



# Slaughterhouses Act 1974

## 1974 CHAPTER 3

### PART I

#### SLAUGHTERHOUSES AND KNACKERS' YARDS

##### Modifications etc. (not altering text)

- C1** Pt. I: power to transfer functions conferred by Public Health (Control of Disease) Act 1984 (c. 22, SIF 100:1), s. 3(2)  
Pt. I: certain functions transferred (7.8.1991) by S.I. 1991/1773, art. 8(1)(3), Sch.2  
Pt. I: modified (7.8.1991) by S.I. 1991/1773, art. 8(2)(3), Sch.2  
Pt. I: certain functions transferred (10.2.1992) by S.I. 1991/2913, art. 8(1)(3), Sch.2  
Pt. I: modified (10.2.1992) by S.I. 1991/2913, art. 8(2)(3), Sch.2

#### *Licensing of private slaughterhouses and knackers' yards*

### **1 Slaughterhouses and knackers' yards to be licensed.**

- (1) It shall be an offence—
  - (a) for the occupier of any premises to use them as a slaughterhouse or knacker's yard, or to permit them to be so used, unless he holds a licence under this section authorising him to keep those premises as a slaughterhouse or, as the case may be, a knacker's yard, or
  - (b) for any person other than the occupier to use any premises as a slaughterhouse or knacker's yard, unless the occupier holds such a licence in respect of those premises.
- (2) Licences under this section (in this Part of this Act referred to as "licences") shall be granted by the local authority, subject to and in accordance with the provisions of this Part.
- (3) Where any premises used or to be used for the confinement of animals awaiting slaughter in a slaughterhouse or knacker's yard are situated outside the curtilage of

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the premises used or to be used for the slaughter, separate licences may be granted authorising the use of those premises for the purposes of the confinement and the slaughter respectively.

- (4) In relation to the use of any premises for or in connection with the slaughter of horses, a licence shall be of no effect unless it expressly authorises the use of the premises for that purpose.

**2 Slaughterhouse licences and applications for such licences.**

- (1) Where a local authority receive from the occupier of, or a person proposing to occupy, any premises an application for the grant or renewal of a licence authorising him to occupy those premises as a slaughterhouse, then, subject to the following provisions of this section and to sections 3 and 6 below, the authority—

- (a) shall grant or, as the case may be, renew the licence in accordance with the application if they are satisfied that the requirements mentioned in subsection (2) below are, or within a reasonable time will be, complied with in respect of the premises; and
- (b) shall refuse to grant or, as the case may be, renew the licence if they are not so satisfied.

- (2) The requirements referred to in subsection (1)(a) above are the requirements relating to slaughterhouses—

- (a) of regulations under [F1section 16 of the Food Safety Act 1990];
- (b) of byelaws, if any, made by the authority under section 12 below; and
- (c) of construction regulations under section 38 below.

- (3) The reference in subsection (2)(c) above to the requirements of construction regulations under section 38 below shall, in relation to an application which does not state expressly that it is for a slaughterhouse licence containing an authorisation in respect of horses under section 1(4) above, be construed as excluding such of those requirements as relate only to horses; but any licence granted or renewed in pursuance of such an application shall not contain such an authorisation.

- (4) A local authority shall not grant or renew a slaughterhouse licence until an officer of the authority has inspected the premises named in the application and has made a report on those premises.

- (5) A local authority may require a person who applies for the grant or renewal of a slaughterhouse licence to give to them, before his application is considered, information as to any other licence in respect of a slaughterhouse or knacker’s yard which he holds or has held, either in their district or in the district of another local authority; and if an applicant who is so required gives the authority any information which is false in a material respect, he shall be guilty of an offence.

