intention not to pay the fixed penalty to the relevant enforcement authority.

(2) Where a person makes an intimation under paragraph (1), criminal proceedings in respect of the offence may be brought even if the payment period has not ended.

(3) An intimation under paragraph (1) must be communicated to the relevant enforcement authority in accordance with the procedure set out in the notice.

(4) An intimation under paragraph (1) must be set out in writing, and may be sent by electronic communication provided that—

(a) the fixed penalty notice indicates that the relevant enforcement authority can be contacted via electronic communication, and

(b) the fixed penalty notice contains an e-mail address that may be used for those purposes.

**Powers of authorised officers**

**11.**—(1) An authorised officer may require a person to give their name and address if the authorised officer proposes to issue that person a fixed penalty notice.

(2) In addition to any powers of entry conferred on an authorised officer by any other enactment, an authorised officer may enter any premises, except domestic premises, at all reasonable times and inspect such premises and any animals found there for the purposes of determining whether a fixed penalty notice should be issued under regulation 3(2).

(3) An authorised officer must produce evidence of their authority if requested.

**Obstruction of authorised officer**

**12.**—(1) A person commits an offence if that person obstructs an authorised officer who is exercising functions in relation to fixed penalty notices, including by—

(a) failing to give, or providing a false, name or address when required to do so under regulation 11(1), or

(b) refusing to grant an authorised officer access to premises under regulation 11(2).

(2) A person who commits an offence under paragraph (1) is liable on summary conviction to a fine not exceeding level 5 on the standard scale.

**Record keeping**

**13.** For the purposes of determining whether regulations 3(3) or 5(7) applies, the relevant enforcement authority must make arrangements for the retention and storage of the following records whenever a fixed penalty notice is issued under regulation 3(2) for 3 years beginning with the date on which the fixed penalty notice was issued—

(a) the name and address of the person to whom the fixed penalty notice was issued,

(b) the date of issue,

(c) the relevant requirement and relevant offence, and

(d) the penalty level and any application of regulation 5(7) to the fixed penalty amount.

# PART 3

## Supplementary

**Bees Act 1980: time limit for prosecution**

**14.**—(1) The Bees Act 1980 is amended as follows.

(2) After section 2 (power of entry) insert—

**"2A Fixed penalty notices and time limit for prosecution**

(1) For the purposes of the application of section 136 (time limit for certain offences) of the Criminal Procedure (Scotland) Act 1995(**a**) to an offence under this Act, in calculating the period since a contravention occurred the period mentioned in subsection (2) is to be disregarded.

(2) Where a fixed penalty notice is issued under regulation 3(2) of the Animal Health (Fixed Penalty Notices) (Scotland) Regulations 2026(**b**) in relation to an offence under this Act, the period to be disregarded is the period between the date of the fixed penalty notice being issued and the expiry of the payment period within the meaning of those regulations.".

**Animal Health Act 1981: time limit for prosecution**

**15.**—(1) The Animal Health Act 1981 is amended as follows.

(2) In section 75 (penalties and time limits for certain offences: Scotland), after subsection (7) insert—

"(8) For the purposes of subsection (4), in calculating the period since the commission of the offence the period mentioned in subsection (9) is to be disregarded.

(9) Where a fixed penalty notice is issued under regulation 3(2) of the Animal Health (Fixed Penalty Notices) (Scotland) Regulations 2026(**c**) in relation to an offence under this Act, the period to be disregarded is the period between the date of the fixed penalty notice being issued and the expiry of the payment period within the meaning of those regulations.".

*Name*
Authorised to sign by the Scottish Ministers

St Andrew's House
Edinburgh
Date

(**a**) 1995 c. 46.
(**b**) S.S.I. 2026/XXX.
(**c**) S.S.I. 2026/XXX.

