



Animal Health Act 1981

1981 CHAPTER 22

[^{F1}PART 2A

SCRAPIE

[^{F1} Genetically susceptible sheep

Textual Amendments

F1 Pt. 2A (ss. 36A-36M) inserted (14.1.2003) by 2002 c. 42, s. 6, Sch.; S.I. 2002/3044, art. 2

36B Identification of genetically susceptible sheep

- (1) The Secretary of State may by regulations make provision requiring the keeper of any sheep—
 - (a) to allow an inspector to take a sample from it, for the purpose of establishing its genotype;
 - (b) to allow an inspector to administer or otherwise attach to it an electronic identification device;
 - (c) where the genotype of the sheep has been established (whether or not as a result of the exercise of powers conferred by this Part) to keep a record of its genotype.
- (2) The regulations may, in particular—
 - (a) provide that only electronic identification devices of a prescribed kind may be administered or attached;
 - (b) make provision as to the assistance which an inspector may require the keeper to give to him;
 - (c) make provision with respect to the testing of samples;
 - (d) require the issuing and keeping of certificates recording the genotypes of sheep.

Status: Point in time view as at 20/10/2005.

Changes to legislation: There are currently no known outstanding effects for the Animal Health Act 1981, Cross Heading: Genetically susceptible sheep. (See end of Document for details)

36C Restrictions on breeding from genetically susceptible sheep

- (1) This section applies where it appears to the Secretary of State that a sheep is of a genotype specified in an order under section 36A.
- (2) The Secretary of State must consider whether there are exceptional circumstances that justify allowing the sheep to be used for breeding.
- (3) If it appears to the Secretary of State that allowing the sheep to be used for breeding would not be justified, he must give notice to its keeper (“a restriction notice”) that the restrictions and requirements imposed by subsections (7) to (9) apply in relation to the sheep.
- (4) A restriction notice—
 - (a) may be made so as to apply to more than one sheep, and
 - (b) may describe the sheep to which it applies in such a way as the Secretary of State considers appropriate.
- (5) If the keeper of a sheep is not the same person as its owner, the Secretary of State may give a separate restriction notice to the owner.
- (6) Subsections (7) to (9) apply to a person to whom a restriction notice is given.
- (7) He must not—
 - (a) use a sheep to which the notice applies, or its semen, eggs or embryos, for purposes of or connected with breeding, or
 - (b) cause or permit such a sheep or such semen, eggs or embryos to be used by another person for those purposes.
- (8) He must arrange for any semen, egg or embryo which has at any time been taken from a sheep to which the notice applies, and which is in his possession or under his control, to be destroyed.
- (9) He must arrange for each sheep to which the notice applies—
 - (a) to be castrated or (as appropriate) sterilised before the end of the period of one month beginning with the date on which the notice was given, or
 - (b) to be slaughtered before the end of the period of seven months beginning with that date.
- (10) For the purposes of subsection (2) exceptional circumstances include circumstances in which the imposition in relation to the sheep of the restrictions and requirements of subsections (7) to (9) is likely to cause the extinction of the breed of which the sheep is a member.

36D Appeals

- (1) A person to whom a restriction notice has been given may appeal against the notice to a person appointed by the Secretary of State for the purpose of dealing with appeals under this Part (“an assessor”).
- (2) An appeal may not be brought after the end of the period of 21 days beginning with the date on which the notice concerned was given to the appellant.
- (3) But the Secretary of State may, in a particular case, extend the period of 21 days if he considers that there are exceptional circumstances justifying the extension.

Status: Point in time view as at 20/10/2005.

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- (4) If the restriction notice applies to more than one sheep, the appeal may be limited to the sheep specified by the appellant.
- (5) If the assessor allows the appeal, in whole or in part, he may—
 - (a) revoke the notice,
 - (b) revoke the notice so far as it applies to one or more sheep specified by him, or
 - (c) direct that a further test is carried out in relation to sheep specified by him.
- (6) A direction under subsection (5)(c) may require—
 - (a) a further sample to be taken,
 - (b) the further test to be carried out by a different testing laboratory.
- (7) The Secretary of State may make regulations supplementing the provisions of this section.
- (8) The regulations may, in particular, make provision—
 - (a) as to the procedure to be followed on an appeal,
 - (b) extending the period mentioned in section 36C(9)(a) where an appeal is brought against a restriction notice,
 - (c) requiring the appellant to meet the reasonable costs of, and in connection with, the taking of a further sample or the carrying out of a further test as a result of a direction under subsection (5)(c), and
 - (d) as to the recovery of any such costs.
- (9) The revocation of a restriction notice (in whole or in part) by an assessor does not prevent the issue of another restriction notice, following the testing of a further sample.]

Status:

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