



# Animal Health Act 1981

## 1981 CHAPTER 22

### PART V

#### ENFORCEMENT, OFFENCES AND PROCEEDINGS

##### *Further provisions as to punishment of offences*

#### 74 Liability under the customs and excise Acts.

A person who—

- (a) lands or ships or attempts to land or ship [<sup>F1</sup>or brings or attempts to bring through the tunnel system as defined in the Channel Tunnel Act 1987] an animal or thing, and
- (b) by so doing is in contravention of this Act or of an order of the Minister,

is liable under and according to the customs and excise Acts to the penalties imposed on persons importing or exporting or attempting to import or export goods the importation or exportation of which is prohibited.

This section is without prejudice to any proceeding under this Act against such a person for an offence against this Act.

#### Textual Amendments

**F1** Words inserted by [S.I. 1990/2371, art. 2\(1\), Sch. 1](#)

#### [<sup>F2</sup> 75 Penalties for certain summary offences **E+W**

- (1) This section applies to any offence under this Act for which no penalty is specified.
- (2) A person guilty of an offence to which this section applies is liable on summary conviction to imprisonment for a term not exceeding six months or to a fine not exceeding level 5 on the standard scale or to both.]

*Status: Point in time view as at 02/01/2018.*

*Changes to legislation: There are currently no known outstanding effects for the Animal Health Act 1981, Cross Heading: Further provisions as to punishment of offences. (See end of Document for details)*

### Extent Information

- E1** This version of this provision extends to England and Wales only; a separate version has been created for Scotland only

### Textual Amendments

- F2** S. 75 substituted (14.1.2003) by 2002 c. 42, s. 13; S.I. 2002/3044, art. 2

### Modifications etc. (not altering text)

- C1** S. 75 applied (W.) (28.10.2005 at 17:20) by [The Avian Influenza \(Preventive Measures\) \(Wales\) Regulations 2005 \(S.I. 2005/2985\)](#), regs. 1, **10(1)(h)**
- C2** S. 75 applied (E.) (28.10.2005 at 12.00 p.m.) by [Avian Influenza \(Preventive Measures in Zoos\) Regulations 2005 \(S.I. 2005/2990\)](#), regs. 1, **7(1)(h)**
- C3** S. 75 applied (W.) (28.10.2005 at 17:20) by [The Avian Influenza \(Preventive Measures in Zoos\) \(Wales\) Regulations 2005 \(S.I. 2005/2984\)](#), regs. 1, **7(1)(h)**
- C4** S. 75 applied (E.) (28.10.2005 at 12.00 p.m.) by [Avian Influenza \(Preventive Measures\) Regulations 2005 \(S.I. 2005/2989\)](#), regs. 1, **10(1)(h)**
- C5** S. 75 applied (W.) (9.12.2005) by [The Avian Influenza \(Preventive Measures\) \(Wales\) \(No. 2\) Regulations 2005 \(S.I. 2005/3384\)](#), regs. 1, **10(1)**
- C6** S. 75 applied (E.) (with modifications) (9.12.2005) by [Avian Influenza \(Preventive Measures\) \(No.2\) Regulations 2005 \(S.I. 2005/3394\)](#), regs. 1(2), **13**
- C7** S. 75 applied (W.) (9.12.2005) by [The Avian Influenza \(Preventive Measures in Zoos\) \(Wales\) \(No. 2\) Regulations 2005 \(S.I. 2005/3385\)](#), regs. 1, **7(1)**
- C8** S. 75 applied (with modifications) (W.) (1.2.2006) by [The Foot-and-Mouth Disease \(Control of Vaccination\) \(Wales\) Regulations 2006 \(S.I. 2006/180\)](#), regs. 1(2), **36(3)**
- C9** S. 75 modified (E.) (23.2.2006) by [Foot-and-Mouth Disease \(Control of Vaccination\) \(England\) Regulations 2006 \(S.I. 2006/183\)](#), regs. 1(2), **37(3)**
- C10** S. 75 applied (with modifications) (S.) (23.2.2006) by [Foot and Mouth Disease \(Slaughter and Vaccination\) \(Scotland\) Regulations 2006 \(S.S.I. 2006/45\)](#), regs. 1(1), **41(3)**
- C11** S. 75 applied (with modifications) (W.) (6.7.2006) by [The Avian Influenza \(Vaccination\) \(Wales\) Regulations 2006 \(S.I. 2006/1761\)](#), regs. 1(2), **18(3)**
- C12** S. 75 applied (E.) (13.11.2006) by [The Avian Influenza \(Preventive Measures\) \(England\) Regulations 2006 \(S.I. 2006/2701\)](#), regs. 1(2), **20(3)**
- C13** S. 75 applied (W.) (with modifications) (13.11.2006) by [Avian Influenza \(Preventive Measures\) \(Wales\) Regulations 2006 \(S.I. 2006/2803\)](#), regs. 1(1), **20(3)**
- C14** S. 75 applied (with modifications) (W.) (14.11.2006) by [The Avian Influenza \(Vaccination\) \(Wales\) \(No.2\) Regulations 2006 \(S.I. 2006/2932\)](#), regs. 1(2), **21(3)**
- C15** S. 75 applied (with modifications) (E.) (14.11.2006) by [The Avian Influenza \(Vaccination\) \(England\) Regulations 2006 \(S.I. 2006/2703\)](#), regs. 1(2), **21(3)**
- C16** S. 75 applied (with modifications) (E.) (6.4.2008) by [Products of Animal Origin \(Disease Control\) \(England\) Regulations 2008 \(S.I. 2008/465\)](#), art. 1(c)**reg. 21(2)**
- C17** S. 75 applied (with modifications) (W.) (3.6.2008) by [The Products of Animal Origin \(Disease Control\) \(Wales\) Regulations 2008 \(S.I. 2008/1275\)](#), regs. 1, **21(2)**

## <sup>F4</sup>75 Penalties and time limits for certain offences: Scotland **S**

- (1) This section applies to any offence under this Act for which no penalty is specified by any other provision of this Act.
- (2) A person guilty of an offence to which this section applies is liable on summary conviction to imprisonment for a term not exceeding six months or to a fine not exceeding level 5 on the standard scale or to both.