# SCHEDULES

## SCHEDULE 1

Regulations 2 and 5

### Requirements and penalty levels

| Requirements under legislation | Offence provision | Penalty level | Exclusions |
|---|---|---|---|
| ***The Avian Influenza and Influenza of Avian Origin in Mammals (Scotland) Order 2006*(a)** | | | |
| Articles 4(8), 4(9), 22(3), 37, 41(b), 42, 43(1), 43(2), 61(1), 61(2), 61(4), 62(3), 63, 64, 65(1), 65(2), 65(4), 66(a) and (b), 68(1), 68(2), 71, 73, 74(1), 75 (except in relation to requirements otherwise specified below) and 81(5). | Sections 71 or 73 of the Animal Health Act 1981 | 5 | |
| Articles 9(1)(a), 9(2), 22(4), 30, 35(2), 38, 58, 61(3), 62(1), 62(2), 68(3), 72, 75 (in relation to requirements under article 41(a), paragraphs 3, 4, 5, 6 and 8 of schedule 1, paragraph 3 of schedule 2, paragraphs 9, 11, 12, 13, 14, 15, 18, 19, 20, 21, 22, 23, 24 and 25 of schedule 4, paragraphs 3 and 4 of schedule 8 and paragraph 3 of schedule 9) and 81(6). | Sections 71 or 73 of the Animal Health Act 1981 | 7 | Breach of the requirements of article 9(2) by a veterinary surgeon is not a relevant requirement. |
| Articles 56A(1)(a) and article 75 (in relation to the requirements under paragraphs 7, 9, 11, 12, 16, 18, 19, 20 and 21 of schedule 5). | Sections 71 or 73 of the Animal Health Act 1981 | 6 | |
| Article 75 (in relation to the requirements under paragraph 1 of schedule 1 and paragraphs 8, 10, 22, 23, 24 and 25 of schedule 5). | Sections 71 or 73 of the Animal Health Act 1981 | 4 | |
| Article 75 (in relation to the requirements under paragraphs 1, 2, 6, 12, 13, 14, 15, 16 and 17 of schedule 6 and paragraphs 2, 4 and 11 of schedule 7). | Sections 71 or 73 of the Animal Health Act 1981 | 3 | |

(a) S.S.I. 2006/336 as relevantly amended by S.S.I. 2013/173, S.I. 2018/391, S.S.I. 2019/71, S.S.I. 2021/444, S.S.I. 2023/361 and S.S.I. 2025/108.

| Requirements under legislation | Offence provision | Penalty level | Exclusions |
|---|---|---|---|
| ***The Avian Influenza (Preventive Measures) (Scotland) Order 2007*(a)** | | | |
| Article 4(1). | Section 71 of the Animal Health Act 1981 | 6 | |
| Article 5. | Section 73 of the Animal Health Act 1981 | 1 | |
| ***The Bee Diseases and Pests Control (Scotland) Order 2007*(b)** | | | |
| Articles 2A, 3, 4 and 5.<br>Article 14 in relation to articles 7, 8 and 10 (in relation to the provisions of paragraphs 1, 2, 3 and 4 of schedule 1). | Section 1(7) of the Bees Act 1980 | 3 | Breach of the requirements of article 3 by a veterinary surgeon is not a relevant requirement. |
| Article 14 in relation to article 6 and article 10 (in relation to the provisions of paragraph 5 of schedule 1). | Section 1(7) of the Bees Act 1980 | 2 | |
| Articles 11, 12 and 13. | Section 1(7) of the Bees Act 1980 | 1 | |
| ***The Bovine Viral Diarrhoea (Scotland) Order 2019*(c)** | | | |
| Article 35A. | Sections 71 or 73 of the Animal Health Act 1981 | 3 | |
| ***The Disease Control (Interim Measures) (Scotland) Order 2002*(d)** | | | |
| Articles 3(1) and 4(2). | Sections 71 or 73 of the Animal Health Act 1981 | 4 | |
| Articles 4(4), 4(5), 4(6), 4(7), 4(8), 4(9), 4(10), 4(11), 4(12), 4(13), 4(14), 4(15), 6, 7 and 8(1). | Sections 71 or 73 of the Animal Health Act 1981 | 3 | |
| Article 6A | Section 72 of the Animal Health Act 1981 | 3 | |
| ***The Markets, Sales and Lairs Order 1925*(e)** | | | |
| Articles 1, 2, 3(1)(i) and 3(1)(ii). | Section 72 of the Animal Health Act 1981 | 3 | |

(a) S.S.I. 2007/69 as relevantly amended by S.S.I. 2024/87.
(b) S.S.I. 2007/506 as relevantly amended by S.S.I. 2011/326 and S.S.I. 2021/91.
(c) S.S.I. 2019/310 as relevantly amended by S.S.I. 2020/86 and S.S.I. 2025/176.
(d) S.S.I. 2002/34 as relevantly amended by S.S.I. 2002/221, S.S.I. 2002/369, S.S.I. 2007/387, S.S.I. 2007/400, S.S.I. 2007/423 and S.S.I. 2013/173.
(e) S.R. & O. 1925/1349 as relevantly amended by S.R. & O. 1926/546, S.I. 1995/11 and S.I. 1996/3265.

