



# Animal Health Act 1981

## 1981 CHAPTER 22

### PART V

#### ENFORCEMENT, OFFENCES AND PROCEEDINGS

##### *Enforcement*

#### **60 Duties and authorities of constables.**

- (1) The police force of each police area shall execute and enforce this Act and every order of the Minister [<sup>F1</sup>but subject, in the case of orders under section 13, to any provision made under subsection (3) of that section.]
- (2) Where a person is seen or found committing, or is reasonably suspected of being engaged in committing, an offence against this Act, a constable may, without warrant, stop and detain him.
- [<sup>F2</sup>(3) If that person's name and address [not known to the constable, and he fails to give them to the constable's satisfaction, the constable may, without warrant, apprehend him.]
- (4) The constable may, whether so stopping or detaining [<sup>F3</sup>or apprehending] the person or not—
  - (a) stop, detain and examine any animal, vehicle, boat or thing to which the offence or suspected offence relates; and
  - (b) require it to be forthwith taken back to or into any place or district from which or out of which it was unlawfully removed and execute and enforce that requisition.
- (5) If a person obstructs or impedes or assists in obstructing or impeding [<sup>F4</sup>a constable or other officer][<sup>F4</sup>an officer other than a constable] in the execution—
  - (a) of this Act, or
  - (b) of an order of the Minister, or
  - (c) of a regulation of a local authority,

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the [<sup>F5</sup>constable or] officer may without warrant apprehend the offender.

- (6) A person apprehended under this section—
- (a) shall be taken with all practicable speed before a justice, or, in Scotland, a sheriff or district court; and
  - (b) shall not be detained without a warrant longer than is necessary for that purpose.
- (7) All enactments relating to the release of persons on bail by an officer of police or a constable shall apply in the case of a person apprehended under this section.
- (8) The foregoing provisions of this section respecting a constable extend and apply to any person called by a constable to his assistance.
- (9) A constable shall forthwith make a report in writing to his superior officer of every case in which he stops any person, animal, vehicle, boat, or thing under this section, and of his proceedings in consequence.
- (10) Nothing in this section shall take away or abridge any power or authority that a constable would have had if this section had not been enacted.

#### Textual Amendments

- F1** Words in s. 60(1) inserted(*prosp.*) by [Environmental Protection Act 1990 \(c. 43, SIF 46:4\)](#), **ss. 151(3), 164(3)**.
- F2** S. 60(3) repealed (E.W.) by [Police and Criminal Evidence Act 1984 \(c. 60, SIF 95\)](#), **Sch. 7 Pt. I**
- F3** Words repealed (E.W.) by [Police and Criminal Evidence Act 1984 \(c. 60, SIF 95\)](#), **Sch. 7 Pt. I**
- F4** Words appearing second substituted (E.W.) for words appearing first by [Police and Criminal Evidence Act 1984 \(c. 60, SIF 95\)](#), **Sch. 6 para. 24**
- F5** Words repealed (E.W.) by [Police and Criminal Evidence Act 1984 \(c. 60, SIF 95\)](#), **Sch. 7 Pt. I**

## 61 Powers of arrest as to rabies.

- (1) Without prejudice to the powers of arrest conferred by section 60 above or otherwise, a constable may arrest without warrant any person whom he, with reasonable cause, suspects to be in the act of committing or to have committed an offence to which this section applies.
- (2) The offences to which this section applies are offences against this Act consisting of—
- (a) the landing or attempted landing of any animal [<sup>F6</sup>or importation or attempted importation through the tunnel system as defined in the Channel Tunnel Act 1987 of any animal] in contravention of an order made under this Act and expressed to be made for the purpose of preventing the introduction of rabies into Great Britain; or
  - (b) the failure by the person having the charge or control of any vessel or boat to discharge any obligation imposed on him in that capacity by such an order; or
  - (c) the movement, in contravention of an order under section 17 or section 23 above, of any animal into, within or out of a place or area declared to be infected with rabies.

