



# Animal Health Act 1981

## 1981 CHAPTER 22

### PART I

#### GENERAL

#### *Eradication and prevention of disease*

### **3 Expenditure for eradication.**

- (1) The Ministers may, with the Treasury's approval, expend such sums as they think fit with the object of eradicating as far as practicable diseases of animals (including horses) in Great Britain.

In this subsection "disease" is not restricted by its definition in this Act.

- (2) To obtain information required for the purposes of subsection (1) above the Ministers may authorise in writing any veterinary inspector or other officer of the Ministry to inspect animals (including horses).
- (3) A person so authorised may, for the purpose of any inspection to be carried out by him—
- (a) at all reasonable times, and
  - (b) upon production of his authority on demand,
- enter on any land or premises and apply such tests and take such samples as he considers necessary.
- (4) No payment may be made under subsection (1) which was capable of being made under section 3 of the <sup>M1</sup>Diseases of Animals Act 1950 (payments for the eradication of bovine tuberculosis) before the expiry of that section.

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#### **Marginal Citations**

**M1** 1950 c. 36.

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#### 4 Offences as to s. 3.

- (1) A person who knowingly or recklessly makes any false statement for the purpose of obtaining for himself or any other person any sum payable under section 3 above shall (unless in the case of an indictable offence he is indicted for the offence) be liable on summary conviction—
- (a) to a fine not exceeding [<sup>F1</sup>level 3 on the standard scale]; or
  - (b) to imprisonment for a term not exceeding 3 months; or
  - (c) to both such imprisonment and fine.
- (2) A person who obstructs or impedes any person duly authorised under subsection (2) of section 3 to make any inspection shall be liable on summary conviction—
- (a) in the case of a first offence, to a fine not exceeding £50; and
  - (b) in the case of a second or subsequent offence punishable under this subsection—
    - (i) to a fine not exceeding £50; or
    - (ii) to imprisonment for a term not exceeding one month; or
    - (iii) to both such imprisonment and fine.

In considering for the purposes of this subsection or subsection (2) of section 30 of the <sup>M2</sup>Agriculture Act 1937 whether an offence is or is not a first offence, references to an offence punishable under this subsection or that subsection shall be taken as including references to offences punishable under that subsection or this subsection, as the case may be.

#### Textual Amendments

- F1** 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. 4(2): [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\)](#), **ss. 289E** (in relation to liability on first and subsequent convictions), 289F (increase of fines) and 289G (substitution of references to levels on the standard scale apply) (S.)
- C2** S. 4(2): [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.)

#### Marginal Citations

- M2** [1937 c. 70](#).

#### 5 Veterinary services and therapeutic substances.

- (1) Without prejudice to the generality of section 3 above, the Ministers have power, with the Treasury's approval, to afford veterinary services, including diagnostic services, whether free of charge or not, to persons—
- (a) who carry on livestock businesses; and
  - (b) who participate in arrangements approved by the Ministers as being satisfactory arrangements for keeping their stock so far as practicable free from disease and in good health.

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In this subsection “disease” is not restricted by its definition in this Act.

- (2) Schedule 1 to this Act has effect in relation to the regulation of the manufacture of and other matters connected with veterinary therapeutic substances.

## **6 Eradication areas and attested areas.**

The Ministers may make orders—

- (a) declaring any area as respects which they are satisfied that a substantial majority of the cattle in that area are free from any particular disease to be an eradication area for purposes connected with the control of that disease;
- (b) declaring any area as respects which they are satisfied that any particular disease of cattle is for practical purposes non-existent in that area to be an attested area for purposes connected with the control of that disease; and
- (c) prohibiting or regulating the movement of cattle into, out of or within any area which is for the time being an eradication area or an attested area or, if the area is an eradication area or an attested area for purposes connected with the control of brucellosis, imposing with respect to cattle in that area such other prohibitions or requirements as they may consider necessary or desirable for the purpose of eradicating that disease.

### **[<sup>F2</sup> 6A Biosecurity guidance**

- (1) The Secretary of State must prepare guidance on the appropriate biosecurity measures to be taken in relation to—
  - (a) foot-and-mouth disease;
  - (b) such other disease as the Secretary of State by order specifies.
- (2) After preparing a draft of the guidance the Secretary of State—
  - (a) must send a copy of the draft to such persons and organisations as he thinks are representative of those having an interest in biosecurity measures;
  - (b) must consider any representations made to him about the draft by such persons and organisations;
  - (c) may amend the draft accordingly.
- (3) After the Secretary of State has proceeded under subsection (2) he must publish the guidance in such manner as he thinks appropriate.
- (4) The Secretary of State must from time to time review the guidance and if he thinks it appropriate revise the guidance.
- (5) Subsections (1) to (3) apply to a revision of the guidance as they apply to its preparation.
- (6) But if the Secretary of State thinks that it is necessary to revise the guidance urgently he may publish revised guidance without proceeding under subsection (2).
- (7) Biosecurity measures are measures taken to prevent the spread of causative agents of disease.
- (8) Causative agent includes any virus, bacterium and any other organism or infectious substance which may cause or transmit disease.

