



Animal Health Act 1981

1981 CHAPTER 22

PART I **E+W+S**

GENERAL

General powers of Ministers to make orders and to authorise regulations

1 General powers of Ministers to make orders. **E+W+S**

The Ministers may make such orders as they think fit—

- (a) generally for the better execution of this Act, or for the purpose of in any manner preventing the spreading of disease; and
- (b) in particular for the several purposes set out in this Act, and for prescribing and regulating the payment and recovery of expenses in respect of animals.

2 Local authority regulations. **E+W+S**

The Ministers may make such orders as they think fit for authorising a local authority to make regulations for any of the purposes—

- (a) of this Act, or
- (b) of an order of the Minister,

subject to such conditions, if any, as the Ministers for the purpose of securing uniformity and the due execution of this Act, think fit to prescribe.

Eradication and prevention of disease

3 Expenditure for eradication. **E+W+S**

- (1) The Ministers may, with the Treasury's approval, expend such sums as they think fit with the object of eradicating as far as practicable diseases of animals (including horses) in Great Britain.

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In this subsection “disease” is not restricted by its definition in this Act.

- (2) To obtain information required for the purposes of subsection (1) above the Ministers may authorise in writing any veterinary inspector or other officer of the Ministry to inspect animals (including horses).
- (3) A person so authorised may, for the purpose of any inspection to be carried out by him—
 - (a) at all reasonable times, and
 - (b) upon production of his authority on demand,
 enter on any land or premises and apply such tests and take such samples as he considers necessary.
- (4) No payment may be made under subsection (1) which was capable of being made under section 3 of the ^{M1}Diseases of Animals Act 1950 (payments for the eradication of bovine tuberculosis) before the expiry of that section.

Marginal Citations

M1 1950 c. 36.

4 Offences as to s. 3. **E+W+S**

- (1) A person who knowingly or recklessly makes any false statement for the purpose of obtaining for himself or any other person any sum payable under section 3 above shall (unless in the case of an indictable offence he is indicted for the offence) be liable on summary conviction—
 - (a) to a fine not exceeding [^{F1}level 3 on the standard scale]; or
 - (b) to imprisonment for a term not exceeding 3 months; or
 - (c) to both such imprisonment and fine.
- (2) A person who obstructs or impedes any person duly authorised under subsection (2) of section 3 to make any inspection shall be liable on summary conviction—
 - (a) in the case of a first offence, to a fine not exceeding £50; and
 - (b) in the case of a second or subsequent offence punishable under this subsection—
 - (i) to a fine not exceeding £50; or
 - (ii) to imprisonment for a term not exceeding one month; or
 - (iii) to both such imprisonment and fine.

In considering for the purposes of this subsection or subsection (2) of section 30 of the ^{M2}Agriculture Act 1937 whether an offence is or is not a first offence, references to an offence punishable under this subsection or that subsection shall be taken as including references to offences punishable under that subsection or this subsection, as the case may be.

Textual Amendments

F1 Words substituted by virtue of (E.W.) [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), [ss. 38, 46](#) and (S.) [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\)](#), [ss. 289F, 289G](#)

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Modifications etc. (not altering text)

- C1** S. 4(2): **Criminal Procedure (Scotland) Act 1975 (c. 21, SIF 39:1), ss. 289E** (in relation to liability on first and subsequent convictions), 289F (increase of fines) and 289G (substitution of references to levels on the standard scale apply) (S.)
- C2** S. 4(2): **Criminal Justice Act 1982 (c. 48, SIF 39:1), ss. 35** (in relation to liability on first and subsequent convictions), 38 (increase of fines) and 46 (substitution of references to levels on the standard scale) apply (E.W.)

Marginal Citations

- M2** 1937 c. 70.

5 Veterinary services and therapeutic substances. **E+W+S**

- (1) Without prejudice to the generality of section 3 above, the Ministers have power, with the Treasury's approval, to afford veterinary services, including diagnostic services, whether free of charge or not, to persons—
- who carry on livestock businesses; and
 - who participate in arrangements approved by the Ministers as being satisfactory arrangements for keeping their stock so far as practicable free from disease and in good health.

In this subsection “disease” is not restricted by its definition in this Act.

- (2) Schedule 1 to this Act has effect in relation to the regulation of the manufacture of and other matters connected with veterinary therapeutic substances.

6 Eradication areas and attested areas. **E+W+S**

The Ministers may make orders—

- declaring any area as respects which they are satisfied that a substantial majority of the cattle in that area are free from any particular disease to be an eradication area for purposes connected with the control of that disease;
- declaring any area as respects which they are satisfied that any particular disease of cattle is for practical purposes non-existent in that area to be an attested area for purposes connected with the control of that disease; and
- prohibiting or regulating the movement of cattle into, out of or within any area which is for the time being an eradication area or an attested area or, if the area is an eradication area or an attested area for purposes connected with the control of brucellosis, imposing with respect to cattle in that area such other prohibitions or requirements as they may consider necessary or desirable for the purpose of eradicating that disease.

