



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.
- (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.
- (3) If that person's name and address are 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 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 a constable or other officer in the execution—
 - (a) of this Act, or
 - (b) of an Order of the Minister, or
 - (c) of a regulation of a local authority,the Constable or officer may without warrant apprehend the offender.

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- (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.

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 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.

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.

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 where 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 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.
- (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.

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- (9) In addition to the powers conferred by this section upon inspectors, an inspector of the Minister may at any time, for the purpose of ascertaining whether pleuro-pneumonia, foot-and-mouth disease or swine-fever exists, or has within 56 days existed, in any shed, land or other place, enter such shed, land or place.

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.

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 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.

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

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- (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.