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Animal Health and Welfare Act 1984

CHAPTER 40

ARRANGEMENT OF SECTIONS

Animal Health Act 1981

Section

1. Seizure and disposal of things likely to spread disease.
2. Power of entry.
3. Exercise of certain powers in territorial zone.
4. Removal of restriction on powers as to infected places.

Slaughter of Poultry Act 1967

5. Extension of scope of 1967 Act.
6. Licences.
7. Codes of Practice.
8. Powers of entry under 1967 Act.
9. Enforcement of 1967 Act.

Controls over Breeding of Livestock

10. Artificial breeding of livestock.
11. Provisions supplementary to section 10.
12. Removal of controls on keeping of bulls and stallions.

Animal feeding stuffs and veterinary drugs

13. Medicated animal feeding stuffs.
14. Registration of merchants in veterinary drugs.
15. Sampling of animal feeding stuffs.

Supplementary

16. Minor and consequential amendments and repeals.
17. Short title, commencement and extent.

SCHEDULES:

- Schedule 1—Minor and consequential amendments.
Schedule 2—Repeals.



Animal Health and Welfare Act 1984

1984 CHAPTER 40

An Act to amend the provisions of the Animal Health Act 1981 relating to the seizure of things for the purpose of preventing the spread of disease, to powers of entry and declarations as to places infected with a disease and to enable certain orders under that Act to operate in or over territorial waters; to amend the Slaughter of Poultry Act 1967; to enable provision to be made for controlling the practice of artificial breeding of livestock; to repeal the Improvement of Live Stock (Licensing of Bulls) Act 1931 and the Horse Breeding Act 1958; to amend the Medicines Act 1968 in relation to feeding stuffs and veterinary drugs; and for connected purposes. [12th July 1984]

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Animal Health Act 1981

1.—(1) In section 35(1) of the Animal Health Act 1981 (power of Ministers to provide for seizure, disposal etc. to prevent spread of disease)—

(a) for paragraph (a) (seizure of carcasses and other specified things) there is substituted—

“ (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 ” ; and

Seizure and disposal of things likely to spread disease.

1981 c. 22.

(b) for the words from “disease” to the end there is substituted “such disease”.

(2) After that subsection there is inserted—

“ (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.”

(3) In section 36 of that Act (compensation)—

(a) in subsection (1)(b) (duty to pay compensation for things seized under section 35(1), except carcasses of animals or birds affected with disease) after the words “carcase of” there is inserted “or anything obtained from or produced by”, and

(b) in subsection (2) (power to pay compensation for such carcasses) for the words “seized as mentioned above of” there is substituted “of, or things obtained from or produced by” and, at the end of that subsection, there is inserted “being carcasses or things seized under an order made by virtue of section 35(1) above”.

Power of entry. 2.—(1) In section 63(9) of that Act (power of entry of Ministry inspectors in respect of pleuro-pneumonia, foot-and-mouth disease or swine fever), for the words from “for the purpose of ascertaining” to the end there is substituted “enter any land, building or other place, on or in which he has reasonable grounds for supposing that animals are or have been kept, for the purpose of ascertaining whether any disease exists there or has within 56 days existed there.

This subsection does not have effect in relation to poultry.”

(2) In section 87(4) of that Act (application of Act to poultry), in the second sentence (provisions not so applied) for the words from “7(2)” to the end there is substituted “15(5), 32(4) and 63(9)”.

Exercise of certain powers in territorial zone. 1981 c. 22. 3. Where, apart from this section, any power to make provision by an order under the Animal Health Act 1981 does not include power to provide for its operation in or over territorial waters of the United Kingdom adjacent to Great Britain, it shall be treated as including such a power unless the context otherwise requires.

4. Section 17(4) of the Animal Health Act 1981 (power to declare defined part of port or aerodrome an infected place restricted to the Ministers) shall cease to have effect.

Removal of restriction on powers as to infected places.
1981 c. 22.

