



# Animal Health Act 1981

## 1981 CHAPTER 22

### PART IV

#### LOCAL AUTHORITIES

#### **50 Local authorities for purposes of this Act.**

- (1) In this Act “local authority” has the meaning given by subsections (2) and (3) below, but subject to subsection (4) below [<sup>F1</sup>and to section 13(3) above.]
- (2) In the application of this Act to England and Wales “local authority” means—
- (a) as respects a London borough, the borough council,
  - [<sup>F2</sup>(b) as respects a non-metropolitan county, the county council,
  - [ as respects a county borough, the county borough council,]
  - <sup>F3</sup>(bb)
  - (c) as respects a metropolitan district, the district council,]
- and the Common Council of the City of London shall be the local authority—
- (i) for the City of London, and
  - (ii) in and for the whole of Greater London for the purpose of the provisions of this Act relating to imported animals.
- (3) In the application of this Act to Scotland “local authority” means a [<sup>F4</sup>council constituted under section 2 of the Local Government etc. (Scotland) Act 1994].
- (4) Where the district or part of a district of a local authority is or comprises, or is comprised in—
- (a) a port or part of a port, or
  - (b) an aerodrome or part of an aerodrome,
- the appropriate Minister may, if he thinks fit, in relation to either paragraph (a) or paragraph (b) above by order make any body, other than the local authority under subsection (2) or subsection (3) above, the local authority for the purposes of the provisions of this Act relating to imported animals.

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- (5) A local authority shall execute and enforce this Act and every order of the Minister so far as they are to be executed and enforced by local authorities.

#### **Textual Amendments**

- F1** Words in s. 50(1) inserted (14.2.1992 for certain purposes and 1.4.1992 in so far as not already in force) by [Environmental Protection Act 1990 \(c. 43, SIF 46:4\)](#), [s. 151\(2\)](#); S.I. 1992/266, [arts. 2, 3](#).
- F2** S. 50(2)(b)(c) substituted for para. (b) by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), [ss. 1, 2, 16](#), [Sch. 8 para. 18](#)
- F3** S. 50(2)(bb) inserted (1.4.1996) by [1994 c. 19, s. 66\(6\)](#), [Sch. 16 para. 61](#); S.I. 1996/393, [art. 4](#), [Sch. 2](#)
- F4** Words in s. 50(3) substituted (S.)(1.4.1996) by [1994 c. 39, s. 180\(1\)](#), [Sch. 13 para. 122](#); S.I. 1996/323, [art. 4\(1\)\(c\)](#)

### **51 Local authorities and their districts.**

- (1) The provision of this Act conferring powers on, or otherwise relating to, a local authority, or their inspectors or officers shall, unless otherwise expressed, be read as having reference to the district of the local authority.
- (2) The powers so conferred shall, unless it is otherwise expressed, be exercisable and shall operate within and in relation to that district only.

### **52 Inspectors and other officers.**

- (1) Every local authority shall appoint as many inspectors and other officers as the local authority think necessary for the execution and enforcement of this Act.
- (2) Every local authority shall assign to those inspectors and officers such duties, and salaries or allowances, and may delegate to any of them such authorities and discretion, as to the local authority seem fit, and may at any time revoke any appointment so made.

### **53 Borrowing powers.**

- (1) A local authority may borrow for the purposes of this Act.
- (2) In Scotland the power conferred by this section shall only be exercisable where the expenditure of the local authority under this Act requiring to be met out of rates in any financial year exceeds or would exceed the produce of a rate of 2½p. in the pound on the rateable valuation of the authority's area.

### **54 Provision of wharves etc.**

- (1) A local authority may provide, erect and fit up wharves, stations, lairs, sheds and other places for the landing, reception, keeping, sale, slaughter or disposal of imported or other animals, carcasses, fodder, litter, dung and other things.
- (2) There shall be incorporated with this Act the <sup>M1</sup>Markets and Fairs Clauses Act 1847, except sections 6 to 9, and 52 to 59.
- (3) A wharf or other place provided by a local authority under this section shall be a market within that Act, and this Act shall be the special Act; and

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- (a) the prescribed limits shall be the limits of lands acquired or appropriated for the purposes of this section;
  - (b) byelaws shall be approved by the appropriate Minister, which approval shall be sufficient without any other approval or allowance where—
    - (i) notice of application for approval has been given, and
    - (ii) the proposed byelaws have been published before application, as required by that Act of 1847.
- (4) A local authority may charge for the use of a wharf or other place provided by them under this section such sums as may be imposed by byelaws, and those sums shall be deemed tolls authorised by the special Act.
- (5) All sums so received by a local authority in England or Wales—
- (a) shall be carried to a separate account; and
  - (b) shall be applied in payment of interest and repayment of principal in respect of money borrowed by them under this Act; and
  - (c) subject to paragraph (b), shall be applied towards the discharge of their expenses under this Act.
- (6) The local authority shall make such periodical returns to the appropriate Minister as he may require of their expenditure and receipts in respect of the wharf or other place.