(6) . . . . . F2

(7) . . . F2

**Textual Amendments**

- F1** Words substituted by virtue of Food Safety Act 1990 (c. 16, SIF 53:1, 2), s. 59(1), Sch. 3 para. 18(a)
- F2** S. 2(6)(7) repealed by Local Government, Planning and Land Act 1980 (c. 65, SIF 81:1, 2), s. 194, Sch. 34 Pt. I

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**Modifications etc. (not altering text)**

**C2** S. 2(1) excluded by [Local Government, Planning and Land Act 1980 \(c. 65, SIF 81:1, 2\)](#), s. 1(1), [Sch. 1](#)

**3 Certain applications for slaughterhouse licence to be refused forthwith.**

(1) Where—

- (a) a local authority receive an application for the grant or renewal of a slaughterhouse licence in respect of any premises, being an application to which this section applies, and
- (b) it appears to the authority that the proposed slaughterhall forms part of a building another part of which, being a part within the curtilage of those premises, is, or is proposed to be, used or adopted for use as a dwelling,

then, subject to section 6 below, the authority shall refuse the application forthwith unless they are satisfied that, if the licence is granted or renewed, no part of that building within the curtilage of those premises will be used as a dwelling at any time while the licence is in force.

(2) This section applies to any application—

- (a) for the grant of a new slaughterhouse licence; or
- (b) for the grant or renewal of a slaughterhouse licence in respect of premises—
  - (i) in respect of which a new slaughterhouse licence has been granted since 1st August 1958; or
  - (ii) in the case of which a holder of a slaughterhouse licence in respect of those premises has been convicted of an offence under section 11(1) below.

(3) In subsection (2) above “new”, in relation to a slaughterhouse licence, means in respect of premises in respect of which such a licence was not in force at, or at any time less than 12 months before, the date when the application for the licence was made.

**4 Knacker's yard licences and applications for such licences.**

(1) Where a local authority receive from the occupier of, or a person proposing to occupy, any premises an application for the grant or renewal of a licence authorising him to occupy those premises as a knacker's yard, then, subject to subsections (3) and (4) below, the authority may grant or, as the case may be, renew the licence.

(2) Without prejudice to subsection (1) above and subject to section 6 below, a local authority may refuse to grant or, as the case may be, renew a knacker's yard licence in respect of any premises if they are not satisfied that the requirements relating to knackers' yards—

- (a) of regulations under [<sup>F3</sup>section 16 of the Food Safety Act 1990], or
- (b) of byelaws, if any, made by the authority under section 12 below,

are complied with in respect of those premises, or will be complied with before the date on which the licence or renewed licence comes into force.

(3) Subject to section 6 below, a local authority shall refuse to grant or, as the case may be, renew a knacker's yard licence in respect of any premises unless they are satisfied that the requirements relating to knackers' yards of construction regulations under

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section 38 below are complied with in respect of those premises, or will be complied with before the date on which the licence or renewed licence comes into force.

- (4) A local authority shall not grant or renew a knacker's yard licence until an officer of the authority has inspected the premises named in the application and has made a report on those premises.
- (5) A local authority may require a person who applies for the grant or renewal of a knacker's yard licence to give to them, before his application is considered, information as to any other licence in respect of a slaughterhouse or knacker's yard which he holds or has held, either in their district or in the district of another local authority; and if an applicant who is so required gives the authority any information which is false in a material respect, he shall be guilty of an offence.

#### **Textual Amendments**

**F3** Words substituted by virtue of [Food Safety Act 1990 \(c. 16, SIF 53:1, 2\)](#), s. 59(1), [Sch. 3 para. 18\(b\)](#)

### **5 Notification of refusal of licence.**

- (1) If a local authority refuse to grant or renew a licence, they shall forthwith give notice to the applicant of their decision in the matter, and a statement of the grounds on which that decision was based shall—
  - (a) in the case of a refusal of a slaughterhouse licence under section 3 above, be included in the notice;
  - (b) in any other case, if so required by the applicant within 14 days from the date of the decision, be given to him by the authority not later than 48 hours after they receive the requirement.
- (2) Every notice under subsection (1) above shall state the right of appeal to a magistrates' court for which provision is made by section 6(1) below and the time within which such an appeal may be brought.
- (3) For the purposes of this section and sections 6 and 7 below, a refusal by a local authority—
  - (a) to grant a licence with an authorisation in respect of horses under section 1(4) above, or
  - (b) to renew a licence with such an authorisation,
 shall be treated as a refusal to grant or, as the case may be, as a refusal to renew a licence.

### **6 Appeals against refusal of licence.**

- (1) A person aggrieved by the refusal of a local authority to grant or renew a licence may appeal to a magistrates' court, and that court may—
  - (a) in the case of a refusal of a slaughterhouse licence under section 3 above, if satisfied that the authority acted unreasonably in refusing the application on the grounds stated in the notice, declare the refusal to be of no effect;
  - (b) in any other case, vary or reverse the authority's decision.