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### Textual Amendments

**F6** Words inserted by [S.I. 1990/2371, art. 2\(1\), Sch. 1](#)

## 62 Entry and search under s. 61.

- (1) For the purpose of arresting a person under the power conferred by section 61 above a constable may enter (if need be, by force) and search any vessel, boat, aircraft or vehicle of any other description in which that person is or in which the constable, with reasonable cause, suspects him to be.
- (2) For the purpose of exercising any power to seize an animal or cause an animal to be seized, and—
  - (a) where that power is conferred on constables by an order made under this Act, and
  - (b) where that power is expressed to be made for the purpose of preventing the introduction of rabies into Great Britain.

a constable may enter (if need be, by force) and search any vessel, boat, aircraft or vehicle of any other description in which there is, or in which he, with reasonable cause, suspects that there is, an animal to which that power applies.

VALID FROM 14/01/2003

### [<sup>F7</sup>62A Slaughter: power of entry

- (1) An inspector may at any time enter any premises for the purpose of—
  - (a) ascertaining whether a power conferred by or under this Act to cause an animal to be slaughtered should be exercised, or
  - (b) doing anything in pursuance of the exercise of that power.
- (2) In this section and sections 62B and 62C premises includes any land, building or other place.]

### Textual Amendments

**F7** Ss. 62A-62C inserted (E.W.) (14.1.2003) by [2002 c. 42, s. 8\(1\); S.I. 2002/3044, art. 2](#)

VALID FROM 14/01/2003

### <sup>F8</sup>62B Slaughter: warrants

- (1) If a justice of the peace is satisfied on sworn information in writing that the first condition is satisfied and that the second or third condition is satisfied he may issue a warrant authorising an inspector to enter any premises, if necessary using reasonable force, for the purpose mentioned in section 62A.
- (2) The information must include—

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- (a) a statement as to whether any representations have been made by the occupier of the land or premises to an inspector concerning the purpose for which the warrant is sought;
  - (b) a summary of any such representations.
- (3) The first condition is that there are reasonable grounds for an inspector to enter the premises for that purpose.
- (4) The second condition is that each of the following applies to the occupier of the premises—
- (a) he has been informed of the decision to seek entry to the premises and of the reasons for that decision;
  - (b) he has failed to allow entry to the premises on being requested to do so by an inspector;
  - (c) he has been informed of the decision to apply for the warrant.
- (5) The third condition is that—
- (a) the premises are unoccupied or the occupier is absent and (in either case) notice of intention to apply for the warrant has been left in a conspicuous place on the premises, or
  - (b) an application for admission to the premises or the giving of notice of intention to apply for the warrant would defeat the object of entering the premises.
- (6) A warrant issued under this section remains in force for one month starting with the date of its approval by the justice of the peace, which date shall be clearly visible on the warrant.
- (7) A warrant issued under this section must be executed only at a reasonable hour unless the inspector thinks that the case is one of urgency.
- (8) In relation to any premises to which entry is obtained by virtue of a warrant under this section the Secretary of State must retain for a period of not less than 12 months beginning with the day after entry—
- (a) a copy of the warrant;
  - (b) a copy of any record of the steps taken to effect entry to the premises and the actions taken on the premises by the inspector and any other person entering the premises with him.

#### Textual Amendments

**F8** Ss. 62A-62C inserted (E.W.) (14.1.2003) by 2002 c. 42, s. 8(1); S.I. 2002/3044, art. 2

VALID FROM 14/01/2003

#### <sup>F9</sup> 62C Slaughter: supplementary

- (1) This section applies to an inspector who enters any premises by virtue of section 62A or under a warrant issued under section 62B.
- (2) The inspector may take with him—

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- (a) such other persons as he thinks necessary to give him such assistance as he thinks necessary;
  - (b) such equipment as he thinks necessary.
- (3) The inspector may require any person on the premises who falls within subsection (4) to give him such assistance as he may reasonably require for the purpose mentioned in section 62A.
- (4) The following persons fall within this subsection—
  - (a) the occupier of the premises;
  - (b) a person appearing to the inspector to have charge of animals on the premises;
  - (c) a person appearing to the inspector to be under the direction or control of a person mentioned in paragraph (a) or (b).
- (5) If the inspector enters any premises by virtue of a warrant issued under section 62B he must at the time of entry—
  - (a) serve a copy of the warrant on the occupier of the premises, or (if the occupier is not on the premises)
  - (b) leave a copy of the warrant in a conspicuous place on the premises.
- (6) If the inspector enters any unoccupied premises he must leave them as effectively secured against entry as he found them.

