



# Hunting with Dogs (Scotland) Act 2023

## 2023 asp 1

### PART 3

#### FURTHER PROVISION RELATING TO OFFENCES

##### *Court orders*

## 22 Disqualification orders

- (1) Where a person is convicted of a relevant offence, the convicting court may make an order (in this Part referred to as a “disqualification order”) which imposes on the person one or more of the disqualifications specified in [subsection \(2\)](#).
- (2) Those are disqualification from—
  - (a) owning or keeping a dog (or both),
  - (b) transporting a dog,
  - (c) working with or using a dog (or both),
  - (d) providing any service relating to dogs (including, in particular, for their care) which involves taking possession of a dog,
  - (e) taking possession of a dog for the purpose of an activity in respect of which a disqualification mentioned in paragraphs (a) to (d) is imposed,
  - (f) taking charge of a dog for any, or any other, purpose.
- (3) For the purposes of subsections (1) and (2), disqualification in respect of an activity includes disqualification from any participation in the activity including in particular—
  - (a) making arrangements in connection with the activity,
  - (b) being party to arrangements under which the activity may be controlled or influenced,
  - (c) being concerned (so far as relating to the activity) in the management or control of a body whose business involves the activity.
- (4) However, disqualification by reference to [subsection \(2\)\(f\)](#) does not include disqualification from taking charge of a dog for so long as is necessary in the circumstances for the purpose of alleviating any suffering of the dog, if no alternative arrangements for its care are reasonably available.

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*Changes to legislation: There are currently no known outstanding effects for the  
Hunting with Dogs (Scotland) Act 2023, Section 22. (See end of Document for details)*

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- (5) Where the court decides—
- (a) to make a disqualification order in relation to an offender’s first conviction for a relevant offence, or
  - (b) not to make a disqualification order in relation to a relevant offence,
- it must state its reasons.
- (6) A disqualification order may be made in addition to any other penalty or order which may be imposed in relation to a relevant offence.
- (7) A disqualification order which imposes disqualification from owning or keeping a dog may be framed so as to provide that the disqualification is from owning or keeping—
- (a) more than a specified number of dogs,
  - (b) dogs of a specified kind.
- (8) A disqualification order—
- (a) has effect for such period as may be specified in the order,
  - (b) may specify a period within which an application under [section 24](#) for termination or variation of the order may not be made.
- (9) The court may suspend the operation of a disqualification order—
- (a) for such period as it considers necessary for enabling arrangements to be made for the keeping of any dog to which the order applies,
  - (b) pending an appeal.
- (10) A person commits an offence if the person breaches a disqualification order.
- (11) A person who commits an offence under [subsection \(10\)](#) is liable on summary conviction to imprisonment for a term not exceeding 6 months or a fine not exceeding level 5 on the standard scale (or both).
- (12) If a disqualification order framed as described in [subsection \(7\)\(a\)](#) is breached, the breach is to be regarded as having occurred in relation to all of the dogs concerned (that is, without restriction by reference to the maximum number specified) for the purpose of—
- (a) any proceedings for an offence under [subsection \(10\)](#),
  - (b) the making of—
    - (i) a deprivation order,
    - (ii) a seizure order under [section 23](#).
- (13) In this section, a “relevant offence” is—
- (a) an offence under [section 1\(1\)](#),
  - (b) an offence under [section 2\(2\)](#),
  - (c) an offence under [section 14\(1\)](#) or [\(4\)](#),
  - (d) an offence under [subsection \(10\)](#).

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**Commencement Information**

- I1** S. 22 not in force at Royal Assent, see [s. 31\(2\)](#)
- I2** S. 22 in force at 3.10.2023 by [S.S.I. 2023/262](#), [reg. 2](#)

**Changes to legislation:**

There are currently no known outstanding effects for the *Hunting with Dogs (Scotland) Act 2023*, Section 22.