

2023 No. 1350

ANIMALS, ENGLAND

ANIMAL HEALTH

ANIMAL WELFARE

The Animals (Penalty Notices) (England) Regulations 2023

<i>Made</i> - - - -	<i>9th December 2023</i>
<i>Laid before Parliament</i>	<i>11th December 2023</i>
<i>Coming into force</i> - -	<i>1st January 2024</i>

The Secretary of State makes these Regulations in exercise of the powers conferred by section 1(2) and (4) and section 2(2) of the Animals (Penalty Notices) Act 2022^(a).

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Animals (Penalty Notices) (England) Regulations 2023 and come into force on 1st January 2024.

(2) They extend to England and Wales but apply only in relation to England.

Interpretation

2. In these Regulations—

“the Act” means the Animals (Penalty Notices) Act 2022;

“port health authority” means—

- (a) in relation to the London port health district, the Common Council of the City of London; or
- (b) in relation to any other port health district, the port health authority for that district;

“port health district” means—

- (a) a port health district constituted by order under section 2(3) of the Public Health (Control of Disease) Act 1984^(b);
- (b) the London port health district, within the meaning given by section 7(1) of that Act;

(a) 2022 c. 19.
(b) 1984 c. 22.

Relevant offences and enforcement authorities

3.—(1) An offence listed in Schedule 1 is a relevant offence for the purposes of section 1(2) of the Act.

(2) A person specified in the second column of Schedule 1 under the heading “Enforcement authority” is an enforcement authority for the purposes of section 1(4) of the Act in relation to the corresponding offence or offences specified in the first column of that Schedule.

Specified dangerous dogs offences

4. An offence listed in Schedule 2 is a specified dangerous dogs offence for the purposes of section 2(2) of the Act.

9th December 2023

Benyon
Minister of State
Department for Environment, Food and Rural Affairs

SCHEDULES

SCHEDULE 1

Regulation 3

Relevant offences

<i>Offence</i>	<i>Enforcement authority</i>
1. In the Dangerous Wild Animals Act 1976 (a) , an offence under—	Local authorities
(a) section 2(5) (keeping a dangerous wild animal without a licence) or (6) (contravention of or non-compliance with licence condition);	
(b) section 3(4) (obstructing or delaying inspection by local authority).	
2. In the Animal Health Act 1981 (b) , an offence under—	Local authorities; the Secretary of State
(a) section 4(1) (false statements) or (2) (obstruction of inspection authorised under section 3(2));	
(b) section 8(2) (breach of prohibition of use of vessel etc);	
(c) section 15(7) (failure to keep an animal separate and failure to give notice of disease);	
(d) section 16(17) (failure to give assistance with treatment with serum or vaccine);	
(e) section 28A(1) (deliberate infection);	
(f) section 30(3) (failure to comply with zoonoses control requirements);	
(g) section 35(4) (disposal of carcasses in river etc or digging up of carcasses);	
(h) section 40(1) (export of horses unless certified);	
(i) section 41(1) (export of certain ponies unless of a certain value and certified);	
(j) section 42 (restriction on export of registered ponies);	
(k) section 45(2) (marking of horses with a view to evading export restriction);	
(l) section 49(3) (contravention of sections 40 to 42 and 44 to 48);	
(m) section 62F(8) (failure to give assistance to a veterinary inspector);	
(n) section 66 (refusal and obstruction);	

(a) 1976 c.38.

(b) 1981 c. 22; section 4 was amended by the Criminal Justice Act 1982 (c. 48), sections 38 and 46. Section 16(17), and the requirement in section 16(10) to which it relates, were inserted by the Animal Health Act 2002 (c. 42), section 7(1), (4). The definitions in section 49(4)(a) of expressions in section 49(3) were substituted by the Merchant Shipping Act 1995 (c. 21), sections 314(2) and paragraph 58(a) of Schedule 13. Section 28A was added by the Animal Health Act 2002, section 12(1). Section 62F was inserted by the Animal Health Act 2002, section 9. Section 66A was inserted by the Animal Health Act 2002, section 8(2).