#### Textual Amendments

**F9** Ss. 62A-62C inserted (E.W.) (14.1.2003) by 2002 c. 42, s. 8(1); S.I. 2002/3044, art. 2

VALID FROM 14/01/2003

#### [<sup>F10</sup>62D Tests and samples: power of entry

- (1) A veterinary inspector may at any time enter any premises for the purpose of ascertaining—
  - (a) whether disease anti-bodies exist in animals on the premises;
  - (b) whether any animal on the premises or which was kept there at any time is, or was at that time, infected with disease;
  - (c) whether any causative agent of disease is present on the premises.
- (2) Disease is foot-and-mouth disease and such other disease as the Secretary of State may by order specify.
- (3) No order may be made under subsection (2) unless a draft of the order has been laid before Parliament and approved by a resolution of each House.
- (4) Causative agent includes any virus, bacterium and any other organism or infectious substance which may cause or transmit disease.
- (5) In this section and sections 62E and 62F premises includes any land, building or other place.]

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### Textual Amendments

**F10** Ss. 62D-62F inserted (E.W.) (14.1.2003) by 2002 c. 42, s. 9; S.I. 2002/3044, art. 2

VALID FROM 14/01/2003

### <sup>F11</sup>62E Tests and samples: warrants

- (1) If a justice of the peace is satisfied on sworn information in writing that the first condition is satisfied and that the second or third condition is satisfied he may issue a warrant authorising a veterinary inspector to enter any premises, if necessary using reasonable force, for the purpose mentioned in section 62D.
- (2) The information must include—
  - (a) a statement as to whether any representations have been made by the occupier of the land or premises to an inspector concerning the purpose for which the warrant is sought;
  - (b) a summary of any such representations.
- (3) The first condition is that there are reasonable grounds for a veterinary inspector to enter the premises for that purpose.
- (4) The second condition is that each of the following applies to the occupier of the premises—
  - (a) he has been informed of the decision to seek entry to the premises and of the reasons for that decision;
  - (b) he has failed to allow entry to the premises on being requested to do so by an inspector;
  - (c) he has been informed of the decision to apply for the warrant.
- (5) The third condition is that—
  - (a) the premises are unoccupied or the occupier is absent and (in either case) notice of intention to apply for the warrant has been left in a conspicuous place on the premises, or
  - (b) an application for admission to the premises or the giving of notice of intention to apply for the warrant would defeat the object of entering the premises.
- (6) A warrant issued under this section remains in force for one month starting with the date of its approval by the justice of the peace, which date shall be clearly visible on the warrant.
- (7) A warrant issued under this section must be executed only at a reasonable hour unless the inspector thinks that the case is one of urgency.
- (8) In relation to any premises to which entry is obtained by virtue of a warrant under this section the Secretary of State must retain for a period of not less than 12 months beginning with the day after entry—
  - (a) a copy of the warrant;

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- (b) a copy of any record of the steps taken to effect entry to the premises and the actions taken on the premises by the inspector and any other person entering the premises with him.