Slaughter of Poultry Act 1967

5.—(1) In section 1(1) of the Slaughter of Poultry Act 1967 (prohibition of slaughter of poultry for purposes of preparation for sale for human consumption, except by one of the methods mentioned), the words “for purposes of preparation for sale for human consumption” are omitted.

Extension of scope of 1967 Act.
1967 c. 24.

(2) After subsection (2) of that section there is inserted—

“(2A) Subsection (1) of this section shall not apply to the slaughter of any bird—

- (a) in pursuance of powers conferred by, or by any instrument made or having effect as if made under, the Animal Health Act 1981 ;
- (b) in the course of an experiment in respect of which restrictions are imposed by the Cruelty to Animals Act 1876, being an experiment performed subject to any restrictions so imposed ; or
- (c) by a person registered in the register of veterinary surgeons or the supplementary veterinary register, or a person acting under his direction, where the person so registered is acting in the exercise of his profession.

1876 c. 77.

(2B) The Ministers may, after consultation with such persons or bodies as seem to them representative of the interests concerned, by order approve subject to such conditions as they may think fit any method of slaughter as a method suitable for the slaughter of poultry chicks ; and where poultry chicks are slaughtered without the infliction of unnecessary suffering by any method so approved and in accordance with any conditions applicable to the approval—

- (a) subsection (1) of this section shall not apply to their slaughter, and
- (b) nothing done in the course of their slaughter shall be taken to be done in contravention of any prohibition or restriction imposed by or under any other enactment, being a prohibition or restriction of a kind described in the order.

In this subsection ‘poultry chicks’ means birds to which this Act applies, not being more than 72 hours old.

(2C) The power conferred by subsection (2B) of this section to make orders shall be exercisable by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.”

Licences.

6. For section 3 of that Act (regulations for securing humane conditions of slaughter) there is substituted—

“Regulations for securing humane conditions of slaughter. 3.—(1) The Ministers may make regulations for the purpose of securing humane conditions and practices in connection with the slaughter of birds to which this Act applies.

(2) The regulations may—

(a) specify conditions to be observed in connection with the confinement and treatment of any such birds while awaiting slaughter and in connection with the slaughter of any such birds ;

(b) prohibit the slaughter of any such birds or any activity connected with their slaughter—

(i) on premises to which the regulations apply, or

(ii) by methods or in circumstances of any description specified in the regulations,

except under and in accordance with the terms of a licence under the regulations ;

(c) require occupiers of premises to which the regulations apply to secure that the provisions of the regulations are complied with on the premises ;

(d) make different provision for different cases ;

(e) provide, in the case of any contravention of any provision of the regulations, for the creation of offences and their punishment on summary conviction with a fine of an amount not exceeding that specified in the regulations.

(3) The regulations may include provision in respect of—

(a) the granting, modification, suspension and revocation of licences by local authorities and, in connection with those matters, the charging of such reasonable fees as the authority concerned may determine ;

(b) the requirements to be satisfied for the granting of licences and the conditions to which they are to be subject ; and

(c) the duration of licences.

(4) The amount that may be specified under subsection (2)(e) of this section is an amount not exceeding level 3 on the standard scale.

(5) Subsections (2) and (3) of this section are without prejudice to the generality of subsection (1) of this section.

(6) The Ministers shall, before making any regulations under this section, consult with such persons or bodies as seem to them representative of the interests concerned.

(7) The power to make regulations under this section shall be exercisable by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament."

7. After section 3 of that Act there is inserted—

"Codes of practice.

Codes of practice.

3A—(1) The Ministers may from time to time after consultation with such persons or bodies as seem to them representative of the interests concerned—

- (a) prepare and issue codes of practice for the purpose of providing practical guidance in respect of any provision of this Act or regulations under it ; and
- (b) revise any such code by revoking, varying, amending or adding to the provisions of the code.

(2) A code prepared in pursuance of this section and any alterations proposed to be made on a revision of such a code shall be laid before both Houses of Parliament, and the Ministers shall not issue the code or revised code, as the case may be, until after the end of the period of 40 days beginning with the day on which the code or the proposed alterations were so laid.