- (o) section 66A(1) (refusal and obstruction of inspector) or (2) (failure to give assistance under section 62C(3));
- (p) section 67 (issue of false licences etc);
- (q) section 68 (issue of licences etc. in blank);
- (r) section 69 (falsely obtaining licences etc);
- (s) section 71 (other offences as to licences);
- (t) section 72(a) (acts and omissions declared to be an offence against the Animal Health Act 1981), insofar as it relates to an act or omission declared by that Act to be an offence;
- (u) section 72(b) (acts made or declared to be not lawful), insofar as it relates to an act made or declared by the Animal Health Act 1981 to be not lawful;
- (v) section 73(a) (acts in contravention of the Animal Health Act 1981 etc), insofar as it relates to an act in contravention of the Animal Health Act 1981;
- (w) section 73(b) (failure to give, produce, observe or do anything required), insofar as it relates to a requirement under the Animal Health Act 1981.

3. An offence for the purposes of section 72 of the Animal Health Act 1981 under— Local authorities; the Secretary of State

- (a) article 5A of the Movement of Animals (Records) Order 1960(a) (offences);
- (b) article 13 of the Rabies (Control) Order 1974(b) (offences);
- (c) article 8 of the Importation of Animal Pathogens Order 1980(c) (summary offences);
- (d) article 20 of the Aujeszky's Disease Order 1983(d) (offences);
- (e) article 14 of the Infectious Diseases of Horses Order 1987(e) (offences);
- (f) article 19 of the Welfare of Horses at Markets (and Other Places of Sale) Order 1990 (f) (offences);

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- (a) S.I. 1960/105; relevant amending instruments are S.I. 1961/1493, 1977/944, 1989/879, 1990/1868, 1995/11, 1995/12, 1996/28. The instrument has effect as if made under the Animal Health Act 1981, by virtue of section 17(2)(b) of the Interpretation Act 1978. Provision is also made below relating to offences under this order for the purpose of section 73 of the Animal Health Act 1981.
 - (b) S.I. 1974/2212; relevant amending instruments are S.I. 1995/2922, 2009/2713. The instrument has effect as if made under the Animal Health Act 1981, by virtue of section 17(2)(b) of the Interpretation Act 1978. Provision is also made below relating to offences under this order for the purpose of section 73 of the Animal Health Act 1981.
 - (c) S.I. 1980/1212, amended by S.I. 1993/3250, 2006/2407. Provision is also made below relating to offences under this order for the purpose of section 73 of the Animal Health Act 1981.
 - (d) S.I. 1983/344; relevant amending instruments are S.I. 1994/3141, 2021/443. Provision is also made below relating to offences under this order for the purpose of section 73 of the Animal Health Act 1981.
 - (e) S.I. 1987/790; relevant amending instruments are S.I. 1992/3159, 2009/2713. Provision is also made below relating to offences under this order for the purpose of section 73 of the Animal Health Act 1981.
 - (f) S.I. 1990/2627. Provision is also made below relating to offences under this order for the purpose of section 73 of the Animal Health Act 1981.

- (g) article 20 of the Welfare of Animals at Markets Order 1990(a) (offences);
- (h) article 13 of the Anthrax Order 1991(b) (offences);
- (i) the following provisions of the Welfare of Animals (Transport) (England) Order 2006(c)—
 - (i) article 4(1) (transport causing injury or unnecessary suffering) or (2) (transport in inappropriate conditions);
 - (ii) article 5(1) (failure to comply with transport requirements);
 - (iii) article 6 (transporters);
 - (iv) article 7(1) (failure to comply with provisions for transport on roll-on-roll-off vessels);
 - (v) article 8 (organisers);
 - (vi) article 9 (keepers);
 - (vii) article 10 (assembly centres);
 - (viii) article 11(1) (operation of a control post without approval), (2) (operation of an unapproved control post), or (3) (failure to comply with certain provisions).