#### Textual Amendments

**F11** Ss. 62D-62F inserted (E.W.) (14.1.2003) by 2002 c. 42, art. 9; S.I. 2002/3044, art. 2

VALID FROM 14/01/2003

#### <sup>F12</sup>62F Tests and samples: supplementary

- (1) This section applies to a veterinary inspector who enters any premises by virtue of section 62D or under a warrant issued under section 62E.
- (2) The inspector may take with him—
  - (a) such other persons as he thinks necessary to give him such assistance as he thinks necessary;
  - (b) such equipment as he thinks necessary.
- (3) The inspector may take such samples (including samples from any animal on the premises) and carry out such tests as he thinks are necessary for the purpose mentioned in section 62D(1).
- (4) The inspector may require any person on the premises who falls within subsection (5) to give him such assistance as he may reasonably require for the purpose mentioned in section 62D(1).
- (5) The following persons fall within this subsection—
  - (a) the occupier of the premises;
  - (b) a person appearing to the inspector to have charge of animals on the premises;
  - (c) a person appearing to the inspector to be under the direction or control of a person mentioned in paragraph (a) or (b).
- (6) If the inspector enters any unoccupied premises he must leave them as effectively secured against entry as he found them.
- (7) If the inspector enters any premises by virtue of a warrant issued under section 62E he must at the time of entry—
  - (a) serve a copy of the warrant on the occupier of the premises, or (if the occupier is not on the premises)
  - (b) leave a copy of the warrant in a conspicuous place on the premises.
- (8) A person commits an offence if—
  - (a) he is required to give assistance under subsection (4), and
  - (b) he fails to give it.

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### Textual Amendments

**F12** Ss. 62D-62F inserted (E.W.) (14.1.2003) by 2002 c. 42, s. 9; S.I. 2002/3044, art. 2

## 63 General powers of inspectors.

- (1) An inspector has—
  - (a) for the purposes of this Act, but
  - (b) with the exception of the powers conferred by sections 61 and 62 above, all the powers which a constable has, under this Act or otherwise, in the place where the inspector is acting.
- (2) An inspector may at any time enter any land or shed to which this Act applies, or other building or place where he has reasonable grounds for supposing—
  - (a) that disease exists or has within 56 days existed; or
  - (b) that the carcase of a diseased or suspected animal is or has been kept, or has been buried, destroyed, or otherwise disposed of; or
  - (c) that there is to be found any pen, place, vehicle, or thing in respect of which any person has on any occasion failed to comply with the provisions of this Act, or of an order of the Minister, or of a regulation of a local authority; or
  - (d) that this Act or an order of the Minister or a regulation of a local authority has not been or is not being complied with.
- (3) An inspector may at any time enter any pen, vehicle, vessel, boat or aircraft in which or [<sup>F13</sup>in respect of which] he has reasonable grounds for supposing that this Act or an order of the Minister or a regulation of a local authority has not been or is not being complied with.
- (4) An inspector entering as authorised by the foregoing provisions of this section shall, if required by the owner, or occupier, or person in charge of the land, building, place, pen, vehicle, vessel, boat or aircraft state in writing his reasons for entering.
- (5) For the purpose of ascertaining whether the provisions of any order under section 10 above or the conditions of any licence issued in accordance with any such order are being complied with, an inspector may at any time enter—
  - (a) any vessel, boat, aircraft or vehicle of any other description which is for the time being within the limits of a port, within the meaning of the <sup>M1</sup>Customs and Excise Management Act 1979, or at a customs and excise airport, within the meaning of that Act; or
  - (b) any vessel, boat or aircraft which does not fall within paragraph (a) above but which he has reasonable grounds for supposing has recently been brought into Great Britain.
- (6) Without prejudice to subsection (5) above, an inspector may at any time enter—
  - (a) any land, building or other place, or
  - (b) any vessel, boat, aircraft or vehicle of any other description, on or in which he has reasonable grounds for supposing that there is being or has been kept any animal or other thing which has been imported and the importation of which is for the time being prohibited or regulated by an order under section 10; and in this subsection “animals” and “imported” have the same meaning as in that section.



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- (7) A certificate of a veterinary inspector to the effect that an animal is or was affected with a disease specified in the certificate shall, for the purposes of this Act, be conclusive evidence in all courts of justice of the matter certified.
- (8) An inspector of the Minister has all the powers of an inspector throughout Great Britain or that part for which he is appointed.
- (9) In addition to the powers conferred by this section upon inspectors, an inspector of the Minister may at any time, [<sup>F14</sup> 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.]