Cleansing and movement

7 Cleansing and disinfection. **E+W+S**

- (1) The Ministers may make such orders as they think fit—
- for prescribing and regulating the cleansing and disinfection of places used for the holding of markets, fairs, exhibitions, or sales of animals, or for lairage of animals, and yards, sheds, stables, and other places used for animals;

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- (b) for prescribing and regulating the cleansing and disinfection of vessels, aircraft, vehicles, and pens and other places, used for the carrying of animals for hire or connected purposes;
 - (c) for prescribing and regulating the disinfection of the clothes of persons coming in contact with or employed about diseased or suspected animals and the use of precautions against the spreading of disease by such persons;
 - (d) for prescribing modes of cleansing and disinfection.
- (2) The Ministers may by orders prescribe and regulate the cleansing and disinfection of receptacles or vehicles used for the conveyance or exposure for sale of poultry.

8 Movement generally. **E+W+S**

- (1) The Ministers may make such orders as they think fit—
- (a) for prescribing and regulating the marking of animals;
 - (b) for prohibiting or regulating the movement of animals, and the removal of carcasses, fodder, litter, dung and other things, and for prescribing and regulating the isolation of animals newly purchased;
 - (c) for prescribing and regulating the issue and production of licences respecting movement and removal of animals and things;
 - (d) for prohibiting, absolutely or conditionally, the use, for the carrying of animals or for any connected purpose, of a vessel, aircraft, vehicle, or pen or other place in respect of which or the use of which a penalty has been recovered from any person for an offence against this Act;
 - (e) for prohibiting or regulating the holding of markets, fairs, exhibitions and sales of animals.
- (2) A person is guilty of an offence against this Act if, where an order of the Minister absolutely or conditionally prohibits the use of a vessel, aircraft, vehicle or pen, or other place, for the carrying of animals or for any connected purpose, he, without lawful authority or excuse, proof of which shall lie on him, does anything so prohibited.

Transport by sea and air

9 Prohibition in specific cases. **E+W+S**

The Ministers may make such orders as they think fit for prohibiting the conveyance of animals by any specified vessel or aircraft to or from any port or aerodrome in the United Kingdom [^{F2}or by any specified vehicle through the tunnel system as defined in the Channel Tunnel Act 1987] for such time as the Ministers may consider expedient.

Textual Amendments

F2 Words inserted by S.I. 1990/2371, art. 2(1), Sch. 1

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10 Importation. **E+W+S**

- (1) The Ministers may by orders make such provision as they think fit for the purpose of preventing the introduction or spreading of disease into or within Great Britain through the importation of—
 - (a) animals and carcases;
 - (b) carcases of poultry and eggs; and
 - (c) other things, whether animate or inanimate, by or by means of which it appears to them that any disease might be carried or transmitted.
- (2) Without prejudice to the generality of the powers conferred by this section and by section 1 above, for the purpose specified in subsection (1) above an order under this section—
 - (a) may prohibit or regulate the importation of any of the things specified in paragraphs (a) to (c) of subsection (1);
 - (b) may make provision not only with respect to imports (including vessels, boats, aircraft and vehicles of other descriptions) but also with respect to persons, animals, and other things which have been or may have been in contact with imports;
 - (c) may make different provision in relation to different cases; and
 - (d) may make provision with respect to any of the matters specified in Schedule 2 to this Act.
- (3) An order under this section may provide that, in such circumstances as may be specified in the order, animals which—
 - (a) are brought into Great Britain in such circumstances that they are not imported, within the meaning of this Act, and
 - (b) whilst outside Great Britain have been or may have been in contact with any of the things specified in paragraphs (a) to (c) of subsection (1),shall be deemed for the purposes of this section and Schedule 2 to be imported at the time when they are brought into Great Britain.
- (4) In this section and in Schedule 2 “animals” includes—
 - (a) any kind of mammal, except man,
 - (b) any kind of four-footed beast which is not a mammal, and
 - (c) fish, reptiles, crustaceans and other cold-blooded creatures not falling within paragraph (a) or paragraph (b) above,and “disease” is not restricted by its definition in this Act.
- (5) An order under this section which is expressed to be made for the purpose of preventing the introduction of rabies into Great Britain may include provision for the destruction, by such persons as may be prescribed by the order, of animals in respect of which the order or any licence granted under it is contravened.
- (6) Every order made under this section shall be laid before both Houses of Parliament after being made.
- (7) Paragraphs (a) and (b) of section 5(2) of the ^{M3}Customs and Excise Management Act 1979 (time of importation of goods brought by sea and air) [^{F3}and Article 5(1) to (4) of the Channel Tunnel (Customs and Excise) Order 1990] have effect for the purposes of this section and Schedule 2 as they have effect for the purposes of the customs and excise Acts.

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- (8) The landing of imported animals in Great Britain shall be effected in such manner, at such times and subject to such supervision as the Commissioners of Customs and Excise may direct.

