



# Animal Health Act 2002

## 2002 CHAPTER 42

### PART 4

#### GENERAL

#### 15 **Duty to consider vaccination**

In the 1981 Act the following section is inserted after section 14A (as inserted by section 18) of this Act—

**“14B Duty to consider vaccination**

- (1) In relation to any occurrence of foot-and-mouth disease the Secretary of State must consider what is the most appropriate means of preventing the spread of the disease.
- (2) In particular he must consider whether in relation to the occurrence treating animals with serum or vaccine is more appropriate than any other means of preventing the spread of the disease.”

#### 16 **Biosecurity guidance**

In the 1981 Act the following sections are inserted after section 6 (eradication areas and attested areas)—

**“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—

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- (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.
- (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.

## **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;

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- (d) any person who is under the direction of a person mentioned in paragraphs (a) to (c).”

## 17 Annual review of import controls

In the 1981 Act the following section is inserted after section 10—

### “10A Annual review of import controls

- (1) The Ministers shall prepare a report during each financial year which will—
  - (a) review all activities of government departments, the Food Standards Agency, local authorities, customs, police authorities and other relevant public agencies directed to the prevention of the introduction of disease into or within England and Wales through the importation of animal products and matter, whether animate or inanimate, and other things;
  - (b) identify the nature, origin and quantity of such animal products and matter and stating whether the product or matter was destined for personal or commercial consumption;
  - (c) assess the making of any orders under section 10 of this Act;
  - (d) assess the effectiveness of any action taken under an order made under section 10 of this Act; and
  - (e) propose such further action as may, on the basis of advice given to the Ministers by suitably qualified individuals appointed as scientific advisers to the Ministers, be required to further reduce the risk of disease being imported.
- (2) The Ministers shall lay their report before Parliament and the National Assembly for Wales at the end of each financial year.”

## 18 National contingency plan

Before section 15 of the 1981 Act (requirements on certain persons relating to animals affected with disease) there is inserted the following section—

### “14A National contingency plan

- (1) The appropriate authority must prepare a document (the national contingency plan) indicating the arrangements the authority intends to put in place for the purpose of dealing with any occurrence of—
  - (a) foot-and-mouth disease;
  - (b) such other disease as the authority by order specifies.
- (2) After preparing a draft of the national contingency plan the appropriate authority—
  - (a) must send a copy of the draft to such persons and organisations as the authority thinks are representative of those having an interest in the arrangements;
  - (b) must consider any representations made to the authority about the draft by such persons and organisations;
  - (c) may amend the draft accordingly.

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- (3) After the appropriate authority has proceeded under subsection (2) the authority must—
  - (a) lay the plan before Parliament (unless subsection (9) applies);
  - (b) publish it in such manner as the authority thinks likely to bring it to the attention of persons who may be affected by the arrangements.
- (4) The appropriate authority must from time to time (but not less frequently than at intervals of one year) review the plan and if the authority thinks it appropriate revise the plan.
- (5) Subsections (2) and (3) apply to a revision of the plan as they apply to its preparation.
- (6) The power to make an order must be exercised by statutory instrument.
- (7) The instrument is subject to annulment in pursuance of a resolution of either House of Parliament (unless subsection (9) applies).
- (8) The appropriate authority is—
  - (a) the Secretary of State in relation to England;
  - (b) the Secretary of State and the National Assembly for Wales acting jointly in relation to Wales (except for the purposes of subsection (1)(b));
  - (c) the National Assembly for Wales in relation to Wales for the purposes of subsection (1)(b).
- (9) This subsection applies to a plan prepared in relation to Wales.
- (10) It is immaterial that anything done for the purposes of subsections (1) to (3) (except the making of an order under subsection (1)(b)) is done before the passing of the Animal Health Act 2002.”

## 19 Commencement

- (1) The preceding provisions of this Act come into force in accordance with provision made by the Secretary of State by order made by statutory instrument.
- (2) An order under this section may make different provision for different purposes.

### Subordinate Legislation Made

P1 [S. 19\(1\)](#) power fully exercised: different dates appointed for specified provisions by [S.I. 2002/3044, art. 2](#)

## 20 Finance

Any expenditure incurred by a Minister of the Crown in consequence of this Act is to be paid out of money provided by Parliament.

## 21 Extent

This Act extends only to England and Wales.

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## **22 Short title**

This Act may be cited as the Animal Health Act 2002.

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