#### Textual Amendments

**F13** Words substituted by [Animal Health and Welfare Act 1984 \(c. 40, SIF 2:8\)](#), [Sch. 1 para. 4](#)

**F14** Words substituted by [Animal Health and Welfare Act 1984 \(c. 40, SIF 2:8\)](#), [s. 2\(1\)](#)

#### Marginal Citations

**M1** [1979 c. 2.](#)

## 64 Powers of inspectors as to poultry.

- (1) An inspector of the Ministry and, if so authorised by an order of the Minister, an inspector of a local authority, may at any time enter any pen, shed, land or other place in which he has reasonable grounds for supposing that poultry are or have been kept, for the purpose of ascertaining whether disease exists or has existed in or on them.
- (2) For the purpose of enforcing any order for protecting poultry from unnecessary suffering, an inspector may examine—
  - (a) poultry in any circumstances to which the order relates, and
  - (b) any receptacle or vehicle used for their conveyance or exposure for sale,and he may enter any premises, vessel or aircraft in which he has reasonable ground for supposing that there are poultry—
  - (i) exposed for sale; or
  - (ii) in course of conveyance; or
  - (iii) packed for conveyance or exposure for sale.

VALID FROM 01/01/1993

### [64A <sup>F15</sup> Powers of inspectors relating to Community obligations

In addition to the powers conferred by sections 63 and 64, an inspector (on producing, if required to do so, some duly authenticated document showing his authority) may at all reasonable hours—

- (a) enter—
  - (i) any land, building, or other place, or

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- (ii) any vessel, boat, aircraft, hovercraft or vehicle of any other description,  
 for the purpose of ascertaining whether the provisions of any order made under this Act in implementation of any Community obligation have been or are being complied with, and
- (b) carry out such inspections (including inspection of documents) as may be necessary for that purpose.]

#### Textual Amendments

**F15** S. 64A added (1.1.1993) by [S.I. 1992/3293](#), [reg.2](#)

### 65 Power to detain vessels and aircraft.

- (1) Where an inspector of the Minister is satisfied that this Act or an order of the Minister or a regulation of a local authority has not been or is not being complied with on board a vessel in port, then, on the inspector's representation in writing to that effect, stating particulars of non-compliance, the vessel may be detained until the appropriate Minister otherwise directs.
- (2) The officer detaining the vessel shall forthwith deliver to the master or person in charge of the vessel a copy of the representation.
- (3) Section 692 of the <sup>M2</sup>Merchant Shipping Act 1894 shall apply in the case of such detention as if it were authorised or ordered under that Act.
- (4) In relation to aircraft the Ministers may—
  - (a) by an order under this Act adapt that section of the 1894 Act as applied in the case of the detention of a vessel under this section; or
  - (b) make such other provision instead of it as they think expedient.

#### Marginal Citations

**M2** 1894 c. 60.

VALID FROM 14/01/2003

#### <sup>F16</sup>65A Inspection of vehicles

- (1) If each of the conditions in subsection (2) is satisfied, an inspector may stop, detain and inspect any vehicle to ascertain whether the provisions of any of the following are being complied with—
  - (a) this Act;
  - (b) an order made under this Act;
  - (c) a regulation of a local authority made in pursuance of such an order.
- (2) The conditions are—
  - (a) that the vehicle is in a designated area in a designated period;
  - (b) that the inspector is accompanied by a constable in uniform.

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(3) In subsection (2) “designated” means designated by an order made by the Secretary of State.

(4) A vehicle includes—

- (a) a trailer, semi-trailer or other thing which is designed or adapted to be towed by another vehicle;
- (b) anything on a vehicle;
- (c) a detachable part of a vehicle;
- (d) a container or other structure designed or adapted to be carried by or on a vehicle.]