(3) If, within the period mentioned in subsection (2) of this section, either House resolves that the code be not issued or the proposed alterations be not made, as the case may be, the Ministers shall not issue the code or revised code (without prejudice to their power under that subsection to lay further codes or proposed alterations before Parliament).

(4) For the purposes of subsection (2) of this section—

- (a) where a code or proposed alterations are laid before each House of Parliament on different days, the later day shall be taken to be the day on which the code or the proposed alterations, as the case may be, were laid before both Houses ; and

(b) in reckoning any period of 40 days, no account shall be taken of any time during which Parliament is dissolved or prorogued or during which both Houses are adjourned for more than four days.

(5) The Ministers shall cause any code issued or revised under this section to be printed and distributed, and may make such arrangements as they think fit for its distribution, including causing copies of it to be put on sale to the public at such reasonable price as the Ministers may determine.

(6) A failure on the part of any person to follow any guidance contained in a code issued under this section shall not of itself render that person liable to proceedings of any kind.

(7) If, in proceedings against any person for an offence consisting of the contravention of any provision of this Act or of regulations under it, it is shown that, at any material time, he failed to follow any guidance contained in a code issued under this section, being guidance which was relevant to the provision concerned, that failure may be relied on by the prosecution as tending to establish his guilt."

8. For section 4 of that Act (power to enter premises where slaughter for purposes of preparation for sale for human consumption takes place) there is substituted—

"Power of entry.

4.—(1) Where the power conferred by this subsection is exercisable in relation to any premises to which regulations under section 3 of this Act apply, a person authorised in that behalf by the Minister of Agriculture, Fisheries and Food or the Secretary of State or by the local authority within whose area the premises are situated may enter the premises for the purpose of ascertaining whether there is, or has been, on those premises any contravention of any provision of this Act or of any regulations made or code of practice issued under it.

(2) Where it is, or appears to the person so authorised to be, the case that the slaughter of birds to which this Act applies is in progress on the premises, the power conferred by subsection (1) of this section is exercisable at any time.

(3) Where it is, or appears to the person so authorised to be, the case that—

(a) the slaughter of such birds has within 48 hours been in progress on the premises, or

Powers of entry under 1967 Act.

(b) such birds are on the premises for the purpose of their being slaughtered,
the power conferred by subsection (1) of this section is exercisable at all reasonable hours.

(4) A person who intentionally obstructs a person in the exercise of his powers under subsection (1) of this section shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 2 on the standard scale."

9. For section 6 of that Act (power to institute proceedings) there is substituted— Enforcement of 1967 Act.

"Execution and enforcement.

6.—(1) Every local authority shall execute and enforce in their area the provisions of this Act and of regulations under section 3 of this Act.

(2) In particular, every local authority shall, for the purpose of securing the execution of those provisions, make arrangements for the supervision by persons having such qualifications as may be specified in the regulations of any premises in their area to which the regulations apply.

(3) Arrangements under subsection (2) of this section shall comply with such directions as the Ministers may give from time to time.

(4) This section does not authorise a local authority in Scotland to institute proceedings for any offence."

Controls over Breeding of Livestock

10.—(1) The appropriate Minister may make regulations for controlling the practice of artificial breeding of livestock. Artificial breeding of livestock.

In this section "artificial breeding" includes artificial insemination and transfer of ova or embryos.

(2) Regulations under this section—

(a) may, for the purpose of controlling the use for artificial breeding of any specified kind of livestock or of semen, ova or embryos of such livestock, prohibit the carrying on of any specified activity in connection with such livestock or with such semen, ova or embryos except under the authority of a licence or approval issued under the regulations ;

(b) may, for the purpose of controlling their use for artificial breeding, prohibit the importation of semen, ova

or embryos of any specified kind of livestock except under the authority of such a licence ;

and, accordingly, the regulations may make such provision as appears to the appropriate Minister to be expedient in respect of the issue, modification, suspension and revocation of licences or approvals under the regulations including the conditions subject to which they may be issued.