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- (2) The procedure on an appeal to a magistrates' court under subsection (1) above shall be by way of complaint for an order, and [<sup>F4</sup>the Magistrates' Courts Act 1980] shall apply to the proceedings.
- (3) The time within which such an appeal may be brought shall be 21 days from the date on which notice of the authority's refusal was served upon the person desiring to appeal, and for the purpose of this subsection the making of the complaint shall be deemed to be the bringing of the appeal.
- (4) A person aggrieved by an order, determination or other decision of a magistrates' court under subsection (1) above may appeal to the Crown Court.

#### Textual Amendments

**F4** Words substituted by [Magistrates' Courts Act 1980 \(c. 43, SIF 82\)](#), s. 154, [Sch. 7 para. 124](#)

### **7 Right to continue to use premises pending appeal.**

Where a decision of a local authority refusing a licence, or a decision of a magistrates' court on appeal against such a decision, makes it unlawful for a person to use any premises for a purpose for which he or his immediate predecessor had been lawfully using them at the date when the decision of the authority was given, he may continue to use them for that purpose until the time for appealing has expired and, if an appeal is lodged, until the appeal is finally disposed of or abandoned or has failed for want of prosecution.

### **8 Effect of court's decision.**

Where on an appeal under section 6 above a court declares a refusal of a slaughterhouse licence under section 3 above to be of no effect, or varies or reverses any other decision of a local authority, it shall be the duty of the authority to give effect to the order of the court.

### **9 Duration of licences.**

A licence shall remain in force for such period not exceeding 13 months as may be fixed by the local authority, but may from time to time be renewed by them for a period not exceeding 13 months at any one time.

### **10 Temporary continuance of licence on death.**

Where a person who holds a licence dies, the licence shall, unless previously cancelled, enure for the benefit of his personal representative, or of his widow or any other member of his family, until the expiration of two months from his death, or until the expiration of such longer period as the local authority may allow.

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### *Regulation of private slaughterhouses and knackers' yards*

#### **11 Restriction of dwellings in slaughterhouses.**

- (1) Where a slaughterhouse licence is in force in respect of any premises, then, subject to subsection (2) below, if any person causes or permits to be used as a dwelling any part of a building which contains a slaughterhall, being a part within the curtilage of those premises, he shall be guilty of an offence.
- (2) Subsection (1) above shall not apply if the part of the building in question has been appropriated as a dwelling continuously since before 1st August 1958 and no application to which section 3 above applies has been made in respect of the premises since that date.
- (3) If a person convicted of an offence under subsection (1) above is the holder of a slaughterhouse licence in respect of the premises in question, the court may, in addition to any other punishment, cancel the licence.
- (4) The provisions of section 7 above with respect to the right to continue to use premises shall also apply where the decision of a court cancelling a slaughterhouse licence under subsection (3) above makes it unlawful for a person to use as a slaughterhouse any premises which he was lawfully using for that purpose before the decision of the court was given.

#### **12 Byelaws about slaughterhouses and knackers' yards.**

- (1) A local authority may, . . . <sup>F5</sup>, make byelaws—
  - (a) for securing that slaughterhouses and knackers' yards are kept in a sanitary condition and are properly managed, and
  - (b) requiring a person licensed to keep a knacker's yard to keep, and to produce when required, records of animals brought into the yard and of the manner in which those animals and the different parts thereof were disposed of.
- (2) Nothing in Part II of this Act shall be construed as restricting any power to make byelaws under paragraph (a) of subsection (1) above; but, in so far as any byelaws under that subsection conflict with regulations under [<sup>F6</sup>section 16 of the Food Safety Act 1990], the regulations shall prevail.
- (3) The confirming authority in respect of any byelaws under this section shall be the Minister.
- (4) If a person convicted of an offence against any byelaw made under this section holds a licence in respect of the premises where the act was committed, the court may, in addition to any other punishment, cancel the licence.

