

# **Strategic Environmental Assessment (SEA)**

## **Pre-Screening Document**

**October 2019**



**Scottish Government**  
Riaghaltas na h-Alba  
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# STRATEGIC ENVIRONMENTAL ASSESSMENT (SEA) PRE-SCREENING DOCUMENT

<b>Responsible Authority:</b>	DIRECTORATE FOR AGRICULTURE AND RURAL ECONOMY (ARE) Animal Health and Welfare Division, Animal Welfare Team
<b>Title of the plan:</b>	ANIMALS AND WILDLIFE (PENALTIES, PROTECTIONS AND POWERS) (SCOTLAND) BILL
<b>What prompted the plan:</b> (e.g. a legislative, regulatory or administrative provision)	Stakeholder experiences of implementing the Animal Health & Welfare (Scotland) Act 2006 and various wildlife legislation over recent years, resulted in Programme for Government commitments to make these changes.
<b>Plan subject:</b> (e.g. transport)	ANIMALS AND WILDLIFE (PENALTIES, PROTECTIONS AND POWERS) (SCOTLAND) BILL
<b>Brief summary of the plan:</b> (including the area or location to which the plan related)	<p>The Bill will amend the Animal Health and Welfare (Scotland) Act 2006 and the Animal Health Act 1981 in the following ways:</p> <ul style="list-style-type: none"><li>• 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).</li><li>• 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;</li><li>• 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</li><li>• 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 possession to alleviate suffering.</li></ul> <p>The Bill also amends several pieces of legislation protecting Scotland’s wildlife in the following ways:</p> <ul style="list-style-type: none"><li>• it increases the maximum available penalties for the most serious wildlife offences to a prison sentence of five years, an unlimited fine or both;</li><li>• 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</li><li>• 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.</li></ul>

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 on 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.

These proposals will update the legislation that will have effect across Scotland.

The changes will solely effect those guilty of an animal welfare or wildlife offence and those organisations that enforce the legislation.

The Bill makes changes to the consequences (eg increased custodial sentences, fine, fixed penalty notices) of committing a range of existing offences, and some of the processes for dealing with animals to protect their welfare.

If the Bill introduction goes to the proposed timeline, it will be enacted and in force in 2020.

**Brief summary of the likely environmental consequences:**

(including whether it has been determined that the plan is likely to have no or minimum effects, either directly or indirectly)

No or minimum environmental impact, given the changes to the existing legislation relate to existing offences, and relate to changes in the consequences of criminal activity.

Therefore there should be no adverse environmental impacts.

**Contact details:**

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Chief Veterinary Officer (Scotland) and Deputy Director of the Animal Health & Welfare Division, Scottish Government

**Date of opinion:**

26<sup>th</sup> September 2019

When completed send to: [SEA.gateway@scotland.qsi.gov.uk](mailto:SEA.gateway@scotland.qsi.gov.uk) or to SEA Gateway, Scottish Government, Area 2H (South), Victoria Quay, Edinburgh, EH6 6QQ

<sup>1</sup> Please note: (A) The plan has to fall into Section 5(4) of the Environmental Assessment (Scotland) Act 2005 & (B) you should apply the criteria specified within Schedule 2 of this Act to reach a conclusion on no or minimal environmental effects: [www.legislation.gov.uk/asp/2005/15/contents](http://www.legislation.gov.uk/asp/2005/15/contents) (delete this note before submission)



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