(3) Regulations under this section may include provision—

(a) in respect of advertisements in connection with artificial breeding ;

(b) for the seizure and detention of anything imported in contravention of any provision of the regulations or any conditions of any licence under them or anything which appears to any person authorised in that behalf to have been so imported and for dealing with anything so imported (whether by requiring it to be destroyed or taken out of Great Britain or otherwise) ;

(c) for the payment of fees in connection with—

(i) the issue of licences or approvals under the regulations, and

(ii) tests or examinations carried out for the purposes of the regulations,

and, where the regulations provide for an appeal against a refusal to issue any such licence or approval, in connection with such an appeal, being (in all cases) fees determined with the approval of the Treasury ;

but subsection (2) above and this subsection are without prejudice to the generality of subsection (1) above.

(4) For the purpose of ascertaining whether the provisions of regulations under this section or the conditions of any licence or approval under them are being or have been contravened, a person authorised in writing in that behalf by the appropriate Minister may, on producing his authority, enter at all reasonable times—

(a) any premises used by the holder of a licence or approval under the regulations, being premises used for or in connection with any of the purposes authorised by the licence or approval ; and

(b) any premises on which he has reasonable grounds for suspecting that an offence under this section is being or has been committed ;

and may inspect the premises and any livestock or articles on them and carry out such test or other investigation as he thinks fit.

(5) For the purposes of any test or investigation under subsection (4) above, the person so authorised may require any person on the premises to give such information as it is in his power to give.

(6) A person who—

- (a) contravenes any provision of regulations under this section or any conditions of a licence or approval under such regulations ;
- (b) intentionally obstructs any person in the exercise of the powers conferred on him by or under this section ; or
- (c) refuses to give any such person any information which he is required to give under subsection (5) above ;

is guilty of an offence and liable on summary conviction to imprisonment for a term not exceeding three months or to a fine not exceeding level 3 on the standard scale, or both.

In this subsection “ the standard scale ” has the meaning given by section 75 of the Criminal Justice Act 1982.

1982 c. 48.

(7) It is a defence to a charge of committing an offence under subsection (6)(a) above to prove that the accused took all reasonable steps and exercised all due diligence to avoid committing the offence.

(8) In this section—

- “ appropriate Minister ” means, in relation to England, the Minister of Agriculture, Fisheries and Food and, in relation to Scotland or to Wales, the Secretary of State ;
- “ contravention ” includes failure to comply and “ contravene ” is to be construed accordingly ;
- “ livestock ” includes any animal or bird not in the wild state ;
- “ premises ” includes any description of vehicle ;
- “ specified ” means specified in regulations under this section ;

and anything brought to Great Britain from a country out of Great Britain and landed here is imported for the purposes of this section.

11.—(1) Where an offence committed by a body corporate under section 10 of this Act 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 guilty of the offence, and shall be liable to be proceeded against and punished accordingly.

Provisions supplementary to section 10.

(2) Where the affairs of a body corporate are managed by its members, subsection (1) above shall apply in relation to the acts and defaults of a member in connection with his functions of management as if he were a director of the body corporate.

1943 c. 16.

(3) Section 17 of the Agriculture (Miscellaneous Provisions) Act 1943 (control of artificial insemination) shall cease to have effect but, without prejudice to section 17 of the Interpretation Act 1978 (repeal and re-enactment)—

1978 c. 30.

(a) in so far as regulations under section 17 of the Agriculture (Miscellaneous Provisions) Act 1943 could have been made under section 10 of this Act, they shall not be invalidated by the repeal but shall have effect as if so made and as if references in them to subsection (3) of the said section 17 were references to the corresponding provision (if any) of regulations under section 10 of this Act, and

(b) if at the commencement of section 10 of this Act the importation of any semen is prohibited by regulations under that section except under the authority of a licence issued under the regulations then, in so far as any licence under subsection (3) of the said section 17 could have been issued under the regulations, it shall not be invalidated by the repeal but shall have effect as if so issued ;

and references in section 10 of this Act to regulations under that section or licences or approvals under such regulations shall be interpreted accordingly.