#### **Textual Amendments**

**F5** Words repealed by [Local Government, Planning and Land Act 1980 \(c. 65, SIF 81:1, 2\)](#), s. 194, [Sch. 34 Pt. I](#)

**F6** Words substituted by virtue of [Food Safety Act 1990 \(c. 16, SIF 53:1, 2\)](#), s. 59(1), [Sch. 3 para. 18\(c\)](#)

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**Modifications etc. (not altering text)**

- C3 S. 12(1) excluded by [Local Government, Planning and Land Act 1980 \(c. 65, SIF 81:1, 2\)](#), s. 1(1), [Sch. 1](#)

**13 Signs to be displayed at slaughterhouses and knackers' yards.**

- (1) The occupier of a slaughterhouse or knacker's yard in respect of which a licence is in force shall display in a conspicuous position on the premises a legible notice with the words "Licensed Slaughterhouse" or "Licensed Knacker's Yard", as the case may be.
- (2) A person who fails to comply with the provisions of this section shall be liable to a fine not exceeding [<sup>F7</sup>level 1 on the standard scale].

**Textual Amendments**

- F7 Words substituted by virtue of [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), ss. 38, 46

*Restriction of private slaughterhouses*

**14 Restriction of slaughterhouses only by agreement.**

Nothing in, or in any instrument made under, any local Act shall make unlawful, or subject any person to any penalty by reason of, the use of any premises as a slaughterhouse or the slaughter of animals on any premises at a time when a slaughterhouse licence is in force in respect of the premises; but, with a view to reducing the number of slaughterhouses, a local authority may—

- (a) acquire by agreement any premises in their district which are used as a slaughterhouse and discontinue the use of the premises for that purpose;
- (b) agree with the person interested in any premises in the district which are used as a slaughterhouse for the discontinuance of slaughtering on those premises.

*Provision and management of public slaughterhouses*

**15 Power to provide public slaughterhouses.**

- (1) Subject to the provisions of this section, a local authority may provide public slaughterhouses.
- (2) Any proposal by a local authority to provide under this section a slaughterhouse within the district of another local authority shall require the consent of that authority; but such consent shall not be unreasonably withheld, and any question whether or not the consent of an authority for the purposes of this subsection is unreasonably withheld shall be referred to and determined by the Minister.
- (3) It is hereby declared that the power conferred on local authorities by subsection (1) above is exercisable in either of the following ways, that is to say—
  - (a) by acquiring (whether by purchase, lease or otherwise) or appropriating land and providing slaughterhouse facilities there, or



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- (b) by acquiring (whether by purchase, lease or otherwise) land on which such facilities have been provided by other persons and securing that such facilities continue to be provided there;
- and references in this Part of this Act to a local authority providing a slaughterhouse shall be construed accordingly.
- (4) In subsection (3) above “slaughterhouse facilities” means facilities for carrying on the activities of a slaughterhouse, including plant and apparatus and the services of persons as slaughtermen or otherwise.
- (5) Nothing in sections 1 to 14 above shall apply in relation to a public slaughterhouse provided by a local authority.

## 16 Management of public slaughterhouses.

- (1) A local authority who have provided a public slaughterhouse—
- may, . . . <sup>F8</sup>, make byelaws for securing that the slaughterhouse is kept in a sanitary condition and is properly managed;
  - may provide plant or apparatus for disposing of, treating or processing waste matters, refuse or by-products, resulting from the slaughter of animals in the slaughterhouse;
  - may, if they think fit, employ persons to slaughter or stun, in accordance with Part II of this Act, animals to which section 36 below applies;
  - subject to subsection (2) below, may make such arrangements as they think expedient for securing that all the activities of the slaughterhouse, or any particular activities, are carried on there by servants or agents of theirs to the exclusion of other persons.
- (2) A local authority shall not exercise the power conferred by subsection (1)(d) above in such a manner as to deny any religious community reasonable facilities for obtaining as food the flesh of animals slaughtered by the method specially required by their religion.
- (3) In so far as any byelaws under subsection (1)(a) above conflict with regulations under [<sup>F9</sup>section 16 of the Food Safety Act 1990], the regulations shall prevail.
- (4) The confirming authority in respect of any byelaws under subsection (1)(a) above shall be the Minister.