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- (9) The power to make an order must be exercised by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.
- (10) It is immaterial that anything done for the purposes of subsections (1) to (3) is done before the passing of the Animal Health Act 2002.]

**Textual Amendments**

**F2** S. 6A - S. 6B inserted (E.W.) (1.7.2003) by [Animal Health Act 2002 \(c. 42\)](#), **ss. 16, 19(1)**; S.I. 2002/3044, art. 2(b)

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

**C3** S. 6A applied (28.8.2003) by [Avian Influenza and Newcastle Disease \(Biosecurity Guidance and Disease Control Slaughter Protocol\) \(England and Wales\) Order 2003 \(S.I. 2003/2035\)](#), arts. 1, 2

**[<sup>F2</sup>6B Biosecurity compliance**

- (1) A person having a function under this Act relating to foot-and -mouth disease or a disease specified by order under section 6A(1) must not exercise the function unless the guidance under section 6A has been published and has not been withdrawn.
- (2) Any act which is done in contravention of subsection (1) is done without lawful authority.
- (3) If a person to whom subsection (5) applies fails to comply with the guidance he is not by reason only of that failure liable in any civil or criminal proceedings.
- (4) But the guidance is admissible in evidence in such proceedings and a court may take account of any failure to act in accordance with it in deciding any question in the proceedings.
- (5) This subsection applies to—
- (a) any person having functions under this Act;
  - (b) any person who is the owner or occupier of premises on which animals are kept;
  - (c) any person who has charge of animals;
  - (d) any person who is under the direction of a person mentioned in paragraphs (a) to (c).]

**Textual Amendments**

**F2** S. 6A - S. 6B inserted (E.W.) (1.7.2003) by [Animal Health Act 2002 \(c. 42\)](#), **ss. 16, 19(1)**; S.I. 2002/3044, art. 2(b)

**[<sup>F3</sup>6C Biosecurity codes: Scotland**

- (1) The Scottish Ministers may make an order containing a code (referred to in this section and section 6D as a “biosecurity code”) which makes provision for the taking of, and in relation to, the measures specified in subsection (2).
- (2) Those are measures (“biosecurity measures”) for preventing—

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- (a) diseases of animals;
  - (b) the spread of causative agents of diseases of animals—
    - (i) among animals, birds or amphibians;
    - (ii) between any of those categories of creature and another of those categories; or
    - (iii) from any of those categories of creature to humans.
- (3) In subsection (2)(b), “causative agent”, in relation to a disease, includes any virus, bacterium and any other organism or infectious substance which may cause or transmit the disease.
- (4) A biosecurity code may relate solely to one, or more than one—
  - (a) kind of creature; or
  - (b) disease.
- (5) A biosecurity code may include guidance as to the best practicable means of taking biosecurity measures.
- (6) A biosecurity code may—
  - (a) prescribe general requirements to which persons to whom the code applies are subject;
  - (b) prescribe particular requirements to which such persons are, in such circumstances as are specified in the code, subject; and
  - (c) specify circumstances in which any person is to be regarded for the purposes of this section as complying with, or (as the case may be) not complying with, any requirements prescribed under paragraphs (a) or (b).
- (7) A biosecurity code may make different provision for different cases or classes of case.
- (8) A biosecurity code applies, to the extent provided for in the code, to any person who owns, keeps or is in charge of any creature of a kind to which the code relates.
- (9) A person must, to the extent to which a biosecurity code applies to the person, comply with the code.
- (10) A person who is subject to a requirement prescribed under subsection (6)(a) or (b) commits an offence if, without lawful authority or excuse (proof of which lies on the person), that person fails to comply with the requirement.
- (11) Before making an order under subsection (1), the Scottish Ministers must consult such persons as they consider appropriate about the proposed biosecurity code.
- (12) A statutory instrument containing an order under subsection (1) is not made unless a draft of the instrument has been laid before, and approved by a resolution of, the Scottish Parliament.
- (13) In sub-paragraph (i) of paragraph (b) of subsection (2), the reference to animals means any kind of mammal (except man).
- (14) In this section and section 6D(1)(b), “disease” is not restricted by its definition in this Act.]

