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N O T I C E

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**ANIMALS**

**The Code of Practice for the Welfare of Pigs (Revocation)  
(Scotland) Notice 2023**

*Made* - - - - - *30th November 2023*

*Laid before the Scottish Parliament*      *4th December 2023*

*Coming into effect in accordance with article 1*

The Scottish Ministers in exercise of the powers conferred by section 37(4) of the Animal Health and Welfare (Scotland) Act 2006(a), make the following Notice:

**Citation and commencement**

**1.**—(1) This Notice may be cited as the Code of Practice for the Welfare of Pigs (Revocation) (Scotland) Notice 2023.

(2) Where this Notice is approved by resolution of the Scottish Parliament before 22 February 2024, it comes into effect on 22 February 2024.

(3) Where this Notice is approved by resolution of the Scottish Parliament on or after 22 February 2024, it comes into effect on the day after the day it is approved.

**Revocation of the code relating to the welfare of pigs**

**2.** The code entitled “Codes of Practice for the Welfare of Pigs”, which was made by the Scottish Ministers under section 37 of the Animal Health and Welfare (Scotland) Act 2006, approved by the Scottish Parliament and published on 23 April 2012(b), is revoked.

**Saving provision**

**3.**—(1) Paragraph (2) applies in relation to any proceedings for an offence under Part 2 of the Animal Health and Welfare (Scotland) Act 2006, or under regulations made under section 26 or 27 of that Act, in relation to conduct which took place before the coming into force of this Notice.

(2) Where this paragraph applies the code referred to in article 2 continues to have effect for the purposes of sections 19(4)(b) and 37(9) of the Animal Health and Welfare (Scotland) Act 2006.

*GILLIAN MARTIN*

Authorised to sign by the Scottish Ministers

St Andrew’s House,  
Edinburgh  
30th November 2023

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(a) 2006 asp 11.

(b) ISBN: 978-1-78045-754-3 (<https://www.gov.scot/publications/welfare-pigs-code-practice/>)

## **EXPLANATORY NOTE**

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

This Notice revokes the code entitled “Codes of Practice for the Welfare of Pigs”, which was published by the Scottish Ministers on 23 April 2012. This follows the publication by the Scottish Ministers of the “Guidance for the Welfare of Pigs” on 20 November 2023 (ISBN 9781835212394 (web only)).

But in relation to any proceedings for an offence under Part 2 of the Animal Health and Welfare (Scotland) Act 2006, or under regulations made under section 26 or 27 of that Act, in relation to conduct which took place before the coming into force of this Notice, the code continues to have effect for the purposes of sections 19(4)(b) and 37(9) of that Act. Section 19(4)(b) provides that whether conduct was in compliance with any relevant code of practice issued under an enactment is a consideration to which regard is to be had in determining whether suffering is unnecessary for the purposes of section 19(1) to (3) of the Act. Section 37(9) provides that failure to comply with a relevant provision of an animal welfare code may be relied upon as tending to establish liability and that compliance with a relevant provision of an animal welfare code may be relied upon as tending to negative liability.