



# Prevention of Damage by Pests Act 1949

1949 CHAPTER 55 12 13 and 14 Geo 6

## PART III

### SUPPLEMENTAL

#### <sup>F1</sup>19 Control of methods of destruction of pests, &c.

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#### Textual Amendments

<sup>F1</sup> S. 19 repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), Sch. 1 Pt. 13

#### 20 Amendment of Agriculture Act, 1947.

- (1) No notice served after the commencement of this Act under section ninety-eight of the <sup>M1</sup>Agriculture Act 1947 (which enables the Minister to require the destruction of animals to which that section applies) shall require any person to take any steps which he could have been required to take by a notice served under section four of this Act; but nothing in this subsection shall affect the provisions of section one hundred and one of the said Act of 1947 as to the rendering by the Minister of assistance in the destruction of animals to which the said section ninety-eight applies and the recovery by the Minister of any charge made in respect of any such assistance.
- (2) The purposes for which the Minister may exercise his powers under the said section one hundred and one shall include the rendering of assistance in the prevention or treatment of any infestation.
- (3) In the application of this section to Scotland, for references to sections ninety-eight and one hundred and one of the <sup>M2</sup>Agriculture Act 1947, there shall respectively be substituted references to sections thirty-nine and forty-two of the <sup>M3</sup>Agriculture (Scotland) Act 1948.

*Status: Point in time view as at 22/07/2004.*

*Changes to legislation: There are currently no known outstanding effects for the Prevention of Damage by Pests Act 1949, Part III. (See end of Document for details)*

#### Marginal Citations

- M1** 1947 c. 48.  
**M2** 1947 c. 48.  
**M3** 1948 c. 45.

## 21 Regulations.

- (1) Any power of the Minister to make regulations under this Act, and the power of the Minister . . . <sup>F2</sup> to make orders under section eighteen of this Act, shall be exercisable by statutory instrument.
- (2) Any statutory instrument containing an Order in Council or regulations made under this Act shall be subject to annulment in pursuance of a resolution of either House of Parliament.

#### Textual Amendments

- F2** Words repealed by [Local Government, Planning and Land Act 1980 \(c. 65, SIF 81:1, 2\)](#), s. 194, [Sch. 34 Pt. I](#)

## 22 Powers of entry.

- (1) Any person duly authorised in writing by a local authority for the purposes of Part I of this Act, or by a person empowered by the Minister to exercise functions of a local authority under that Part, may, at any reasonable time, enter upon any land—
  - (a) for the purpose of carrying out any inspection required by the said Part I to be carried out by the local authority;
  - (b) for the purpose of ascertaining whether there is or has been, on or in connection with the land, any failure to comply with any requirement of the said Part I or of any notice served thereunder;
  - (c) for the purpose of taking any steps authorised by section five or section six of this Act to be taken by the local authority on or in relation to the land.
- (2) Any person duly authorised in writing by the Minister, or by a local authority to whom functions of the Minister under Part II of this Act are delegated, may, at any reasonable time, enter upon any land—
  - (a) for the purpose of ascertaining whether there is or has been, on or in connection with the land or any vehicle thereon, any failure to comply with any requirement of the said Part II or of any directions given thereunder;
  - (b) for the purpose of taking any steps authorised to be taken on or in relation to the land under the said Part II by a person named in an order made by the Minister or by that authority thereunder,

and where any such person has entered on any premises for the purposes specified in paragraph (a) of this subsection, he may take samples of any food found on those premises.

- (3) Any person authorised under this section to enter upon any land shall, if so required, produce evidence of his authority before so entering, and shall not demand admission

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as of right to any land which is occupied unless twenty-four hours' notice of the intended entry has been given to the occupier.

- (4) Any person who wilfully [<sup>F3</sup>obstructs the exercise of powers conferred by this section or by section five, subsection (1) of section six or subsection (1) of section sixteen of this Act] shall be liable on summary conviction to a fine not exceeding in the case of a first offence [<sup>F4</sup>five pounds][<sup>F4</sup>level 1 on the standard scale], and in the case of a second or any subsequent offence [<sup>F5</sup>twenty pounds][<sup>F5</sup>level 1 on the standard scale].
- (5) If any person who, in compliance with the provisions of this section, is admitted into a factory, workshop or work place, discloses to any person any information obtained by him therein as to any manufacturing process or trade secret, he shall, unless the disclosure is made in the course of performing his duty in connection with the purpose for which he was authorised to enter the premises, be liable on summary conviction to a fine not exceeding [<sup>F6</sup>level 3 on the standard scale] or to imprisonment for a term not exceeding three months.
- (6) If any land is damaged in the exercise of a power of entry conferred under this section, compensation in respect of that damage may be recovered by any person interested in the land from the local authority on whose behalf the entry was effected, or from the Minister, as the case may be.

#### Textual Amendments

- F3** Words substituted by [Pests Act 1954 \(c. 68\), s. 5\(3\)](#)
- F4** “level 1 on the standard scale” substituted (S.) for “five pounds” by virtue of [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\), ss. 289E–289G](#)
- F5** “level 1 on the standard scale” substituted (S.) for “twenty pounds” by virtue of [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\), ss. 289E–289G](#)
- F6** 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. 22\(4\): 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.)