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**Textual Amendments**

**F3** S. 6C - S. 6D inserted (S.) (6.10.2006) by [Animal Health and Welfare \(Scotland\) Act 2006 \(asp 11\)](#), ss. 4, 55(1) (with s. 54); S.S.I. 2006/482, art. 2

**[<sup>F3</sup>6D Emergency biosecurity orders: Scotland**

- (1) Where the Scottish Ministers are of the opinion that there exists—
  - (a) an outbreak of a disease specified in Schedule 2B to this Act; or
  - (b) some other emergency relating to a disease of animals,
 subsections (11) and (12) of section 6C do not apply in relation to the making of an order under subsection (1) of that section containing a biosecurity code relating to the outbreak or, as the case may be, the other emergency.
- (2) Where subsection (1) applies, an order made accordingly (an “emergency order”)—
  - (a) is to be laid before the Scottish Parliament; and
  - (b) ceases to have effect at the expiry of a period of 28 days beginning with the date on which it was made unless, before the expiry of that period, the order has been approved by a resolution of the Parliament.
- (3) However, paragraph (b) of subsection (2) does not apply in relation to an order which—
  - (a) revokes (wholly or partly) an emergency order; and
  - (b) does nothing else, or nothing else except make provision incidental or supplementary to the revocation.
- (4) In reckoning for the purposes of subsection (2)(b) any period of 28 days, no account is to be taken of any period during which the Scottish Parliament is—
  - (a) dissolved; or
  - (b) in recess for more than 4 days.
- (5) Subsection (2)(b) is without prejudice to anything previously done by reference to an emergency order or to the making of a new emergency order.
- (6) An emergency order must include a description of the emergency in relation to which the order is made.]

**Textual Amendments**

**F3** S. 6C - S. 6D inserted (S.) (6.10.2006) by [Animal Health and Welfare \(Scotland\) Act 2006 \(asp 11\)](#), ss. 4, 55(1) (with s. 54); S.S.I. 2006/482, art. 2

**[<sup>F4</sup>6E Tests and samples: Scotland**

- (1) An inspector may at any time enter any premises in Scotland for the purpose of ascertaining (any or all)—
  - (a) whether—
    - (i) biological indicators of any disease of animals;
    - (ii) biological indicators of any causative agent of a disease of animals, exist in animals, birds or amphibians on the premises;

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- (b) whether any animals, birds or amphibians on the premises or which were kept there at any time are, or were at the time they were so kept, infected with a disease of animals;
  - (c) whether any causative agent of a disease of animals is present on the premises.
- (2) The inspector may take such samples (including samples from any animals, birds or amphibians on the premises) and carry out such tests as the inspector thinks are necessary for a purpose mentioned in subsection (1).
- (3) In subsections (1) and (2), the references to animals in which biological indicators exist, infected with a disease or from which samples may be taken means any kind of mammal (except man).
- (4) In this section—
- “biological indicator”—
    - (a) in relation to a disease, includes evidence of any form of reaction to the disease;
    - (b) in relation to a causative agent, includes—
      - (i) anti-bodies in reaction to the causative agent;
      - (ii) evidence of any other form of reaction to the causative agent;
  - “causative agent”, in relation to a disease, includes any virus, bacterium and any other organism or infectious substance which may cause or transmit the disease;
  - “disease” is not restricted by its definition in this Act;
  - “inspector” means—
    - (a) a person appointed as an inspector for the purposes of this Act by the Scottish Ministers; or
    - (b) a person authorised by the Scottish Ministers for those purposes;
  - “premises” includes—
    - (a) any land or building; or
    - (b) any other place, in particular—
      - (i) a vehicle or vessel; or
      - (ii) a tent or moveable structure.]

#### Textual Amendments

- F4** S. 6E - S. 6F inserted (S.) (6.10.2006) by [Animal Health and Welfare \(Scotland\) Act 2006 \(asp 11\)](#), ss. 5, 55(1) (with s. 54); S.S.I. 2006/482, art. 2

#### [<sup>F4</sup>6F] **Samples: further testing**

- (1) Where a sample from any animal, bird or amphibian has been taken—
- (a) under any enactment; and
  - (b) in relation to the monitoring, control or prevention of any disease of animals, the Scottish Ministers (or a person authorised by them) may carry out such tests using the sample as they think are necessary or expedient for the purposes of the monitoring, control or prevention of any other disease of animals.
- (2) Except in the circumstances described in subsection (3), the power conferred by subsection (1) is not exercisable unless the sample has previously been used for a test authorised under the relevant enactment.

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- (3) Those circumstances are—
- (a) where the Scottish Ministers are of the opinion that there exists an emergency in relation to a disease of animals; and
  - (b) the tests to be carried out under subsection (1) are in connection with the emergency.
- (4) A person who possesses a sample required for the carrying out of a test under subsection (1) must give the sample to the Scottish Ministers (or a person authorised by them) by such time as they may direct.
- (5) In subsection (1), the first reference to an animal means any kind of mammal (except man).
- (6) In this section—
- “disease” is not restricted by its definition in this Act;
  - “enactment” includes an enactment comprised in, or in an instrument made under, an Act of the Scottish Parliament.]

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**Textual Amendments**

- F4** S. 6E - S. 6F inserted (S.) (6.10.2006) by [Animal Health and Welfare \(Scotland\) Act 2006 \(asp 11\)](#), ss. 5, 55(1) (with s. 54); S.S.I. 2006/482, art. 2



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