*Status: Point in time view as at 02/01/2018.*

*Changes to legislation: There are currently no known outstanding effects for the Animal Health Act 1981, Cross Heading: Further provisions as to punishment of offences. (See end of Document for details)*

- (3) Proceedings for an offence to which this section applies may be brought within the period of 6 months from the date on which evidence sufficient in the opinion of the prosecutor to warrant the proceedings came to the prosecutor's knowledge.
- (4) No such proceedings may be brought more than 3 years—
  - (a) after the commission of the offence; or
  - (b) in the case of an offence involving a continuous contravention, after the last date on which the offence was committed.
- (5) It shall be competent in a prosecution of an offence involving a continuous contravention to include the entire period during which the contravention occurred.
- (6) For the purposes of this section proceedings shall be deemed to be commenced on the date on which a warrant to apprehend or to cite the accused is granted provided that the warrant is executed without undue delay.
- (7) A certificate signed by or on behalf of the prosecutor and stating the date on which such evidence came to the prosecutor's knowledge is conclusive evidence of that fact; and a certificate stating that matter and purporting to be so signed is to be treated as being so signed unless the contrary is proved.]

#### Extent Information

- E2** This version of this provision extends to Scotland only; a separate version has been created for England and Wales only

#### Textual Amendments

- F4** S. 75 substituted (S.) (6.10.2006) by [Animal Health and Welfare \(Scotland\) Act 2006 \(asp 11\)](#), ss. 14, 55(1) (with s. 54); S.S.I. 2006/482, art. 2

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

- C1** S. 75 applied (W.) (28.10.2005 at 17:20) by [The Avian Influenza \(Preventive Measures\) \(Wales\) Regulations 2005 \(S.I. 2005/2985\)](#), regs. 1, **10(1)(h)**
- C2** S. 75 applied (E.) (28.10.2005 at 12.00 p.m.) by [Avian Influenza \(Preventive Measures in Zoos\) Regulations 2005 \(S.I. 2005/2990\)](#), regs. 1, **7(1)(h)**
- C3** S. 75 applied (W.) (28.10.2005 at 17:20) by [The Avian Influenza \(Preventive Measures in Zoos\) \(Wales\) Regulations 2005 \(S.I. 2005/2984\)](#), regs. 1, **7(1)(h)**
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- C8** S. 75 applied (with modifications) (W.) (1.2.2006) by [The Foot-and-Mouth Disease \(Control of Vaccination\) \(Wales\) Regulations 2006 \(S.I. 2006/180\)](#), regs. 1(2), **36(3)**
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- C11** S. 75 applied (with modifications) (W.) (6.7.2006) by [The Avian Influenza \(Vaccination\) \(Wales\) Regulations 2006 \(S.I. 2006/1761\)](#), regs. 1(2), **18(3)**

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- C14** S. 75 applied (with modifications) (W.) (14.11.2006) by [The Avian Influenza \(Vaccination\) \(Wales\) \(No.2\) Regulations 2006 \(S.I. 2006/2932\)](#), regs. 1(2), **21(3)**
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- C16** S. 75 applied (with modifications) (E.) (6.4.2008) by [Products of Animal Origin \(Disease Control\) \(England\) Regulations 2008 \(S.I. 2008/465\)](#), art. 1(c)**reg. 21(2)**
- C17** S. 75 applied (with modifications) (W.) (3.6.2008) by [The Products of Animal Origin \(Disease Control\) \(Wales\) Regulations 2008 \(S.I. 2008/1275\)](#), regs. 1, **21(2)**

**76 Certain importation offences triable either summarily or on indictment.**

(1) Where—

- (a) an offence against this Act which is declared to be such by an order under section 10 above, and
- (b) that order is expressed to be made for the purpose of preventing the introduction of rabies into Great Britain,

that offence may be tried either summarily or on indictment.

(2) For an offence triable under subsection (1) above a person shall be liable—

- (a) on summary conviction to a fine not exceeding the statutory maximum;
- (b) on conviction on indictment to a fine or to imprisonment for a term not exceeding 12 months or to both.

(3) Where an order under section 10 declares that this subsection applies to an offence which consists of—

- (a) a contravention of, or failure to comply with, any provision of that order, or
- (b) a failure to observe any conditions to which a licence issued in accordance with that order is subject,

that offence may be tried either summarily or on indictment, and a person convicted of such an offence shall be liable as provided in paragraphs (a) and (b) of subsection (2) above.

<sup>F3</sup>(4) .....

**Textual Amendments**

**F3** S. 76(4) repealed (5.11.1993) by [1993 c. 50, s. 1\(1\)](#), [Sch. 1 Pt.XIV](#).

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

**C18** S. 76(3) applied by [S.I. 1986/2265](#), [arts. 11, 12](#)

**Status:**

Point in time view as at 02/01/2018.

**Changes to legislation:**

There are currently no known outstanding effects for the Animal Health Act 1981, Cross  
Heading: Further provisions as to punishment of offences.