## 23 Application to shipping and aircraft.

- (1) His Majesty may by Order in Council direct that the provisions of this Act shall apply, subject to such exceptions and modifications as may be prescribed by the Order, in relation to vessels or aircraft as they apply in relation to land:  
Provided that Part I of this Act shall not be applied by any such Order in Council in relation to vessels employed in trading or going between a place in the United Kingdom, the Channel Islands or the Isle of Man and a place not within the United Kingdom, the Channel Islands or the Isle of Man.
- (2) Any Order in Council made under this section may be varied or revoked by a subsequent Order in Council.

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

C2 S. 23(1) extended by [Hovercraft Act 1968 \(c. 59\)](#), [Sch. para. 3](#)

24 ..... F7

**Textual Amendments**

F7 S. 24 repealed by [London Government Act 1963 \(c. 33\)](#), [Sch. 18 Pt. II](#)

<sup>F8</sup>25 **Compensation of officers.**

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**Textual Amendments**

F8 S. 25 repealed (22.7.2004) by [Statute Law \(Repeals\) Act 2004 \(c. 14\)](#), [Sch. 1 Pt. 13](#)

26 **Legal proceedings.**

- (1) Proceedings for an offence under this Act shall not, in England and Wales, be instituted except by or with the consent of the Minister or the local authority.
- (2) Where an offence under this Act is committed by a body corporate, every person who, at the time of the commission of the offence, was a director, general manager, secretary or other similar officer of the body corporate, or was purporting to act in any such capacity, shall be deemed to be guilty of that offence unless he proves that it was committed without his consent or connivance and that he exercised any such diligence to prevent its commission as he ought to have exercised having regard to the nature of his functions in that capacity and to all the circumstances.
- (3) For the purposes of the last foregoing subsection, the expression “director”, in relation to any body corporate established by or under any enactment for the purpose of carrying on under national ownership any industry or part of an industry or undertaking, being a body corporate whose affairs are managed by the members thereof, means a member of that body.

27 **Financial provisions.**

- (1) There shall be paid out of moneys provided by Parliament—
  - (a) any expenses of the Minister under this Act;
  - <sup>F9</sup>(b) .....
  - (c) any expenses of the Minister in carrying out research in matters connected with the functions of the Minister and of local authorities under this Act.
- (2) Any receipts of the Minister under this Act shall be paid into the Exchequer.

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**Textual Amendments**

**F9** S. 27(1)(b) repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), Sch. 1 Pt. 13

**28 Interpretation.**

(1) In this Act, except where the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say:—

“agricultural land” has the same meaning as in the <sup>M4</sup>Agriculture Act 1947, or, in Scotland, the <sup>M5</sup>Agriculture (Scotland) Act 1948;

“container” includes sacks, boxes, tins and other similar articles;

“defendant”, in relation to Scotland, means defender;

“food” includes any substance ordinarily used in the composition or preparation of food, the seeds of any cereal or vegetable, and any feeding stuffs for animals, but does not include growing crops;

“infestation” means the presence of rats, mice, insects or mites in numbers or under conditions which involve an immediate or potential risk of substantial loss of or damage to food, and “infested” shall be construed accordingly;

“land” includes land covered with water, and any building or part of a building;

“manufacture” includes processing;

“the Minister” means [<sup>F10</sup>the Minister of Agriculture, Fisheries and Food], or, in relation to Scotland, the Secretary of State;

“owner” has the same meaning as in the <sup>M6</sup>Public Health Act 1936, or, in Scotland, the <sup>M7</sup>Public Health (Scotland) Act 1897.

(2) For the purposes of Part I of this Act, any land which is vested in or under the control of a local authority (whether or not being the local authority for the purposes of that Part) and is not occupied by any other person shall be deemed to be occupied by that authority.

**Textual Amendments**

**F10** Words substituted by virtue of S.I. 1955/554 (1955 I, p. 1200), art. 3

**Marginal Citations**

**M4** 1947 c. 48.

**M5** 1948 c. 45.

**M6** 1936 c. 49.

**M7** 1897 c. 38.

**29 Application to Northern Ireland.**

(1) Section twenty-three of this Act shall extend to Northern Ireland, and for that purpose shall have effect as if the reference therein to the provisions of this Act included a reference to any corresponding provisions for the time being in force in Northern Ireland.

(2) ..... <sup>F11</sup>

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(3) Subject to the foregoing provisions of this section, this Act shall not extend to Northern Ireland.

**Textual Amendments**

**F11** S. 29(2) repealed by [Northern Ireland Constitution Act 1973 \(c. 36\)](#), **Sch. 6 Pt. I**

**30 Short title, repeal and commencement.**

(1) This Act may be cited as the Prevention of Damage by Pests Act 1949.

<sup>F12</sup>(2) .....

<sup>F13</sup>(3) .....

**Textual Amendments**

**F12** S. 30(2) repealed (22.7.2004) by [Statute Law \(Repeals\) Act 2004 \(c. 14\)](#), **Sch. 1 Pt. 13**

**F13** S. 30(3) repealed (22.7.2004) by [Statute Law \(Repeals\) Act 2004 \(c. 14\)](#), **Sch. 1 Pt. 13**

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

**C3** The text of s. 30(2) is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

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**Changes to legislation:**

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