### Textual Amendments

- F8** Words repealed by [Local Government, Planning and Land Act 1980 \(c. 65, SIF 81:1, 2\)](#), s. 194, [Sch. 34 Pt. I](#)
- F9** Words substituted by virtue of [Food Safety Act 1990 \(c. 16, SIF 53:1, 2\)](#), s. 59(1), [Sch. 3 para. 18\(d\)](#)

### Modifications etc. (not altering text)

- C4** [S. 16\(1\)\(a\)](#) excluded by [Local Government, Planning and Land Act 1980 \(c. 65, SIF 81:1, 2\)](#), s. 1(1), [Sch. 1](#)



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**17 Charges in respect of public slaughterhouses.**

- (1) A local authority who have provided a public slaughterhouse may make charges, according to scales determined by them from time to time, in respect of the use of the slaughterhouse or of any services provided there.
- (2) Every scale of charges determined by a local authority for the purposes of this section shall be published by them in at least one newspaper circulating in their district and in such other manner (if any) as they think expedient for informing persons interested.

**18 Power to provide cold stores and refrigerators for public slaughterhouses.**

- (1) Subject to the provisions of this section, a local authority who have provided, or are about to provide, a public slaughterhouse, may, . . . <sup>F10</sup>, provide a cold store or refrigerator for the storage and preservation of meat and other articles of food and may make charges in respect of the use of any such store or refrigerator.
- (2) Any proposal by a local authority to provide under this section a cold store or refrigerator within the district of another local authority shall require the consent of that authority; but that consent shall not be unreasonably withheld and any question whether or not the consent of an authority for the purposes of this subsection is unreasonably withheld shall be referred to and determined by the Minister.
- (3) . . . . . <sup>F11</sup>

**Textual Amendments**  
**F10** Words repealed by [Local Government Act 1974 \(c. 7\)](#), [Sch. 8](#)  
**F11** [S. 18\(3\)–\(5\)](#) repealed by [Local Government Act 1974 \(c. 7\)](#), [Sch. 8](#)

*Enforcement and legal proceedings*

**19 Execution and enforcement of Part I.**

It shall be the duty of every local authority to execute and enforce in their district the provisions of any section of this Part of this Act with respect to which the duty is not expressly, or by necessary implication, imposed on some other authority.

**20 Powers of entry.**

- (1) Subject to the provisions of this section, an authorised officer of a council shall, on producing, if so required, some duly authenticated document showing his authority, have a right to enter any premises at all reasonable hours—
  - (a) for the purpose of ascertaining whether there is or has been on, or in connection with, the premises any contravention of the provisions of this Part of this Act or of any byelaws made under it, being provisions which the council are required or empowered to enforce, and
  - (b) generally for the purpose of the performance by the council of their functions under this Part of this Act or under any such byelaws;but admission to any premises used only as a private dwellinghouse shall not be demanded as of right unless 24 hours' notice of the intended entry has been given to the occupier.

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- (2) If a justice of the peace, on sworn information in writing,—
- (a) is satisfied that there is reasonable ground for entry into any premises for any such purpose as mentioned in subsection (1) above, and
  - (b) is also satisfied either—
    - (i) that admission to the premises has been refused, or a refusal is apprehended and that notice of the intention to apply for a warrant has been given to the occupier, or
    - (ii) that an application for admission, or the giving of such a notice, would defeat the object of the entry, or that the case is one of urgency, or that the premises are unoccupied or the occupier temporarily absent,
 the justice may by warrant under his hand, which shall continue in force for a period of one month, authorise the council by any authorised officer to enter the premises, if need be by force.
- (3) An authorised officer entering any premises by virtue of this section, or of a warrant issued under it, may take with him such other persons as may be necessary, and on leaving any unoccupied premises which he has entered by virtue of such a warrant shall leave them as effectively secured against trespassers as he found them.
- (4) If any person who, in compliance with the provisions of this section, or of a warrant issued under it, is admitted into a factory or workplace discloses to any person any information obtained by him in the factory or workplace with regard to any manufacturing process or trade secret, he shall, unless the disclosure was made in the performance of his duty, be liable to a fine not exceeding [<sup>F12</sup>level 3 on the standard scale] or to imprisonment for a term not exceeding three months.
- (5) Nothing in this section shall authorise any person, except with the permission of the local authority under the [<sup>F13</sup>Animal Health Act 1981], to enter any cowshed or other place in which an animal affected with any disease to which that Act applies is kept and which is situated in a place declared under that Act to be infected with such a disease.
- (6) In this section “authorised officer”, in relation to a council, means an officer of the council authorised by them in writing, either generally or specially, to act in matters of any specified kind or in any specified matter.