| Requirements under legislation | Offence provision | Penalty level | Exclusions |
|---|---|---|---|
| ***The Sheep Scab (Scotland) Order 2010***(**a**) | | | |
| Articles 3(2), 5(3), 6(4), 7, 11, 12(2), 13 and 18. | Section 73 of the Animal Health Act 1981 | 2 | |
| Articles 4(1), 5(2), 5(5), 6(3), 6(6), 9, 12(3) and 19. | Section 73 of the Animal Health Act 1981 | 3 | |
| ***The Tuberculosis (Scotland) Order 2023***(**b**) | | | |
| Articles 5(1), 9(1), 9(2), 9(3), 10 and 13. | Sections 71 or 73 of the Animal Health Act 1981 | 4 | |
| Articles 6(1)(a), 6(2), 14, 16, 18(1), 19(1)(b), 20, 32(3), 33, 34 and 35. | Sections 71 or 73 of the Animal Health Act 1981 | 5 | For the purposes of article 6(2), breach of an obligation by the categories of persons described in article 6(1)(b) and (c) is not a relevant requirement. Breach of the requirement under article 35 by a veterinary surgeon is not a relevant requirement. |
| Articles 9(4), 9(7), 12, 17(1), 19(1)(a) and 30. | Section 73 of the Animal Health Act 1981 | 3 | |

(**a**) S.S.I. 2010/419 as relevantly amended by S.S.I. 2013/173.
(**b**) S.S.I. 2023/93.

# SCHEDULE 2

Regulation 5

## Penalty levels and fixed penalties

| Penalty level | Fixed penalty |
|---|---|
| 1 | £100 |
| 2 | £150 |
| 3 | £200 |
| 4 | £300 |
| 5 | £500 |
| 6 | £750 |
| 7 | £1,000 |

## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations make provision for a fixed penalty notice procedure in relation to certain legislative requirements or prohibitions under the Avian Influenza and Influenza of Avian Origin in Mammals (Scotland) Order 2006, the Avian Influenza (Preventive Measures) (Scotland) Order 2007, the Bovine Viral Diarrhoea (Scotland) Order 2019, the Disease Control (Interim Measures) (Scotland) Order 2002, the Markets, Sales and Lairs Order 1925, the Sheep Scab (Scotland) Order 2010 and the Tuberculosis (Scotland) Order 2023 (breach of these Orders being an offence under the Animal Health Act 1981) and the Bee Diseases and Pests Control (Scotland) Order 2007 (breach of which is an offence under the Bees Act 1980).

These Regulations also make amendments to the Animal Health Act 1981 and the Bees Act 1980 to exclude the time period during which a fixed penalty notice may be paid from the time limit during which criminal proceedings may be brought in relation to an offence.

Part 2 provides for a fixed penalty notice procedure. Regulation 3 gives an authorised officer the power to issue a fixed penalty notice where the authorised officer has reason to believe that a person has committed a relevant offence and sets out the circumstances in which a fixed penalty notice may not be issued. Regulation 4 provides for the contents of a fixed penalty notice. Regulation 5 sets out the procedure for determining the fixed penalty amount. Regulation 6 sets out the effect of paying a fixed penalty notice within the payment period. Regulation 7 provides that payment of the fixed penalty must be made to the relevant enforcement authority in accordance with the procedure set out in the notice. Regulation 8 provides for circumstances in which a fixed penalty notice may be withdrawn. Regulation 9 sets out the process for appealing the issue of a fixed penalty notice. Regulation 10 sets out the procedure for intimating an intention not to pay a fixed penalty notice to the relevant enforcement authority. Regulation 11 sets out the powers of authorised officers in relation to fixed penalty notices. Regulation 12 makes it an offence to obstruct an authorised officer who is exercising functions in relation to fixed penalty notices. Regulation 13 lists the record keeping requirements that enforcement authorities must adhere to.

Part 3 contains supplementary provision amending the Bees Act 1980 and the Animal Health Act 1981. Regulation 14 amends the Bees Act 1980 to insert a new section 2A which will exclude the payment period for a fixed penalty notice from the time limit for bringing proceedings under section 136 of the Criminal Procedure (Scotland) Act 1995. Regulation 15 makes similar amendments to section 75 of the Animal Health Act 1981 in order to exclude the payment period from the time limit for bringing proceedings under section 75(4) of the Animal Health Act 1981.

The table in schedule 1 lists the relevant requirements under legislation and relevant offences in relation to which a fixed penalty notice may be issued. It also notes the penalty level for breaching each requirement under legislation and sets out exclusions to certain relevant requirements.

The table in schedule 2 lists the monetary amount that is attributable to each penalty level.

---

© Crown Copyright 2025

Printed and published in the UK by The Stationery Office Limited under the authority and superintendence of Saul Nassé, the King's Printer for Scotland.

ISBN 978-0-11-106462-7

£8.90

http://www.legislation.gov.uk/id/sdsi/2026/9780111064627

9 780111 064627