4. An offence for the purposes of section 72 of the Animal Health Act 1981 under article 3 of the Control of Dogs Order 1992(d) (offences). Local authorities

5. An offence for the purposes of section 73 of the Animal Health Act 1981 under— Local authorities; the Secretary of State

- (a) the Pleuro-Pneumonia Order 1928(e);
- (b) the Cattle Plague Order 1928(f);
- (c) the Movement of Animals (Records) Order 1960(g);
- (d) the Rabies (Control) Order 1974(h);
- (e) the Importation of Animal Pathogens Order 1980(i);
- (f) the Aujeszky's Disease Order 1983(j);
- (g) the Infectious Diseases of Horses Order 1987(k);

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- (a) S.I. 1990/2628, amended by S.I. 1993/3085, 1995/12. Provision is also made below relating to offences under this order for the purpose of section 73 of the Animal Health Act 1981.
 - (b) S.I. 1991/2814; relevant amending instruments are S.I. 1995/2922, 1996/1855, 2009/2713. Provision is also made below relating to offences under this order for the purpose of section 73 of the Animal Health Act 1981.
 - (c) S.I. 2006/3260; relevant amending instruments are S.I. 2012/2897, 2023/287. Provision is also made below relating to offences under this order for the purpose of section 73 of the Animal Health Act 1981.
 - (d) S.I. 1992/901.
 - (e) S.R. & O. 1928/205, amended by S.R. & O. 1938/194, 1938/195, S.I. 1977/944. The instrument has effect as if made under the Animal Health Act 1981, by virtue of section 17(2)(b) of the Interpretation Act 1978.
 - (f) S.R. & O. 1928/206, amended by S.R. & O. 1938/194, S.I. 1977/944. The instrument has effect as if made under the Animal Health Act 1981, by virtue of section 17(2)(b) of the Interpretation Act 1978.
 - (g) Separate provision is made above relating to a specific offence contained in the Order.
 - (h) Separate provision is made above relating to a specific offence contained in the Order.
 - (i) Separate provision is made above relating to a specific offence contained in the Order.
 - (j) Separate provision is made above relating to a specific offence contained in the Order.
 - (k) Separate provision is made above relating to a specific offence contained in the Order.

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- (h) the Welfare of Horses at Markets (and Other Places of Sale) Order 1990(a);
 - (i) the Welfare of Animals at Markets Order 1990(b);
 - (j) the Anthrax Order 1991(c);
 - (k) the Equine Viral Arteritis Order 1995(d);
 - (l) the Movement of Animals (Restrictions) (England) Order 2002(e);
 - (m) the Diseases of Poultry (England) Order 2003(f);
 - (n) the Transport of Animals (Cleansing and Disinfection) (England) (No. 3) Order 2003(g);
 - (o) the Disease Control (England) Order 2003(h);
 - (p) the Foot-and-Mouth Disease (Control of Vaccination) (England) Regulations 2006(i);
 - (q) the Avian Influenza (Preventive Measures) (England) Regulations 2006(j);
 - (r) the Avian Influenza (Vaccination) (England) Regulations 2006(k);
 - (s) the Avian Influenza (H5N1 in Wild Birds) (England) Order 2006(l);
 - (t) the Welfare of Animals (Transport) (England) Order 2006(m);
 - (u) the Diseases of Animals (Approved Disinfectants) (England) Order 2007(n);
 - (v) the Products of Animal Origin (Disease Control) (England) Regulations 2008(o);
 - (w) the Sheep and Goats (Records, Identification and Movement) (England) Order 2009(p);
 - (x) the Animal Gatherings Order 2010(q);

