



Animal Health Act 1981

1981 CHAPTER 22

PART VI

SUPPLEMENTAL

Interpretation, functions, and orders etc.

86 Ministers and their functions

(1) In this Act—

- (a) " the Minister " means, in relation to the whole of Great Britain, the Minister of Agriculture, Fisheries and Food, and " Ministry " shall be construed accordingly,
- (b) " the appropriate Minister " means, in relation to England, the Minister of Agriculture, Fisheries and Food, and in relation to Scotland or to Wales, the Secretary of State,
- (c) " the Ministers " means, in relation to the whole of Great Britain, the Minister of Agriculture, Fisheries and Food, the Secretary of State for Scotland and the Secretary of State for Wales, acting jointly,

but in the case of any function under the following provisions of this Act—

- (i) section 21, so far as it is applicable in relation to brucellosis, tuberculosis, dourine or infestation with maggot of the warble fly,
- (ii) any other provision so far as it is applicable in relation to brucellosis, brucellosis melitensis, tuberculosis or infestation of cattle with the maggot of the warble fly,

that function, notwithstanding that it is expressed to be exercisable by the Minister or the Ministers, shall be exercisable only by the appropriate Minister.

(2) The powers and duties conferred and imposed by this Act on the Minister shall be executed and discharged by the Minister in manner provided by the Ministry of Agriculture and Fisheries Acts 1889 to 1919, and this Act.

87 Meaning of " animals " and " poultry "

- (1) In this Act, unless the context otherwise requires, " animals " means—
- (a) cattle, sheep and goats, and
 - (b) all other ruminating animals and swine,
- subject to subsections (2) and (3) below.
- (2) The Ministers may by order for all or any of the purposes of this Act extend the definition of " animals" in subsection (1) above so that it shall for those or any of those purposes comprise—
- (a) any kind of mammal except man ; and
 - (b) any kind of four-footed beast which is not a mammal.
- (3) The Ministers may by order for all or any of the purposes of this Act (except so far as it relates to disease) extend the definition of "animals" in subsection (1) so that it shall for those or any of those purposes comprise—
- (a) fish, reptiles, crustaceans, or
 - (b) other cold-blooded creatures of any species,
- not being creatures in respect of which an order can be made under subsection (2) above.
- (4) In this Act, subject to subsection (5) below and unless the context otherwise requires, " poultry " means birds of the following species—
- (a) domestic fowls, turkeys, geese, ducks, guinea-fowls and pigeons, and
 - (b) pheasants and partridges,
- and subject to the provisions mentioned below, this Act has effect in relation to poultry as it has effect in relation to animals.
- The provisions of this Act referred to above are sections 7(2), 15(5), 31 and paragraph 5 of Schedule 3, and sections 32(4) and 64.
- (5) The Ministers may by order for all or any of the purposes of this Act, in so far as it applies to poultry—
- (a) extend the definition of "poultry " in subsection (4) above so that it shall for those or any of those purposes comprise any other species of bird ; or
 - (b) restrict that definition so that it shall for those or any of those purposes exclude any of the species of bird mentioned in paragraph (b) of subsection (4).

88 Meaning of " disease "

- (1) In this Act, unless the context otherwise requires, "disease" means cattle plague, pleuro-pneumonia, foot-and-mouth disease, sheep-pox, sheep scab, or swine fever, subject to subsection (2) below.
- (2) The Ministers may by order for all or any of the purposes of this Act extend the definition of " disease " in subsection (1) above so that it shall for those or any of those purposes comprise any other disease of animals.
- (3) In this Act, in so far as it applies to poultry, and unless the context otherwise requires, " disease ", means—
- (a) fowl pest in any of its forms, including Newcastle disease and fowl plague ; and

(b) fowl cholera, infectious bronchitis, infectious laryngotracheitis, pullorum disease, fowl typhoid, fowl pox and fowl paralysis,
subject to subsection (4) below.