#### Textual Amendments

**F16** S. 65A inserted (E.W.) (14.1.2003) by 2002 c. 42, s. 10; S.I. 2002/3044, art. 2

## 66 Refusal and obstruction.

A person is guilty of an offence against this Act who, without lawful authority or excuse, proof of which shall lie on him—

- (a) refuses to an inspector or other officer, acting in execution of this Act, or of an order of the Minister, or of a regulation of a local authority, admission to any land, building, place, pen, vessel, boat, aircraft or vehicle of any other description which the inspector or officer is entitled to enter or examine; or
- (b) obstructs or impedes him in so entering or examining; or
- (c) otherwise in any respect obstructs or impedes an inspector or constable or other officer in the execution of his duty, or assists in any such obstructing or impeding.

VALID FROM 14/01/2003

### [<sup>F17</sup>66A Refusal and obstruction of inspector

(1) A person commits an offence if without lawful authority or excuse (proof of which shall lie on him) he—

- (a) refuses admission to any premises to a person acting under section 62A above,
- (b) obstructs or impedes him in so acting, or
- (c) assists in any such obstruction or impeding.

(2) A person commits an offence if—

- (a) he is required to give assistance under section 62C(3), and
- (b) he fails to give it.]

#### Textual Amendments

**F17** S. 66A inserted (E.W.) (14.1.2003) by 2002 c. 42, s. 8(2); S.I. 2002/3044, art. 2

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*Offences as to licences, declarations, certificates and instruments*

**67 Issue of false licences etc.**

A person is guilty of an offence against this Act—

- (a) who grants or issues a licence, certificate or instrument made or issued, or purporting to be made or issued under or for any purpose of this Act, or of an order of the Minister, or of a regulation of a local authority, which is false in any date or other material particular, unless he shows to the court's satisfaction that he did not know of that falsity, and that he could not with reasonable diligence have obtained knowledge of it; or
- (b) who grants or issues such a licence, certificate or instrument not having, and knowing that he has not, lawful authority to grant or issue it.

**68 Issue of licences etc. in blank.**

A person is guilty of an offence against this Act—

- (a) who, with intent unlawfully to evade or defeat this Act, or an order of the Minister, or a regulation of a local authority, grants or issues an instrument being in form a licence, certificate or instrument made or issued under this Act, or such an order or regulation, for permitting or regulating the movement of a particular animal, or the doing of any other particular thing, but being issued in blank, that is to say, not being before its issue so filled up as to specify any particular animal or thing;
- (b) who uses or offers or attempts to use for any purpose of this Act, or such an order or regulation, an instrument so issued in blank, unless he shows to the court's satisfaction that he did not know of it having been so issued in blank, and that he could not with reasonable diligence have obtained knowledge of it.

**69 Falsely obtaining licences etc.**

A person is guilty of an offence against this Act—

- (a) who for the purpose of obtaining a licence, certificate or instrument makes a declaration or statement false in any material particular, or
- (b) who obtains or endeavours to obtain a licence, certificate or instrument by means of a false pretence,

unless he shows to the court's satisfaction that he did not know of that falsity, and that he could not with reasonable diligence have obtained knowledge of it.

**[<sup>F18</sup>70 Alteration of licences etc.**

A person is guilty of an offence against this Act, who, with intent unlawfully to evade this Act, or an order of the Minister, or a regulation of a local authority—

- (a) alters, or falsely makes, or ante-dates, or counterfeits a licence, declaration, certificate or instrument made or issued, or purporting to be made or issued, under or for any purpose of this Act or such an order or regulation; or
- (b) offers or utters such a licence, declaration, certificate or instrument knowing it to be altered, or falsely made, or ante-dated or counterfeited.]

