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Delegated Powers and Law Reform Committee Comataidh Cumhachdan Tiomnaichte is Ath-leasachadh Lagh

Animals and Wildlife (Penalties, Protections and Powers) Bill: as amended at Stage 2



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Contents

Introduction	1
Overview of the Bill	2
Delegated Powers	3

Delegated Powers and Law Reform Committee

The remit of the Delegated Powers and Law Reform Committee is to consider and report on the following (and any additional matter added under Rule 6.1.5A)—

(a) any—

(i) subordinate legislation laid before the Parliament or requiring the consent of the Parliament under section 9 of the Public Bodies Act 2011;

(ii) [deleted]

(iii) pension or grants motion as described in Rule 8.11A.1; and, in particular, to determine whether the attention of the Parliament should be drawn to any of the matters mentioned in Rule 10.3.1;

(b) proposed powers to make subordinate legislation in particular Bills or other proposed legislation;

(c) general questions relating to powers to make subordinate legislation;

(d) whether any proposed delegated powers in particular Bills or other legislation should be expressed as a power to make subordinate legislation;

(e) any failure to lay an instrument in accordance with section 28(2), 30(2) or 31 of the 2010 Act;

(f) proposed changes to the procedure to which subordinate legislation laid before the Parliament is subject;

(g) any Scottish Law Commission Bill as defined in Rule 9.17A.1; and

(h) any draft proposal for a Scottish Law Commission Bill as defined in that Rule.

(i) any Consolidation Bill as defined in Rule 9.18.1 referred to it in accordance with Rule 9.18.3.



<http://www.parliament.scot/parliamentarybusiness/CurrentCommittees/delegated-powers-committee.aspx>



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Introduction

1. At its meeting on 16 June 2020, the Delegated Powers and Law Reform Committee considered the delegated powers in the Animals and Wildlife (Penalties, Protections and Powers) (Scotland) Bill ("the Bill") as amended at Stage 2.
2. The Committee submits this report to the Parliament under Rule 9.7.9 of the Standing Orders.
3. The Delegated Powers and Law Reform Committee published its Stage 1 Report on the Bill on 19 November 2019. The Committee reported that it was content with all of the delegated powers in the Bill.ⁱ
4. The Bill completed Stage 2 on 26 May 2020. The Scottish Government has since lodged a Supplementary Delegated Powers Memorandum covering the powers in the Bill as amended at Stage 2.ⁱⁱ

ⁱ [Delegated Powers and Law Reform Committee, 59th Report 2019 \(Session 5\): Animals and Wildlife \(Penalties, Protections, and Powers\) \(Scotland\) Bill: Stage 1](#)

ⁱⁱ [Animals and Wildlife \(Penalties, Protections and Powers\) \(Scotland\) Bill, Supplementary Delegated Powers Memorandum, available \[here\]\(#\).](#)

Overview of the Bill

5. This Government Bill was introduced by the Cabinet Secretary for Environment, Climate Change and Land Reform, Roseanna Cunningham MSP, on 30 September 2019. The lead committee is the Environment, Climate Change and Land Reform Committee.
6. The Bill amends the Animal Health and Welfare (Scotland) Act 2006, several pieces of wildlife legislation, and the Animal Health Act 1981 for the purposes of further protecting the health and welfare of animals and wildlife in Scotland.

Delegated Powers

7. The Committee considered each of the delegated powers in the Bill. The Committee determined that it did not need to draw the attention of the Parliament to the delegated powers in the following provisions:

- **Section 4 – inserting new section 76A into the Animal Health Act 1981 (fixed penalty notices for certain offences relating to animal health)**
- **Section 10A – Fixed penalty notices for certain wildlife offences**
- **Section 11 – inserting new subsections 32K(4) and (5) into the 2006 Act (forfeiture of compensation)**
- **Section 11 – inserting new section 32L into the 2006 Act (modification of powers over animals)**

8. The Committee therefore reports that it is content with the delegated powers provisions contained in the Bill.