(4) The power conferred by section 10 of this Act to make regulations shall be exercisable by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

12. The Improvement of Live Stock (Licensing of Bulls) Act 1931 (licence or permit required for keeping bulls which have attained prescribed age) and the Horse Breeding Act 1958 (similar requirement for stallions) shall cease to have effect.

Removal of controls on keeping of bulls and stallions.

1931 c. 43.

1958 c. 43.

Animal feeding stuffs and veterinary drugs

13.—(1) For section 40 of the Medicines Act 1968 (medicated animal feeding stuffs) there is substituted—

“Medicated animal feeding stuffs

40.—(1) The Agriculture Ministers may by regulations prohibit the incorporation by any person, in the course of a business carried on by him, of a medicinal product of any description in an animal

Medicated animal feeding stuffs.

1968 c. 67.

feeding stuff unless such of the conditions mentioned in subsection (2) of this section as may be specified in the regulations are satisfied.

(2) The conditions referred to in subsection (1) of this section are—

- (a) that it is incorporated in accordance with provisions relating to the incorporation of the medicinal product in animal feeding stuffs contained in a product licence or animal test certificate (whether held by him or by another person) ;
- (b) that it is incorporated in accordance with a written direction given by a veterinary surgeon or veterinary practitioner, being a written direction complying with such requirements as may be specified in the regulations ;
- (c) that the person concerned is for the time being entered in a register kept for the purposes of the regulations by the registrar or the Northern Ireland enforcement authority.

(3) A condition imposed by virtue of subsection (2)(a) of this section shall be taken to be satisfied if the person incorporating the medicinal product in the animal feeding stuff—

- (a) is not the holder of a product licence or animal test certificate containing such provisions as are mentioned in that paragraph, but
- (b) believes, on reasonable grounds, that another person is the holder of such a licence or certificate containing such provisions and that the medicinal product is incorporated in accordance with those provisions.

(4) The Agriculture Ministers may by regulations prohibit—

- (a) the sale, offer for sale, supply or export by any person in the course of a business carried on by him of any animal feeding stuff in which a medicinal product has been incorporated, or
- (b) the importation by any person of any animal feeding stuff in which a medicinal product has been incorporated,

unless such of the conditions mentioned in subsection (5) of this section as may be specified in the regulations are satisfied.

(5) The conditions referred to in subsection (4) of this section are—

(a) that the medicinal product was not incorporated in the animal feeding stuff in contravention of any prohibition imposed by virtue of subsection (1) of this section ;

(b) that the feeding stuff is sold, offered for sale, supplied, exported or imported (as the case may be) in accordance with a written direction given by a veterinary surgeon or veterinary practitioner, being a written direction complying with such requirements as may be specified in the regulations ;

(c) that the person concerned is for the time being entered in a register kept for the purposes of the regulations by the registrar or the Northern Ireland enforcement authority.

(6) A condition imposed by virtue of subsection (5)(a) of this section shall be taken to be satisfied if the person selling, offering for sale, supplying, exporting or importing the animal feeding stuff—

(a) did not incorporate the medicinal product in it, and

(b) had no reasonable grounds to believe that it was incorporated in contravention of any prohibition imposed by virtue of subsection (1) of this section.

(7) Regulations under this section may impose such conditions as the Agriculture Ministers think fit in respect of the inclusion or retention of persons in a register kept for the purposes of the regulations, including conditions requiring the payment to the registrar or the Northern Ireland enforcement authority of fees of such amounts as the Agriculture Ministers may with the consent of the Treasury determine.

(8) In determining any such fees, the Agriculture Ministers may have regard to—

(a) any costs incurred or to be incurred by the Pharmaceutical Society or the Northern Ireland enforcement authority in connection

with any duty to enforce any provision of regulations under this section, and

- (b) any costs incurred or to be incurred by any other person for the purpose of maintaining or improving standards among those engaged in the activities referred to in subsections (1) and (4) of this section.

(9) Any fees received by virtue of this section for the inclusion or retention of any person in a register kept for the purposes of the regulations shall, if the Agriculture Ministers so determine, be applied to such extent and in such manner as they may determine towards meeting any costs falling within subsection (8)(b) of this section ; subject to that, any such fees received by the registrar shall be applicable for the purposes of the Pharmaceutical Society.