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#### Textual Amendments

**F18** S. 70 repealed (E.W.) by [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), [Sch. 16](#)

### 71 Other offences as to licences.

A person is guilty of an offence against this Act—

- (a) who, with intent unlawfully to evade this Act, or an order of the Minister, or a regulation of a local authority, does anything for which a licence is requisite under this Act, or such an order or regulation, without having obtained a licence; or
- (b) who, where a licence is so requisite, having obtained a licence, with the like intent does the thing licensed after the licence has expired; or
- (c) who uses or offers or attempts to use as such a licence—
  - (i) an instrument not being a complete licence, or
  - (ii) an instrument untruly purporting or appearing to be a licence,unless he shows to the court's satisfaction that he did not know of that incompleteness or untruth, and that he could not with reasonable diligence have obtained knowledge of it.

#### *Offences generally*

VALID FROM 14/01/2003

#### **[<sup>F19</sup>71A Prosecutions: time limit**

- (1) Despite anything in section 127(1) of the Magistrates' Courts Act 1980 an information relating to an offence under this Act which is triable by a magistrates' court in England and Wales may be so tried if it is laid at any time—
  - (a) within the period of three years starting with the date of the commission of the offence, and
  - (b) within the period of six months starting with the day on which evidence which the prosecutor thinks is sufficient to justify the proceedings comes to his knowledge.
- (2) A certificate by the prosecutor as to the date on which such evidence came to his knowledge is conclusive evidence of that fact.]

#### Textual Amendments

**F19** S. 71A inserted (E.W.) (14.1.2003) by [2002 c. 42, s. 14](#); [S.I. 2002/3044, art. 2](#)

### 72 Offences made and declared by and under this Act.

A person is guilty of an offence against this Act who, without lawful authority or excuse, proof of which shall lie on him—

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- (a) does or omits anything the doing or omission of which is declared by this Act or by an order of the Minister to be an offence by that person against this Act; or
- (b) does anything which by this Act or such an order is made or declared to be not lawful.

### 73 **General offences.**

A person is guilty of an offence against this Act who, without lawful authority or excuse, proof of which shall lie on him—

- (a) does anything in contravention of this Act, or of an order of the Minister, or of a regulation of a local authority; or
- (b) fails to give, produce, observe or do any notice, licence, rule or thing which by this Act or such an order or regulation he is required to give, produce, observe or do.

*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>F20</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**

**F20** Words inserted by [S.I. 1990/2371, art. 2\(1\), Sch. 1](#)

### 75 **Punishment of summary offences not otherwise provided for.**

(1) A person guilty of an offence against this Act for which a penalty is not provided by any other provision of this Act shall be liable on summary conviction—

- (a) to a fine not exceeding [<sup>F21</sup>level 5 on the standard scale]; or
- (b) if the offence is committed with respect to more than 10 animals, to a fine not exceeding [<sup>F22</sup>level 3 on the standard scale] for each animal; or
- (c) where the offence is committed in relation to carcasses, fodder, litter, dung or other thing (exclusive of animals), to a fine not exceeding [<sup>F23</sup>level 3 on the standard scale] in respect of every 508 kilogrammes in weight thereof after the first 508 kilogrammes in addition to the first fine not exceeding £400.

(2) An order—

- (a) made under this Act, and

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- (b) expressed to be made for the purpose of preventing the introduction or spreading of rabies into or within Great Britain,  
may direct that paragraph (a) of subsection (1) above shall have effect in relation to any summary offence against this Act the existence of which is attributable to the provisions of that order as if for “£400” there were substituted “£1,000”.
- (3) That paragraph (a) of subsection (1) shall have effect as provided by subsection (2) above in relation to any summary offence the existence of which is attributable to the provisions of either of the following orders—
- (a) <sup>M3</sup>Rabies (Importation of Dogs, Cats and Other Mammals) Order 1974; and  
(b) <sup>M4</sup>Rabies (Control) Order 1974.
- (4) A person convicted of an offence under any of the following provisions of this Act—  
section 15(7),  
paragraph (a) of section 35(4),  
section 66,  
section 72, and  
section 73,  
is liable in the court's discretion on a further conviction for a second or subsequent offence against the same provision to imprisonment for any term not exceeding one month in lieu of the fine to which he is liable under subsection (1) above.
- (5) A person convicted of an offence under any of the following provisions of this Act—  
section 8(2),  
paragraph (b) of section 35(4),  
section 67,  
section 68,  
section 69,  
section 70, and  
section 71,  
is liable in the court's discretion to imprisonment for any term not exceeding 2 months in lieu of the fine to which he is liable under subsection (1) above.
- (6) Nothing in this section applies in relation to an offence punishable under section 4 above.