Textual Amendments

F3 Words inserted by [S.I. 1990/2371](#), [art. 2\(1\)](#), [Sch. 1](#)

Marginal Citations

M3 [1979 c. 2](#).

VALID FROM 14/01/2003

[^{F4}10A Annual review of import controls E+W

- (1) The Ministers shall prepare a report during each financial year which will—
- (a) review all activities of government departments, the Food Standards Agency, local authorities, customs, police authorities and other relevant public agencies directed to the prevention of the introduction of disease into or within England and Wales through the importation of animal products and matter, whether animate or inanimate, and other things;
 - (b) identify the nature, origin and quantity of such animal products and matter and stating whether the product or matter was destined for personal or commercial consumption;
 - (c) assess the making of any orders under section 10 of this Act;
 - (d) assess the effectiveness of any action taken under an order made under section 10 of this Act; and
 - (e) propose such further action as may, on the basis of advice given to the Ministers by suitably qualified individuals appointed as scientific advisers to the Ministers, be required to further reduce the risk of disease being imported.
- (2) The Ministers shall lay their report before Parliament and the National Assembly for Wales at the end of each financial year.]

Textual Amendments

F4 [S. 10A](#) inserted (E.W.) (14.1.2003) by [2002 c. 42](#), [s. 17](#); [S.I. 2002/3044](#), [art. 2](#)

11 Export to member States. E+W+S

The Minister may by order make provision in the interests of animal health or of human health, for regulating the exportation from Great Britain to a member State of animals or animal or poultry carcasses, and in particular—

- (a) for prohibiting exportation without such certificate or licence as may be prescribed by the order, and
- (b) as to the circumstances in which and conditions on which a certificate or licence may be obtained.

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12 Export quarantine stations. **E+W+S**

- (1) For the purpose of preventing the conveyance of disease by animals exported from Great Britain, the appropriate Minister, with the Treasury's consent, may—
- (a) provide facilities for the examination of animals intended for export; and
 - (b) provide or approve one or more quarantine stations for the reception, isolation and examination of such animals.

A quarantine station so provided or approved is in this Act referred to as an “export quarantine station”.

- (2) Notwithstanding anything in this Act, compensation shall not be payable under this Act in respect of any animal intended for export, which by reason of—
- (a) its having been diseased or suspected, or
 - (b) its having been exposed to the infection of any disease, is slaughtered in an export quarantine station.

Control of dogs, and preventive treatment of sheep

13 Orders as to dogs. **E+W+S**

- (1) The Minister may make such orders as he thinks fit for prescribing and regulating—
- (a) the muzzling of dogs, and the keeping of dogs under control; and
 - (b) so far as is supplemental to paragraph (a) above—
 - (i) the seizure, detention, and disposal (including slaughter) of stray dogs and of dogs not muzzled, and of dogs not being kept under control; and
 - (ii) the recovery from the owners of dogs of the expenses incurred in respect of their detention.
- (2) The appropriate Minister may make such orders as he thinks fit—
- (a) for prescribing and regulating the wearing by dogs, while in a highway or in a place of public resort, of a collar with the name and address of the owner inscribed on the collar or on a plate or a badge attached to it;
 - (b) with a view to the prevention of worrying of animals (including horses), for preventing dogs or any class of dogs from straying during all or any of the hours between sunset and sunrise;
 - (c) for providing that any dog in respect of which an offence is being committed against provisions made under either paragraph (a) or (b) above, may be seized and treated as a stray dog under the enactments relating to dogs;
 - (d) for prescribing and regulating—
 - (i) the seizure, detention and disposal (including slaughter) of stray dogs and of dogs not muzzled; and
 - (ii) the recovery from the owners of dogs of the expenses incurred in respect of their detention.

[^{F5}(3) An order under subsection (2)(a) above may include provision for the execution and enforcement of the order by the officers of local authorities (and not by the police force for any area).

(4) In subsection (3) above “local authority” and “officer” have the same meaning as in section 149 of the Environmental Protection Act 1990.]

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Textual Amendments

- F5** S. 13(3)(4) inserted(*prosp.*) by Environmental Protection Act 1990 (c. 43, SIF 46:4), ss. 151(1), 164(3).

14 Prevention of sheep scab. **E+W+S**

- (1) The Ministers may make such orders as they think fit for prescribing, regulating and securing the periodical treatment of all sheep by effective dipping or by the use of some other remedy for sheep scab.
- (2) An inspector of the Minister and, if so authorised by order of the Minister, an inspector of the local authority, may—
 - (a) subject to the directions of the authority by which he was appointed, and
 - (b) for the purposes of any order or regulation under subsection (1) above, enter any premises and examine any sheep on those premises.
- (3) The owner and the person in charge of any sheep shall comply with all reasonable requirements of the inspector as to the collection and penning of the sheep and afford all other reasonable facilities for the examination of the sheep by the inspector.

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