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- (a) Separate provision is made above relating to a specific offence contained in the Order.
 - (b) Separate provision is made above relating to a specific offence contained in the Order.
 - (c) Separate provision is made above in relation to a specific offence contained in the Order.
 - (d) S.I. 1995/1755, amended by S.I. 2009/2713; there are other amending instruments but none is relevant.
 - (e) S.I. 2002/3229, amended by S.I. 2007/2809, 2021/1001.
 - (f) S.I. 2003/1078, amended by S.I. 2006/1197, 2009/2713, 2018/575, 2021/443.
 - (g) S.I. 2003/1724; relevant amending instruments are S.I. 2006/3260, 2007/1020.
 - (h) S.I. 2003/1729, amended by S.I. 2005/3100, 2007/2476, 2623, 2008/1066, 2011/2154, 2012/2897, 2016/280, 2020/1462.
 - (i) S.I. 2006/183, amended by S.I. 2009/2712, 2011/881, 2012/2897, 2013/2952, 2018/1406, 2019/1488. By virtue of regulation 37 of S.I. 2006/183, section 73 of the Animal Health Act 1981 applies as if the Regulations were an Order made under that Act.
 - (j) S.I. 2006/2701, relevant amending instruments are S.I. 2009/2712, 2012/2897. By virtue of regulation 20 of S.I. 2006/2701, section 73 of the Animal Health Act 1981 applies as if the Regulations were an Order made under that Act.
 - (k) S.I. 2006/2703, amended by S.I. 2009/2712, 2012/2897, 2018/575, 1406. By virtue of regulation 21 of S.I. 2006/2703, section 73 of the Animal Health Act 1981 applies as if the Regulations were an Order made under that Act.
 - (l) S.I. 2006/3249; relevant amending instruments are S.I. 2007/3303, 2012/2897, 2013/2952, 2018/575, 2021/1305, 1307.
 - (m) Separate provision is made above in relation to specific offences contained in the Order.
 - (n) S.I. 2007/448, amended by S.I. 2012/2897; there are other amending instruments but none is relevant.
 - (o) S.I. 2008/465, amended by S.I. 2009/1297, 2012/2897, 2014/1894, 2018/575, 1406. By virtue of regulation 21 of S.I. 2008/465, section 73 of the Animal Health Act 1981 applies as if the Regulations were an Order made under that Act.
 - (p) S.I. 2009/3219, amended by S.I. 2012/2897, 2014/331, 2016/76, 2018/1238.
 - (q) S.I. 2010/460; relevant amending instruments are S.I. 2012/2897, 2013/2952.

Offence**Enforcement authority**

(y) the Pigs (Records, Identification and Movement) Order 2011(a);	
(z) article 25 of the Tuberculosis in Animals (England) Order 2021(b) (enforcement);	
(z1) the Exotic Equine Diseases (Compensation) (England) (No. 2) Order 2023(c).	
6. An offence for the purposes of section 73 of the Animal Health Act 1981 under the Avian Influenza and Influenza of Avian Origin in Mammals (England) (No.2) (Order) 2006(d).	Local authorities; the Secretary of State; the Food Standards Agency
7. In the Animal Welfare Act 2006(e), an offence under—	Local authorities; the Secretary of State
(a) section 9 (duty of a person responsible for animal to ensure welfare);	
(b) section 11 (transfer of animals by way of sale or prize to persons under section 16);	
(c) section 13 (licensing or registration of activities involving animals).	
8. An offence under regulation 7 of the Welfare of Farmed Animals (England) Regulations 2007(f) (offences).	Local authorities; the Secretary of State
9. An offence under regulation 25 of the Bluetongue Regulations 2008(g) (offences and penalties).	Local authorities; the Secretary of State
10. An offence under regulation 39 of the Trade in Animals and Related Products Regulations 2011(h) (offences).	Local authorities; the Secretary of State; port health authorities; the Food Standards Agency; a customs official or customs officer referred to in regulation 32 of the Trade in Animals and Related Products Regulations 2011
11. An offence under regulation 35(1) of the African Horse Sickness (England) Regulations 2012(i) (offences).	Local authorities; the Secretary of State

(a) S.I. 2011/2154, amended by S.I. 2012/2897, 2018/501, 1238, 2019/526.

(b) S.I. 2021/1001, amended by S.I. 2023/867.

(c) S.I. 2023/565.

(d) S.I. 2006/2702, amended by S.I. 2009/2713, 2012/2897, 3039, 2018/575, 1406, 2021/1472, 2022/1108, 1224.