#### Textual Amendments

- F21** 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](#)
- F22** 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](#)
- F23** 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](#)

#### Marginal Citations

- M3** [S.I. 1974/2211](#).  
**M4** [S.I. 1974/2212](#).

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**Changes to legislation:** *There are currently no known outstanding effects for the Animal Health Act 1981, Part V. (See end of Document for details)*

## 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.

(4) In this section “the statutory maximum”, in relation to a fine on summary conviction, means—

- (a) in England and Wales, the prescribed sum within the meaning of section 32 of the <sup>M5</sup>Magistrates’ Courts Act 1980 (at the passing of this Act £1000);
- (b) in Scotland, the prescribed sum within the meaning of section 289B of the <sup>M6</sup>Criminal Procedure (Scotland) Act 1975 (at the passing of this Act £1000).

Until the coming into force of the Magistrates’ Courts Act 1980 any reference in this subsection to any provision of that Act shall have effect as if it were a reference to the corresponding provision of the <sup>M7</sup>Criminal Law Act 1977.

### Modifications etc. (not altering text)

**C1** S. 76(3) applied by S.I. 1986/2265, arts. 11, 12

### Marginal Citations

**M5** 1980 c. 43.  
**M6** 1975 c. 21.  
**M7** 1977 c. 45.

## *Proceedings*

## 77 Money recoverable summarily.

Any money by this Act or an order of the Minister made recoverable summarily may be so recovered as a civil debt, and in England and Wales this shall be in accordance with the Magistrates’ Courts Act 1980.



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Until the coming into force of the Magistrates' Courts Act 1980 the reference in this section to that Act shall have effect as if it were a reference to the <sup>M8</sup>Magistrates' Courts Act 1952.

#### Marginal Citations

M8 1952 c. 55.

### 78 Appeal.

If any person thinks himself aggrieved—

- (a) by the dismissal of a complaint by, or
- (b) by any determination or adjudication of,

a magistrates' court in England or Wales under this Act, he may appeal to the Crown Court.

Nothing in this section applies in relation to an offence punishable under section 4 above.

### 79 Evidence and procedure.

- (1) In any proceeding under this Act no proof shall be required of the appointment or handwriting of an inspector or other officer of the Minister or of the clerk or an inspector or other officer of a local authority.
- (2) Where the owner or person in charge of an animal is charged with an offence against this Act relative to disease or to any illness of the animal, he shall be presumed to have known of the existence of the disease or illness unless and until he shows to the court's satisfaction that—
  - (a) he had not knowledge of the existence of that disease or illness, and
  - (b) he could not with reasonable diligence have obtained that knowledge.
- (3) Where a person—
  - (a) is charged with an offence against this Act in not having duly cleansed or disinfected any place, vessel, aircraft, vehicle or thing belonging to him or under his charge, and
  - (b) a presumption against him on the part of the prosecution is raised,it shall lie on him to prove the due cleansing and disinfection mentioned in paragraph (a).
- (4) Every offence against this Act shall be deemed to have been committed, and every cause of complaint or matter for summary proceeding under this Act or an order of the Minister or regulation of a local authority shall be deemed to have arisen, either in any place—
  - (a) where it actually was committed or arose; or
  - (b) where the person charged or complained of or proceeded against happens to be at the time of the institution or commencement of the charge, complaint or proceeding.
- (5) Nothing in subsections (2) to (4) above applies in relation to an offence under section 4 above.

**Status:**

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**Changes to legislation:**

There are currently no known outstanding effects for the Animal Health Act 1981, Part V.