**Marginal Citations**

**M1** 1847 c. 14.

**55 Power to acquire land.**

- (1) A local authority may—
- (a) purchase land by agreement, or
  - (b) if so authorised by the Minister or the appropriate Minister, purchase land compulsorily, or
  - (c) by agreement take land on lease or at a rent,
- for the following purposes—
- (i) for wharves or other places; or
  - (ii) for use for burial of carcases, in cases where there is not any ground suitable in that behalf in the possession or occupation of the owner of the animal, or any common or unenclosed land suitable and approved by the Minister or the appropriate Minister in that behalf; or
  - (iii) for any other purpose of this Act.
- (2) The powers conferred by this section may be exercised by a local authority in England or Wales with respect to land within or without their district.
- (3) References in the <sup>M2</sup>Acquisition of Land (Authorisation Procedure) Act 1946 and the <sup>M3</sup>Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947 to enactments in force immediately before the respective commencements of those Acts shall include references to this section.

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This subsection is without prejudice to a paragraph (a) of section 17(2) of the <sup>M4</sup>Interpretation Act 1978 as regards references in an Act to an enactment repealed and re-enacted.

**Marginal Citations**

- M2** 1946 c. 49.  
**M3** 1947 c. 42.  
**M4** 1978 c. 30.

**56 Public facilities for sheep dipping.**

- (1) A local authority may provide, fit up and maintain portable dipping tanks or dipping places, and afford their use, and the use of all necessary connected appliances and materials, to the public upon such terms and conditions as the local authority may think fit.
- (2) Any sums received by a local authority in England or Wales for such use shall be applied by them towards the discharge of their expenses under this Act.
- (3) No dipping place shall be used for the purposes of this section if such use would injuriously affect the water in any stream, reservoir, aqueduct, well, pond or place constructed or used for the supply of water for drinking or other domestic purposes.

**57 Burial of carcases washed ashore.**

- (1) Where a carcase washed ashore is buried or destroyed under the direction of a receiver of wreck with authority from the Secretary of State the expenses of such burial or destruction shall be expenses of the local authority.
- (2) Those expenses shall be paid by the local authority to the receiver on demand, and in default of payment shall be recoverable with costs by the receiver from the local authority.
- (3) Where a local authority has incurred any expenses under this section on account of the burial or destruction of the carcase of any animal which, or the carcase of which, was thrown or washed from any vessel, the owner of the vessel shall be liable to repay such expenses to the local authority.

**58 Regulations.**

- (1) A regulation of a local authority may be proved—
  - (a) by the production of a newspaper purporting to contain the regulation as an advertisement; or
  - (b) by the production of a copy of the regulation purporting to be certified by the clerk of the local authority as a true copy.
- (2) A regulation so proved shall be taken to have been duly made, unless and until the contrary is proved.
- (3) A regulation of a local authority authorised by this Act or by an order of the Minister shall alone be deemed for the purposes of this Act a regulation of a local authority.

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## **59 Default.**

- (1) Where a local authority fail to execute or enforce any of the provisions of this Act, or of an order of the Minister, the appropriate Minister may by order empower a person named in that order—
  - (a) to execute and enforce those provisions; or
  - (b) to procure their execution and enforcement.
- (2) The expenses incurred under any such order or in respect of any such default by or on behalf of the appropriate Minister shall be expenses of the local authority, and
  - (a) the treasurer or other proper officer of the local authority shall pay the amount of such expenses to the appropriate Minister on demand; and
  - (b) in default of payment a person appointed by the appropriate Minister to sue in that behalf may recover the amount of such expenses from the local authority.
- (3) For the purposes of this section an order of the Minister shall be conclusive in respect of any default, amount of expenses, or other matter stated or appearing in it.
- (4) The provisions of this section are without prejudice to the right or power of the appropriate Minister, or any other authority or any person, to take any other proceedings for requiring a local authority to execute or enforce any of the provisions of this Act or of an order of the Minister.

**Changes to legislation:**

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