



# Animal Health Act 2002

## 2002 CHAPTER 42

### PART 3

#### ENFORCEMENT

#### *Offences*

#### **12 Deliberate infection of animals**

(1) In the 1981 Act the following sections are inserted after section 28—

##### **“28A Deliberate infection**

- (1) A person commits an offence if without lawful authority or excuse (proof of which shall lie on him) he knowingly does anything which causes or is intended to cause an animal to be infected with a disease specified in Schedule 2A.
- (2) A person guilty of an offence under subsection (1) is liable—
  - (a) on summary conviction, to imprisonment for a term not exceeding six months or to a fine not exceeding the statutory maximum or to both;
  - (b) on conviction on indictment, to imprisonment for a term not exceeding two years or to a fine or to both.
- (3) The Secretary of State may by order amend Schedule 2A.
- (4) A statutory instrument containing an order under subsection (3) is subject to annulment in pursuance of a resolution of either House of Parliament.

##### **28B Deliberate infection: disqualification**

- (1) If a person is convicted of an offence under section 28A the court may by order disqualify him, for such period as it thinks fit, from keeping or dealing in—
  - (a) any animals, or

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*Changes to legislation: There are currently no known outstanding effects for the Animal Health Act 2002, Section 12. (See end of Document for details)*

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- (b) any animals of a specified kind.
  - (2) The court may suspend the operation of the order—
    - (a) for such period as it thinks necessary to enable arrangements to be made for the keeping of any animals to which the disqualification relates;
    - (b) pending an appeal.
  - (3) A person who is disqualified under subsection (1) may from time to time apply to the court which imposed the disqualification to remove it or vary it.
  - (4) On an application under subsection (3) the court may by order—
    - (a) refuse the application,
    - (b) remove the disqualification, or
    - (c) vary the disqualification to apply it only to such animals or kind of animals as it specifies.
  - (5) In considering an application under subsection (3) the court may have regard to—
    - (a) the nature of the offence in respect of which the disqualification was imposed;
    - (b) the character of the applicant;
    - (c) his conduct since the disqualification was imposed.
  - (6) The first application under subsection (3) must not be made before the end of the period of one year starting with the date the disqualification starts.
  - (7) A further application must not be made before the end of the period of one year starting with the date of the court’s last order.
  - (8) For the purposes of this section keeping or dealing in an animal includes—
    - (a) having custody or control of an animal;
    - (b) being concerned in the management or control of a body (whether or not incorporated) whose activities include keeping or dealing in animals.”
- (2) In that Act the following Schedule is inserted after Schedule 2—

“SCHEDULE 2A

SPECIFIED DISEASES

Foot-and-mouth disease  
 Swine vesicular disease  
 Peste des petits ruminants  
 Lumpy skin disease  
 Bluetongue  
 African horse sickness  
 Classical swine fever  
 Newcastle disease  
 Vesicular stomatitis  
 Rinderpest  
 Contagious bovine pleuropneumonia

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Rift Valley fever  
Sheep pox and goat pox  
African swine fever  
Highly pathogenic avian influenza.”

**Changes to legislation:**

There are currently no known outstanding effects for the Animal Health Act 2002, Section 12.