



Animal Health Act 1981

1981 CHAPTER 22

PART II

DISEASE

Carcasses etc. liable to spread disease

35 Seizure and disposal of carcasses etc.

- (1) The Ministers may by order make such provision—
- [^{F1}(a) for the seizure of anything, whether animate or inanimate, by or by means of which it appears to them that any disease to which this subsection applies might be carried or transmitted, and]
 - (b) for the destruction, burial, disposal or treatment of anything seized under the order,
- as they may think expedient for preventing the spread of any [^{F2}such disease].

[^{F3}(1A) Subsection (1) above does not authorise provision for the seizure of any animal; but such an order may provide for the seizure of carcasses and of anything obtained from or produced by an animal.

In this subsection, “animal” includes anything that may, by virtue of an order under section 87 below, be included for any of the purposes of this Act in the definition of animals or of poultry contained in that section, and “carcasses” is to be construed accordingly.]

- (2) Subsection (1) above applies to the diseases in the case of which powers of slaughter are exercisable under this Act, that is to say—
- (a) to cattle plague, pleuro-pneumonia, foot-and-mouth disease and swine-fever, and any disease within the meaning of section 32 above to which that section for the time being applies; and
 - (b) to any disease as defined in relation to poultry by or under section 88 below.
- (3) The Ministers may make such orders as they think fit—

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

- (a) for prescribing and regulating the destruction, burial, disposal or treatment of carcasses of animals dying while diseased or suspected;
 - (b) for prescribing and regulating the destruction, burial or disposal of anything seized under subsection (1);
 - (c) for prohibiting or regulating the digging up of carcasses which have been buried.
- (4) A person is guilty of an offence against this Act who, without lawful authority or excuse, proof of which shall lie on him—
- (a) throws or places, or causes or suffers to be thrown or placed, into any river, stream, canal, navigation, or other water, or into the sea within 4.8 kilometres of the shore, the carcase of an animal which has died of disease, or been slaughtered as diseased or suspected; or
 - (b) digs up, or causes to be dug up, a carcase buried under the direction of the Minister or of a local authority or of a receiver of wreck.

Textual Amendments

- F1** S. 35(1)(a) substituted by [Animal Health and Welfare Act 1984 \(c. 40, SIF 2:8\), s. 1\(1\)\(a\)](#)
- F2** Words substituted by [Animal Health and Welfare Act 1984 \(c. 40, SIF 2:8\), s. 1\(1\)\(b\)](#)
- F3** S. 35(1A) inserted by [Animal Health and Welfare Act 1984 \(c. 40, SIF 2:8\), s. 1\(2\)](#)

36 Compensation for seizure.

- (1) The Minister shall pay compensation—
- (a) for anything seized under an order made by virtue of section 35(1) above for the purpose of preventing the spread of foot-and-mouth disease;
 - (b) for anything seized under such an order for the purpose of preventing the spread of any other disease to which section 35(1) applies, except the carcase of [^{F4}or anything obtained from or produced by] any animal or bird affected with that disease.
- (2) The Ministers may by order provide for the payment by the Minister of compensation for carcasses [^{F5}of, or things obtained from or produced by] animals or birds affected with any disease to which section 35(1) applies other than foot-and-mouth disease or fowl pest [^{F6}being carcasses or things seized under an order made by virtue of section 35(1) above].
- (3) The compensation payable under subsection (1) or subsection (2) above for anything seized shall be its value at the time of seizure.
- (4) Where anything destroyed, buried or disposed of under an order made under paragraph (e) of section 23 above could have been seized under an order made under section 35(1), the Minister shall pay the like compensation (if any) for it as if it had been so seized at the time of the destruction, burial or disposal.
- (5) The Ministers may make such orders as they think fit for all or any of the following purposes—
- (a) for prescribing how the value of anything seized under section 35(1) is to be ascertained;
 - (b) for regulating applications for, and the mode of payment of, any compensation payable by virtue of this section;

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- (c) for prescribing and regulating the destruction, burial or disposal of anything seized under section 35(1).

Textual Amendments

- F4** Words inserted by [Animal Health and Welfare Act 1984 \(c. 40, SIF 2:8\)](#), **s. 1(3)(a)**
F5 Words substituted by [Animal Health and Welfare Act 1984 \(c. 40, SIF 2:8\)](#), **s. 1(3)(b)**
F6 Words inserted by [Animal Health and Welfare Act 1984 \(c. 40, SIF 2:8\)](#), **s. 1(3)(b)**

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Changes to legislation:

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