(10) A person contravenes this section if he contravenes any prohibition imposed by virtue of subsection (1) or (4) of this section.

(11) References in this Act to the incorporation of a medicinal product in an animal feeding stuff do not include a reference to it being so incorporated in the course of making a medicinal product ; but, subject to that, they include a reference to the incorporation—

- (a) for a medicinal purpose of a substance or article other than a medicinal product, or
- (b) of a substance in which a medicinal product has been incorporated,

in an animal feeding stuff.

(12) In this section—

‘ the Northern Ireland enforcement authority ’ means any Northern Ireland Department having a duty to enforce any provision of this section or of regulations under it ; and

‘ the registrar ’ means any person appointed under section 1 of the Pharmacy Act 1954 1954 c. 61. as registrar for the purposes of that Act.”

(2) In section 130 of the Medicines Act 1968 (meaning of medicinal product and related expressions) after subsection (3) there is inserted—

“ (3A) An order made by the Agriculture Ministers may

provide that, for the purposes of this Act, any specified description or class of medicated feeding stuff—

- (a) is to be treated as a medicinal product (subject to the following provisions of this section), or
- (b) is not to be so treated (notwithstanding anything in subsection (1) of this section).

(3B) In subsection (3A) of this section ‘ medicated feeding stuff ’ means any substance which is manufactured, sold, supplied, imported or exported for use wholly or mainly in either or both of the following ways, that is to say—

- (a) use by being fed to one or more animals for a medicinal purpose or for purposes that include that purpose, or
- (b) use as an ingredient in the preparation of a substance which is to be fed to one or more animals for a medicinal purpose or for purposes that include that purpose.

(3C) No order shall be made under subsection (3A) of this section unless a draft of the order has been laid before Parliament and approved by resolution of each House of Parliament.”

1968 c. 67.

(3) In section 132(1) of the Medicines Act 1968 (interpretation), after the definition of “ animal ” there is inserted—

“ ‘ animal feeding stuff ’ means any substance which is intended for use either by being fed to one or more animals or as an ingredient in the preparation of such a substance, not being in either case a medicinal product ”.

Registration of merchants in veterinary drugs.

14. In section 57 of the Medicines Act 1968 (power to extend or modify exemptions under sections 52 and 53, which regulate the sale or supply of medicinal products), after subsection (2) (power to impose conditions on any exemptions) there is inserted—

“ (2A) Without prejudice to the generality of subsection (2) of this section, an order under subsection (1) of this section providing for the exemption from section 52 of this Act of the sale, or offer or exposure for sale, by retail or the supply in circumstances corresponding to retail sale of veterinary drugs by any persons—

- (a) may, as a condition of the exemption, require those persons to be entered for the time being in a register of merchants in veterinary drugs kept by the registrar or the Northern Ireland enforcement authority, and

- (b) may impose such conditions as the appropriate Ministers think fit in respect of the inclusion or retention of persons in the register, including conditions requiring the payment to the registrar or the Northern Ireland enforcement authority of fees of such amounts as the appropriate Ministers may with the consent of the Treasury determine.

(2B) In determining any such fees, the appropriate Ministers may have regard to—

- (a) any costs incurred or to be incurred by the Pharmaceutical Society or the Northern Ireland enforcement authority in connection with any power or duty to enforce any provisions of section 52 or of regulations under section 66 of this Act, so far as those powers or duties relate to veterinary drugs, and
- (b) any costs incurred or to be incurred by any other person for the purpose of maintaining or improving standards among those engaged in the sale by retail of veterinary drugs or the supply of such drugs in circumstances corresponding to retail sale.

(2C) Any fees received by virtue of this section for the inclusion or retention of any person in a register of merchants in veterinary drugs shall, if the appropriate Ministers so determine, be applied to such extent and in such manner as they may determine towards meeting any costs falling within subsection (2B)(b) of this section; subject to that, any such fees received by the registrar shall be applicable for the purposes of the Pharmaceutical Society.

