

**Child Rights and Wellbeing Impact  
Assessment (CRWIA)**

**The Animals and Wildlife  
(Penalties, Protections and  
Powers) (Scotland) Bill**

**October 2019**



**Scottish Government**  
Riaghaltas na h-Alba  
gov.scot

## Child Rights and Wellbeing Impact Assessment (CRWIA) Stage 1

### Screening - key questions

(Hyperlink will only work within SG)

#### **1. Name the policy, and describe its overall aims.**

The Animals and Wildlife (Penalties, Protections and Powers) (Scotland) Bill will amend the Animal Health and Welfare (Scotland) Act 2006 and the Animal Health Act 1981 in the following ways:

- it will increase the maximum available penalties for the most serious animal welfare offences (including attacks on service animals) to a prison sentence of five years, an unlimited fine or both (and make related procedural changes including the removal of the six month time limit to bring prosecutions).
- it will give Scottish Ministers a power to make regulations allowing fixed penalty notices to be used in relation to animal health and welfare offences;
- it will increase the protection for service animals by making it easier to convict people of causing them unnecessary suffering (also known as “Finn’s Law”); and
- it will give authorised persons (including certain inspectors and constables) new powers to transfer ownership of, treat or humanely destroy animals that have been taken into care to alleviate suffering.

The Bill also amends several pieces of legislation protecting Scotland’s wildlife in the following ways:

- it increases the maximum available penalties for the most serious wildlife offences to a prison sentence of five years, an unlimited fine or both;
- it increases the maximum penalty available for other wildlife offences remaining under summary conviction only, to a prison sentence of 12 months or a fine up to £40,000 or both; and
- it extends the time allowed for prosecution under summary conviction to six months from which sufficient evidence came to the knowledge of the prosecutor, but no more than three years from the date of the offence.

The offences to be amended are;

- Conservation (Natural Habitats &c) Regulations 1994, sections 39 & 41
- Protection of Badgers Act 1992, sections 1 – 3
- Protection of Wild Mammals (Scotland) Act 2002, section 1
- Wild Mammals (Protection) Act 1996, section 1
- Wildlife and Countryside Act 1981, sections 1, 5 – 11 & 14
- Deer (Scotland) Act 1996, sections 17, 21 & 22

The provisions of the Bill will affect those that have committed an offence relating to animal welfare, animal health or wildlife, and those who have a role in enforcing the legislation.

The Bill provisions are not considered to affect law-abiding animal owners, keepers or businesses more widely.

It is assumed that detection rates of animal welfare and wildlife offences will be unaffected by the provisions of the Bill, as no changes to detection methods are being proposed.

#### **2. What aspects of the policy/measure will affect children and young people up to the age of 18?**

The Bill will not affect children unless they commit an offence, and therefore enter the justice system and treated accordingly with all the associated relevant safeguards.

The standard of proof required to prosecute those charged with an animal welfare or wildlife offence remains unchanged and it is still a matter for the courts to decide the appropriate sentence to impose, based on guidelines for dealing with children and young people and will take into account all the evidence and mitigating factors presented to them.

**3. What likely impact – direct or indirect – will the policy/measure have on children and young people?**

'Direct' impacts of the 2006 act, and wildlife legislation, exist but will be unaffected by the current Bill provisions; if a parent or child committed an offence social services would have a role in dealing with the consequences of their actions, as would they themselves.

**4. Which groups of children and young people will be affected?**

No particular groups of children will be affected by the Bill provisions.

**5. Will this require a CRWIA?**

It is considered that the Bill provisions comply with the UN convention on the rights of the children, and therefore a Child Rights and Wellbeing Impact Assessment (CRWIA) is not required.

As discussed, the Bill amends the consequences for those found guilty of an animal welfare or wildlife crime, and does not create any new offences, therefore the impacts on children rights will be identical to those faced in the current legal regime.

It is hoped that children and wider society will benefit from the message, that animal cruelty and wildlife crime are not to be tolerated in our modern and progressive society, and that those who perpetrate these offences will face proportionate and expedient justice.

**CRWIA Declaration**

Tick relevant section, and complete the form.

**CRWIA required**

**CRWIA not required**

✓

**Authorisation**

**Policy lead**

Andrew Voas, Animal Welfare Team

**Date**

18<sup>th</sup> September 2019

<p><b>Deputy Director or equivalent</b> Sheila Voas, Chief Veterinary Officer (Scotland) and Deputy Director of the Animal Health &amp; Welfare Division, Scottish Government</p>	<p><b>Date</b> 26<sup>th</sup> September 2019</p>
---	---



Scottish Government  
Riaghaltas na h-Alba  
gov.scot

© Crown copyright 2019

**OGL**

This publication is licensed under the terms of the Open Government Licence v3.0 except where otherwise stated. To view this licence, visit [nationalarchives.gov.uk/doc/open-government-licence/version/3](https://nationalarchives.gov.uk/doc/open-government-licence/version/3) or write to the Information Policy Team, The National Archives, Kew, London TW9 4DU, or email: [psi@nationalarchives.gsi.gov.uk](mailto:psi@nationalarchives.gsi.gov.uk).

Where we have identified any third party copyright information you will need to obtain permission from the copyright holders concerned.

This publication is available at [www.gov.scot](http://www.gov.scot)

Any enquiries regarding this publication should be sent to us at

The Scottish Government  
St Andrew's House  
Edinburgh  
EH1 3DG

ISBN: 978-1-83960-222-1 (web only)

Published by The Scottish Government, October 2019

Produced for The Scottish Government by APS Group Scotland, 21 Tennant Street, Edinburgh EH6 5NA  
PPDAS642402 (10/19)

W W W . g o v . s c o t