#### Textual Amendments

**F12** Words substituted by virtue of [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), [ss. 38, 46](#)

**F13** Words substituted by [Animal Health Act 1981 \(c. 22, SIF 4:4\)](#), s. 96, [Sch. 5 para. 11\(a\)](#)

## 21 Obstruction.

- (1) A person who wilfully obstructs any person acting in the execution of this Part of this Act, or of any byelaw or warrant made or issued under it, shall be liable—
- (a) if the court is satisfied that he committed the offence with intent to prevent the discovery of some other offence under this Part of this Act, or if he has within the previous 12 months been convicted of an offence under this subsection, to a fine not exceeding [<sup>F14</sup>level 3 on the standard scale] or to imprisonment for a term not exceeding one month;
  - (b) in any other case, to a fine not exceeding [<sup>F15</sup>level 1 on the standard scale].
- (2) A person who—

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- (a) fails to give to any person acting in the execution of this Part of this Act, or of any byelaw or warrant made or issued under it, any assistance which that person may reasonably request him to give;
- (b) fails to give to any such person any information which that person is expressly authorised by this Part of this Act to call for or may reasonably require; or
- (c) when required to give any such information, knowingly makes any misstatement in respect thereof,

shall be liable to a fine not exceeding [<sup>F16</sup>level 1 on the standard scale]; but nothing in this subsection shall be construed as requiring a person to answer any question or give any information, if to do so might incriminate him.

#### Textual Amendments

- F14** Words substituted by virtue of [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), ss. 38, 46
- F15** Words substituted by virtue of [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), ss. 38, 46
- F16** Words substituted by virtue of [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), ss. 38, 46

## 22 Institution of proceedings by local authorities.

A local authority may institute proceedings under any section of this Part of this Act if, and only if, they are the authority charged with its execution and enforcement.

## 23 Prosecution and punishment of offences.

- (1) All offences under this Part of this Act and byelaws made under it shall be punishable on summary conviction.
- (2) A person guilty of an offence under this Part of this Act shall, unless a special punishment for that offence is provided by this Part, be liable—
  - (a) to a fine not exceeding [<sup>F17</sup>level 3 on the standard scale] or to imprisonment for a term not exceeding three months or to both, and
  - (b) in the case of a continuing offence, to a further fine not exceeding £5 for each day during which the offence continues after conviction.

#### Textual Amendments

- F17** Words substituted by virtue of [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), ss. 38, 46

## 24 Offences by corporations.

- (1) Where an offence under this Part of this Act which has been committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any director, manager, secretary or other similar officer of the body corporate, or any person who was purporting to act in any such capacity, he as well as the body corporate shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.
- (2) In subsection (1) above “director”, in relation to any body corporate established by or under any enactment for the purpose of carrying on under national ownership any

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industry or part of an industry or undertaking, being a body corporate whose affairs are managed by the members thereof, means a member of that body corporate.

## **25 Contravention due to default of some other person.**

- (1) A person against whom proceedings are brought under this Part of this Act shall, upon information duly laid by him and on giving to the prosecution not less than three clear days' notice of his intention, be entitled to have any person to whose act or default he alleges that the contravention of the provisions in question was due brought before the court in the proceedings; and if, after the contravention has been proved,—
  - (a) the original defendant proves that the contravention was due to the act or default of that other person, that other person may be convicted of the offence;
  - (b) the original defendant further proves that he has used all due diligence to secure that the provisions in question were complied with, he shall be acquitted of the offence.
- (2) Where a defendant seeks to avail himself of the provisions of subsection (1) above—
  - (a) the prosecution, as well as the person whom the defendant charges with the offence, shall have the right to cross-examine him, if he gives evidence, and any witness called by him in support of his pleas, and to call rebutting evidence;
  - (b) the court may make such order as it thinks fit for the payment of costs by any party to the proceedings to any other party thereto.
- (3) Where it appears to the authority concerned that an offence has been committed in respect of which proceedings might be taken under this Part of this Act against some person and the authority are reasonably satisfied that the offence of which complaint is made was due to an act or default of some other person and that the first-mentioned person could establish a defence under subsection (1) above, they may cause proceedings to be taken against that other person without first causing proceedings to be taken against the first-mentioned person.
- (4) In any proceedings taken by virtue of subsection (3) above the defendant may be charged with, and, on proof that the contravention was due to his act or default, be convicted of, the offence with which the person first mentioned in that subsection might have been charged.