(2D) In the preceding provisions of this section—

- ‘ the Northern Ireland enforcement authority ’ means any Northern Ireland department having a duty to enforce any of the provisions referred to in subsection (2B)(a) of this section, being a duty relating to veterinary drugs ; and
- ‘ the registrar ’ means the person appointed under section 1 of the Pharmacy Act 1954 as registrar 1954 c. 61. for the purposes of that Act.”

15.—(1) In section 117 of the Medicines Act 1968 (special enforcement and sampling provisions relating to animal feeding stuffs), after subsection (5) there is inserted—

“ (5A) The power conferred by subsection (1) of this section to provide for the purposes there mentioned that any of the provisions of section 115 of this Act shall

Sampling of animal feeding stuffs.

1968 c. 67.

have effect (with or without modifications) in relation to animal feeding stuffs includes power to provide in relation to animal feeding stuffs that, in place of all or any of those provisions, provisions specified in the regulations shall have effect, being provisions corresponding to any of those made by sections 75 and 78 of the Agriculture Act 1970.”

1970 c. 40.

(2) At the end of subsection (6) of that section there is inserted “and the reference in subsection (2) of this section to the provisions of section 115 of this Act as modified by any such regulations shall be construed as including a reference to any provisions specified in the regulations in place of any of the provisions of section 115 of this Act.”

Supplementary

Minor and consequential amendments and repeals.

S.I. 1978/201.

16.—(1) Schedule 1 to this Act (which contains minor and consequential amendments) shall have effect.

(2) The enactments mentioned in Schedule 2 to this Act are repealed to the extent specified in the third column of that Schedule and the Slaughter of Poultry Act 1967 Extension Order 1978 is revoked.

Short title, commencement and extent.

17.—(1) This Act may be cited as the Animal Health and Welfare Act 1984.

(2) Subject to subsection (3) below, this Act shall come into force at the end of the period of two months beginning with its passing.

(3) The following provisions of this Act, that is—

section 13,

paragraph 3 of Schedule 1, and

so much of Schedule 2 as relates to the Medicines Act 1968, shall come into force on such day as the Agriculture Ministers may by order made by statutory instrument appoint, and different days may be appointed for different provisions and for different purposes.

In this subsection “the Agriculture Ministers” has the same meaning as in the Medicines Act 1968.

(4) Notwithstanding the repeal by this Act of the words “for purposes of preparation for sale for human consumption” in subsection (1) of section 1 of the Slaughter of Poultry Act 1967, that subsection shall not have effect in relation to the slaughter of poultry chicks within the meaning of subsection (2B) of that

1968 c. 67.

1967 c. 24.

section until such day as the Ministers may by order made by statutory instrument appoint.

In this subsection “ the Ministers ” has the same meaning as in that Act.

(5) Except for—

(a) sections 13 to 15, and

(b) section 16 and Schedules 1 and 2 so far as relating to the Medicines Act 1968,

1968 c. 67.

this Act does not extend to Northern Ireland.

SCHEDULES

Section 16.

SCHEDULE 1

MINOR AND CONSEQUENTIAL AMENDMENTS

Slaughter of Poultry Act 1967 (c.24)

1.—(1) The Slaughter of Poultry Act 1967 shall be amended as follows.

(2) In section 1(1), for the words “turkey kept in captivity or domestic fowl so kept” there is substituted “bird to which this Act applies”.

(3) In section 1(3) (as originally enacted), for the words from “£50” to the end there is substituted “level 3 on the standard scale”.

(4) In section 2 (as originally enacted)—

(a) for the words “turkey kept in captivity or a domestic fowl so kept” there is substituted “bird to which this Act applies”,

(b) the words “for purposes mentioned in section 1(1) above” are omitted,

(c) for “£20” there is substituted “level 2 on the standard scale”;

and at the end of that section there is inserted—

“(2) It is a defence to a charge of committing an offence under this section to prove that the accused took all reasonable steps and exercised all due diligence to avoid committing the offence”.

(5) In section 7(1), the words “for purposes mentioned in section 1(1) above” and the words “other than turkeys and domestic fowls” are omitted.