(e) 2006 c. 45.

(f) S.I. 2007/2078; relevant amending instruments are S.I. 2010/3033, 2012/2897, 2018/1033, 2019/1488.

(g) S.I. 2008/962; relevant amending instruments are S.I. 2009/2712, 2011/1197, 2012/1977, 2897, 2018/575.

(h) S.I. 2011/1197; relevant amending instruments are S.I. 2019/1488, 2020/1462.

(i) S.I. 2012/2629, to which there are amendments not relevant to these Regulations.

<i>Offence</i>	<i>Enforcement authority</i>
<p>12. In the Animal By-Products (Enforcement) (England) Regulations 2013(a), an offence under—</p> <p>(a) regulation 17 (compliance with animal by-product requirements);</p> <p>(b) regulation 18 (obstruction);</p> <p>(c) regulation 25(5) (contravention of notice provisions).</p>	<p>Local authorities; the Secretary of State; port health authorities; the Food Standards Agency; a food authority referred to in regulation 21 of the Animal By-Products (Enforcement) (England) Regulations 2013</p>
<p>13. An offence under regulation 39 of the Diseases of Swine Regulations 2014(b) (offences and penalties).</p>	<p>Local authorities; the Secretary of State</p>
<p>14. In the Welfare of Animals at the Time of Killing (England) Regulations 2015(c), an offence under—</p> <p>(a) regulation 30(1) (offences: general) or (2) (failure to comply with enforcement notice);</p> <p>(b) regulations 31 (obstruction offences).</p>	<p>Local authorities; the Secretary of State; the Food Standards Agency</p>
<p>15. An offence under regulation 20 of the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018(d) (offences).</p>	<p>Local authorities</p>
<p>16. An offence under regulation 18 of the Transmissible Spongiform Encephalopathies (England) Regulations 2018(e) (offences and penalties).</p>	<p>Local authorities; the Secretary of State; the Food Standards Agency</p>
<p>17. In the Wild Animals in Circuses Act 2019(f), an offence under—</p> <p>(a) section 1(3) (prohibition on use of wild animals in travelling circuses);</p> <p>(b) paragraph 10 of Schedule 1 (inspections).</p>	<p>The Secretary of State</p>

SCHEDULE 2

Regulation 4

Specified dangerous dogs offences

- 1.** An offence under section 3 of the Dangerous Dogs Act 1991(g) (keeping dogs under proper control).

(a) S.I. 2013/2952; relevant amending instruments are S.I. 2013/2996, 2015/1980, 2019/526.
(b) S.I. 2014/1894, to which there are amendments not relevant to these Regulations.
(c) S.I. 2015/1782, amended by S.I. 2022/33; there are other amending instruments but none is relevant.
(d) S.I. 2018/486, amended by S.I. 2019/1093, 2021/416.
(e) S.I. 2018/731; relevant amending instruments are S.I. 2018/1120, 2019/526, 809, 1488.
(f) 2019 c. 24.
(g) 1991 c. 65; section 3 was amended by section 106 of the Anti-social Behaviour, Crime and Policing Act 2014 (c. 12).

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations enable penalty notices to be issued as a means of enforcing certain criminal offences relating to animal health and welfare. They provide that the offences in question are “relevant offences” or “specified dangerous dogs offences” for the purpose of the Animals (Penalty Notices) Act 2022 (“the Act”), and specify the authorities who may issue penalty notices.

Regulation 3 provides that offences listed in the first column table in Schedule 1 are “relevant offences” for the purpose of section 1(2) of the Act, with the consequence that penalty notices can be issued as a means of enforcing those offences, where the offences are in force. It provides that the persons listed in the second column of the table are enforcement authorities for the purpose of section 1(4) of the Act (and so have the power to issue penalty notices for the corresponding offences).

Regulation 4 makes similar provision in relation to offences under the Dangerous Dogs Act 1991, for the purpose of section 2(2) of the Act. Section 2(1) of the Act provides that penalty notices for such offences may be issued by constables.

A full impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sector is foreseen.

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