## **26 Appeals to Crown Court.**

Where a person aggrieved by an order, determination or other decision of a magistrates' court under this Part of this Act is not by any other enactment authorised to appeal to the Crown Court, he may appeal to that court.

*Miscellaneous and supplemental*

## **27 Local authorities for purposes of Part I.**

In this Part of this Act "local authority" means—

- (a) as respects the City of London, the Common Council;
- (b) as respects any London borough, the council of the borough; and
- (c) as respects any district, the council of the district.

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## 28 Port health authorities and joint boards.

Orders made by the Secretary of State—

- (a) . . . <sup>F18</sup>
- (b) under section 6 of that Act may constitute for the purposes of any such functions a united district and a joint board for that district;

and any such order may be amended by the Secretary of State under section 9 of that Act.

### Textual Amendments

**F18** S. 28 para. (a) repealed by Public Health (Control of Disease) Act 1984 (c. 22, SIF 100:1), s. 78, Sch. 3

## 29 Protection for local government officers acting in good faith.

- (1) An officer of a council shall not be personally liable in respect of any act done by him in the execution or purported execution of this Part of this Act and within the scope of his employment, if he did that act in the honest belief that his duty under this Part required or entitled him to do it; but nothing in this subsection shall be construed as relieving a council from any liability in respect of acts of their officers.
- (2) Where an action has been brought against an officer of a council in respect of an act done by him in the execution or purported execution of this Part of this Act and the circumstances are such that he is not legally entitled to require the council to indemnify him, the council may, nevertheless, indemnify him against the whole or a part of any damages and costs which he may have been ordered to pay or may have incurred, if they are satisfied that he honestly believed that the act complained of was within the scope of his employment and that his duty under this Part of this Act required or entitled him to do it.

## 30 Power of compulsory purchase of land.

- (1) A local authority may be authorised by the Minister to purchase land compulsorily for the purposes of this Part of this Act other than those of section 14 above; and for the purposes of this section “land” has the same meaning as in the <sup>M1</sup>Public Health Act 1936.
- (2) In relation to the compulsory purchase of land under this section, the [<sup>F19</sup>Acquisition of Land Act 1981] shall apply . . . <sup>F20</sup>.

### Textual Amendments

**F19** Words substituted by Acquisition of Land Act 1981 (c. 67, SIF 28:1), s. 34, Sch. 4 para. 1 Table

**F20** Words repealed by Acquisition of Land Act 1981 (c. 67, SIF 28:1), s. 34, Sch. 6 Pt. I

### Marginal Citations

**M1** 1936 c. 49.

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### 31 Local inquiries.

- (1) Where any Minister is authorised by this Part of this Act to determine any difference, to give any confirmation, to make any order, or otherwise to act under this Part of this Act, he may cause a local inquiry to be held.
- (2) Subsections (2) to (5) of section 250 of the <sup>M2</sup>Local Government Act 1972 shall apply in relation to a local inquiry held under subsection (1) above in any case where a Minister is authorised to determine any difference as they apply in relation to a local inquiry which a Minister causes to be held under subsection (1) of that section.

#### Marginal Citations

**M2** 1972 c. 70.

### 32 Incorporation of certain provisions of Public Health Act 1936.

- (1) The supplementary provisions of the <sup>M3</sup>Public Health Act 1936 mentioned in subsection (2) below shall be deemed to be incorporated, so far as applicable, in this Part of this Act; and in those provisions as so incorporated—
  - (a) any reference to that Act shall be construed as a reference to this Part of this Act; and
  - (b) any reference to the Minister within the meaning of that Act shall be construed as a reference to the Minister within the meaning of this Part of this Act.
- (2) The provisions of the <sup>M4</sup>Public Health Act 1936 referred to in subsection (1) above are—
  - ..... <sup>F21</sup>
  - section 283 (notices to be in writing; forms of notices etc.);
  - section 284 (authentication of documents);
  - section 285 (service of notices);
  - ..... <sup>F21</sup>
  - section 304 (judges and justices not to be disqualified by liability to rates);
  - section 317 (power to repeal and alter local Acts by provisional orders);
  - [<sup>F22</sup>sections 322, 324, 325] (default powers in relation to functions of councils);
  - and
  - section 328 (powers of Act to be cumulative).

