



Animal Health Act 1981

1981 CHAPTER 22

PART I

GENERAL

Eradication and prevention of disease

3 Expenditure for eradication.

- (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.

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.

Status: Point in time view as at 01/07/2003.

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

4 Offences as to s. 3.

- (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**

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.

- (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—
- (a) who carry on livestock businesses; and
 - (b) 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.

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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.

The Ministers may make orders—

- (a) 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;
- (b) 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
- (c) 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.

[^{F2}6A Biosecurity guidance

- (1) The Secretary of State must prepare guidance on the appropriate biosecurity measures to be taken in relation to—
 - (a) foot-and-mouth disease;
 - (b) such other disease as the Secretary of State by order specifies.
- (2) After preparing a draft of the guidance the Secretary of State—
 - (a) must send a copy of the draft to such persons and organisations as he thinks are representative of those having an interest in biosecurity measures;
 - (b) must consider any representations made to him about the draft by such persons and organisations;
 - (c) may amend the draft accordingly.
- (3) After the Secretary of State has proceeded under subsection (2) he must publish the guidance in such manner as he thinks appropriate.
- (4) The Secretary of State must from time to time review the guidance and if he thinks it appropriate revise the guidance.
- (5) Subsections (1) to (3) apply to a revision of the guidance as they apply to its preparation.
- (6) But if the Secretary of State thinks that it is necessary to revise the guidance urgently he may publish revised guidance without proceeding under subsection (2).
- (7) Biosecurity measures are measures taken to prevent the spread of causative agents of disease.
- (8) Causative agent includes any virus, bacterium and any other organism or infectious substance which may cause or transmit disease.

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- (9) The power to make an order must be exercised by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.
- (10) It is immaterial that anything done for the purposes of subsections (1) to (3) is done before the passing of the Animal Health Act 2002.]

Textual Amendments

F2 S. 6A - S. 6B inserted (E.W.) (1.7.2003) by [Animal Health Act 2002 \(c. 42\)](#), **ss. 16, 19(1)**; S.I. 2002/3044, art. 2(b)

[^{F2}6B Biosecurity compliance

- (1) A person having a function under this Act relating to foot-and -mouth disease or a disease specified by order under section 6A(1) must not exercise the function unless the guidance under section 6A has been published and has not been withdrawn.
- (2) Any act which is done in contravention of subsection (1) is done without lawful authority.
- (3) If a person to whom subsection (5) applies fails to comply with the guidance he is not by reason only of that failure liable in any civil or criminal proceedings.
- (4) But the guidance is admissible in evidence in such proceedings and a court may take account of any failure to act in accordance with it in deciding any question in the proceedings.
- (5) This subsection applies to—
- (a) any person having functions under this Act;
 - (b) any person who is the owner or occupier of premises on which animals are kept;
 - (c) any person who has charge of animals;
 - (d) any person who is under the direction of a person mentioned in paragraphs (a) to (c).]

Textual Amendments

F2 S. 6A - S. 6B inserted (E.W.) (1.7.2003) by [Animal Health Act 2002 \(c. 42\)](#), **ss. 16, 19(1)**; S.I. 2002/3044, art. 2(b)

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