(4) The Ministers may by order for all or any of the purposes of this Act—

- (a) extend the definition of " disease" in subsection (3) above so that it shall for those or any of those purposes comprise any other disease of birds; or
- (b) restrict that definition so that it shall for those or any of those purposes exclude any of the diseases mentioned in paragraph (b) of subsection (3).

89 Other interpretation provisions

(1) In this Act, unless the context otherwise requires—

" aerodrome " means any area of land or water designed, equipped, set apart or commonly used for affording facilities for the landing and departure of aircraft;

" carcase " means the carcase of an animal and includes part of a carcase, and the meat, bones, hide, skin, hooves, offal or other part of an animal, separately or otherwise, or any portion thereof ;

" cattle " means bulls, cows, steers, heifers, and calves ;

" cattle plague " means rinderpest or the disease commonly called cattle plague;

" the customs and excise Acts " has the meaning given by the Customs and Excise Management Act 1979 ;

" diseased " means affected with disease ;

" district", when used with reference to a local authority, means the area for which the local authority exercises powers under this Act; " export quarantine station" has the meaning given by section 12(1) above; " fodder " means hay or other substance commonly used for food of animals;

" horse " includes ass and mule ;

" imported " means brought to Great Britain from a country out of Great Britain;

" inspector " means a person appointed to be an inspector for the purposes of this Act by the Minister or by a local authority, and, when used in relation to an officer of the Ministry, includes a veterinary inspector ;

" justice " means justice of the peace ;

" litter " means straw or other substance commonly used for bedding or otherwise for or about animals ;

" local authority" has the meaning given by section 50 above;

" order of the Minister " means an order under this Act of the Minister, the appropriate Minister, or the Ministers, as the case may be ;

" pleuropneumonia " means contagious pleuro-pneumonia of cattle; "pony" means any horse not more than 147 centimetres in height, except a foal travelling with its dam if the dam is over 147 centimetres ;

" suspected " means suspected of being diseased ;

" swine-fever " means the disease known as typhoid fever of swine, soldier purples, red disease, hog cholera or swine-plague;

"veterinary inspector" means a veterinary inspector appointed by the Minister.

- (2) In the computation of time for the purposes of this Act, a period reckoned by days from the happening of an event or the doing of an act or thing shall be deemed to be exclusive of the day on which the event happened or the act or thing is done.

90 Application to hovercraft

The enactments and instruments with respect to which provision may be made by Order in Council in pursuance of section 1(1)(h) of the Hovercraft Act 1968 include this Act and any instrument made or having effect as if made under it. This section is without prejudice to section 17 of the Interpretation Act 1978 (repeal and re-enactment).

91 Orders etc.

- (1) The Minister, the appropriate Minister or the Ministers, as the case may be, shall publish in the London Gazette and the Edinburgh Gazette a notice of any order of the Minister stating—
- (a) that the order has been made ; and
 - (b) where copies of the order may be obtained.
- (2) Every local authority shall at their own expense publish every order of the Minister, and every licence or other instrument sent to them by the Minister, the appropriate Minister, or the Ministers—
- (a) in such manner as he or they shall direct; and
 - (b) subject to and in the absence of any direction, by advertisement in a newspaper circulating in the district of the local authority.
- (3) The validity or effect of an order of the Minister, or licence or other instrument issued by the Minister, the appropriate Minister or the Ministers shall not be affected by want of or defect or irregularity in its publication.
- (4) Subsections (1) to (3) above do not apply to an order made under section 32 above.
- (5) A power conferred by this Act to make an order of the Minister, other than by—
- (a) section 14(2),
 - (b) section 59(1),
- shall be exercisable by statutory instrument.
- (6) An order of the Minister made under either of the provisions referred to in paragraphs (a) and (b) of subsection (5) above may be altered or revoked by a subsequent order made in the like manner and subject to the like conditions, but section 14(b) of the Interpretation Act 1978 shall not apply to an order made by the Ministers under section 34(7) above providing that section 34(6) shall cease to have effect.