#### Textual Amendments

**F21** Entries repealed by [Local Government \(Miscellaneous Provisions\) Act 1976 \(c. 57\), Sch. 2](#)

**F22** Words substituted by virtue of [Local Government \(Miscellaneous Provisions\) Act 1976 \(c. 57\), Sch. 2](#)

#### Marginal Citations

**M3** 1936 c. 49.

**M4** 1936 c. 49.

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### **33 Application to Crown.**

- (1) Her Majesty may by Order in Council provide for the application to the Crown of such of the provisions of this Part of this Act and of any regulations made under it as may be specified in the Order, with such exceptions, adaptations and modifications as may be so specified.
- (2) Without prejudice to the generality of subsection (1) above, an Order in Council under this section may make special provision for the enforcement of any provisions applied by the Order, and, where any such provision imposes a liability on a person by reason that he is the occupier of premises, the Order may make provision for determining, in a case where the premises are occupied by the Crown, the person who is to be treated as so liable.
- (3) Any Order in Council under this section—
  - (a) shall be made by statutory instrument and shall be subject to annulment in pursuance of a resolution of either House of Parliament;
  - (b) may be revoked or varied by a subsequent Order in Council so made.

### **34 Interpretation of Part I.**

In this Part of this Act, unless the context otherwise requires,—

“animal” does not include bird or fish;

“construction regulations” means regulations with respect to the construction, lay-out or equipment of premises used as a slaughterhouse or knacker’s yard;

“council” includes a port health authority;

“district”, in relation to the local authority of a London borough or the City of London, and in relation to the officers of such an authority, means the borough or the City, as the case may be;

“functions” includes powers and duties;

“horse” includes ass and mule;

“knacker’s yard” means any premises used in connection with the business of slaughtering, flaying or cutting up animals whose flesh is not intended for human consumption;

“licence” means a licence under section 1 above authorising the use of any premises as a slaughterhouse or knacker’s yard, and “slaughterhouse licence” and “knacker’s yard licence” shall be construed accordingly;

“local authority” has the meaning assigned to it by section 27 above and, in relation to any premises or to an application in respect of any premises, means the local authority within whose district the premises are situated;

“the Minister” means the Minister of Agriculture, Fisheries and Food;

“officer” includes servant;

“slaughterhall” means that part of a slaughterhouse in which the actual slaughtering of any animal or the dressing of carcasses takes place;

“slaughterhouse” means a place for slaughtering animals whose flesh is intended for sale for human consumption, and includes any place available in connection therewith for the confinement of animals while awaiting slaughter there or for keeping, or subjecting to any treatment or process, products of the slaughtering of animals there.



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**Modifications etc. (not altering text)**

- C5** Functions of the Minister of Agriculture, Fisheries and Food under Part I of this Act now exercisable by Minister and Secretary of State jointly: [S.I. 1978/272, art. 4\(1\)](#), [Sch. 2](#)
- C6** [S. 34](#): definition of slaughterhouse applied (25.9.1991) by [Agriculture and Forestry \(Financial Provisions\) Act 1991 \(c. 33, SIF 2:2\)](#), [ss. 2\(11\)](#), 5(2).

**35 Saving for port slaughterhouses and knackers' yards.**

Nothing in this Part of this Act shall apply to any slaughterhouse or knacker's yard forming part of an imported animals' wharf or landing place approved by the Minister under the [<sup>F23</sup>Animal Health Act 1981] for the purpose of the landing of imported animals.

**Textual Amendments**

- F23** Words substituted by [Animal Health Act 1981 \(c. 22, SIF 4:4\)](#), s. 96, [Sch. 5 para. 11\(b\)](#)

**Status:**

Point in time view as at 25/09/1991.

**Changes to legislation:**

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