(6) In section 8—

(a) before the definition of “local authority” there is inserted—
“‘contravention’ includes failure to comply”, and

(b) after the definition of “the Ministers” there is inserted—

“‘the standard scale’ has the meaning given by section 75 of the Criminal Justice Act 1982.

1982 c. 48.

(2) This Act applies to turkeys kept in captivity and domestic fowls, guinea fowls, ducks, geese and quails so kept; and references in this Act to birds to which this Act applies shall be construed in accordance with this subsection and any order under section 7 above.”

2. A person shall not, by virtue of paragraph 1(4)(c) above, be liable on conviction, after the time when this Act comes into force, of an offence committed before that time to any punishment by way of fine greater than that to which he would have been liable if convicted before that time.

Medicines Act 1968 (c. 67)

3.—(1) The Medicines Act 1968 shall be amended as follows.

(2) In section 28(3)(i), the words “or of any substance or article other than a medicinal product incorporated for a medicinal purpose” are omitted.

(3) Sections 41, 42 and 46(3) and (4) are omitted.

(4) In section 108(6)(a), after the word “sections” there is inserted “40” and after the word “Act” there is inserted “and of any regulations made under section 40 of this Act”.

(5) At the end of section 117 there is added—

“ (8) References in subsections (1), (3) and (5A) of this section to animal feeding stuffs include a reference to any medicated feeding stuff, within the meaning of section 130(3A) of this Act.”

(6) In section 126(1)(a), for “40(1)” there is substituted “40”.

(7) In section 130(4), after the words “subsection (1)” there is inserted “or (3A)”.

(8) In section 130(6)—

(a) after the words “subsection (1)” there is inserted “or (3B)”.

(b) for the word “that” (where it first appears) there is substituted “the relevant”.

(c) the words “(subject to the next following subsection)” are omitted, and

(d) for the words “subsection (1) of this section” (in the second place where they appear) there is substituted “the relevant subsection”.

(9) Section 130(7) is omitted.

(10) In section 130(9), after the word “administering” (in both places) there is inserted “(or feeding)”.

(11) In paragraph 6 of Schedule 4, the words “section 42” are omitted.

Animal Health Act 1981 (c. 22)

4. In section 63(3) of the Animal Health Act 1981, for the word “where” there is substituted “in respect of which”.

Section 16.

SCHEDULE 2**REPEALS**

Chapter	Short Title	Extent of Repeal
1931 c. 43.	Improvement of Live Stock (Licensing of Bulls) Act 1931.	The whole Act.
1943 c. 16.	Agriculture (Miscellaneous Provisions) Act 1943	Section 17.
1944 c. 28.	Agriculture (Miscellaneous Provisions) Act 1944	In section 6, subsections (4) to (6).
1946 c. 26.	Emergency Laws (Transitional Provisions) Act 1946.	In Schedule 2, the entry relating to the Improvement of Live Stock (Licensing of Bulls) Act 1931.
1958 c. 43.	Horse Breeding Act 1958.	The whole Act.
1963 c. 11.	Agriculture (Miscellaneous Provisions) Act 1963	In section 16, subsection (4) and, in subsection (5), the words from "or containing" to "prescribing fees".
1967 c. 24.	Slaughter of Poultry Act 1967.	In section 1(1), the words "for purposes of preparation for sale for human consumption" and, in sections 2 and 7(1), the words "for purposes mentioned in section 1(1) above". In section 7(1), the words "other than turkeys and domestic fowls".
1968 c. 67.	Medicines Act 1968.	In section 28(3)(i), the words "or of any substance or article other than a medicinal product incorporated for a medicinal purpose". Sections 41 and 42. In section 46, subsections (3) and (4). In section 130(6), the words "(subject to the next following subsection)". Section 130(7). In Schedule 4, in paragraph 6, the words "section 42".
1972 c. 62.	Agriculture (Miscellaneous Provisions) Act 1972	In section 8, subsections (1) to (4). Schedule 3.
1981 c. 22.	Animal Health Act 1981.	Section 17(4).

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