



Animal Health Act 1981

1981 CHAPTER 22

PART VI

SUPPLEMENTAL

Reports and information

80 Yearly return to Parliament

- (1) The Ministers shall make and lay before both Houses of Parliament not later than 31st March a yearly return stating the proceedings and expenditure under this Act of the Ministers, and, as far as reasonably may be, of all local authorities, in the year ending the previous 31st December.
- (2) The return shall also—
 - (a) show the number of imported animals landed and found diseased in that year, specifying separately the different kinds of disease, and the ports and aerodromes of exportation and landing, and the mode of disposal of the animals; and
 - (b) contain such other information respecting the operation of this Act as the Ministers think fit.

81 Reports to Minister

Every local authority and their inspectors and officers shall give to the appropriate Minister such notices, reports, returns and information as he requires.

82 Information from Agricultural Marketing Boards

Every board administering a scheme under the Agricultural Marketing Act 1958 shall give to the appropriate Minister such information as he may reasonably require for the purposes of his functions under this Act.

Notices, fees, and exemption from stamp duty

83 Form and service of instruments

- (1) Every notice under this Act or under any order or regulation made under this Act must be in writing.
- (2) The Ministers may make such orders as they think fit for prescribing and regulating the form and mode of service or delivery of notices and other instruments.
- (3) Any notice or other instrument under this Act or under an order of the Minister or a regulation of a local authority may be served on the person to be affected by it, either—
 - (a) by its delivery to him personally ; or
 - (b) by the leaving of it for him at his last known place of abode or business ; or
 - (c) by the sending of it through the post in a letter addressed to him at his last known place of abode or business.
- (4) A notice or other instrument—
 - (a) to be served on the occupier of any building, land or place, may, except when sent by post, be addressed to him by the designation of the occupier of that building, land or place, without naming or further describing him; and
 - (b) where it is to be served on the several occupiers of several buildings, lands or places, may, except when sent by post, be addressed to them collectively by the designation of the occupiers of those several buildings, lands or places, without further naming or describing them, but separate copies of it being served on them severally.

84 Fees

- (1) The Ministers may by order made with the Treasury's approval prescribe fees to be paid with respect to such business transacted or to be transacted under this Act as may be specified in the Order.

A Statutory instrument containing an order under this subsection shall be subject to annulment in pursuance of a resolution of the Commons House of Parliament.

- (2) Where—
 - (a) an order under subsection (1) above provides for the payment of a fee before the transaction of the business with respect to which it is payable, and
 - (b) the business is not transacted or not wholly transacted,the Minister to whom the fee was paid may, if he thinks fit, repay the whole or part of the fee.
- (3) Where—
 - (a) an order under subsection (1) provides for any fee to be paid on the making of an application in a case where previously a fee was payable only if the application was granted, then,
 - (b) as respects anything done in pursuance of an application made before the coming into operation of the order, the same fee shall be payable as before the coming into operation of the order and shall be so payable at the time at which it would then have been payable.

85 Exemption from stamp duty

No stamp duty shall be payable on any appointment, certificate, declaration, licence or thing under this Act, or an order of the Minister, or a regulation of a local authority.

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,

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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;

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" 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.

Scotland and Northern Ireland

92 General application to Scotland

- (1) The provisions of this section have effect for the purposes of the application of this Act to Scotland.
- (2) An offence against this Act may be prosecuted in the district court, and, when so prosecuted, the provisions in relation to sentences contained in section 284 of the Criminal Procedure (Scotland) Act 1975 shall apply to such a prosecution as they apply to prosecutions of common law offences.
- (3) In the event of refusal or delay on the part of any person in complying with the order of a local authority, the local authority may give information of the refusal or delay to the procurator-fiscal of the district, who may apply to the sheriff for a warrant to carry such order into effect, and such warrant may be executed by the officers of the court in common form.
- (4) Notwithstanding anything in any other Act, and except in relation to section 4 above, such part not exceeding one half of every fine recovered under this Act as the court before which it is recovered thinks fit shall be paid to the person who proceeds for it.

- (5) Nothing in subsections (3) and (4) above applies to proceedings under the customs and excise Acts.
- (6) Notwithstanding the repeal by this Act of section 17 of the Diseases of Animals Act 1935, Part I of the Ministry of Agriculture and Fisheries Act 1919 shall be deemed always to have extended to Scotland.

93 Communications to and from Northern Ireland

In order to secure uniformity of action—

- (a) every order of the Minister shall with all practicable speed be communicated to the Department of Agriculture for Northern Ireland ; and
- (b) every order made by that Department under the enactments in Northern Ireland relating to diseases of animals shall with all practicable speed be communicated to the Minister.

Miscellaneous provisions as to operation

94 Transitional

- (1) Where a period of time specified in an enactment repealed by this Act is current at the commencement of this Act, this Act shall have effect as if the corresponding provisions of this Act had been in force when that period began to run.
- (2) For the purpose of determining the punishment which may be imposed on a person in respect of the commission by him of an offence under any provision of this Act, an offence committed by that person under the corresponding enactment repealed by this Act shall be deemed to have been committed under that provision.

95 Savings

- (1) Any order made or having effect as if made—
 - (a) under any provision of sections 24 to 33 of the Diseases of Animals Act 1950,
 - (b) before the coming into operation of section 1 of the Diseases of Animals Act 1975,continues in operation as if that section had not come into operation, except that it may be varied or revoked as if it had been made under section 10 above.
- (2) In the case of an order made or having effect as if made—
 - (a) partly under any provision of those sections of that Act of 1950, and
 - (b) partly under any other enactment (whether or not contained in that Act),subsection (1) above has effect to the extent that the order was made or had effect as if made under any of those sections.
- (3) The Conveyance of Live Poultry Order 1919, made under the Poultry Act 1911, has effect as if it had been made under sections 7(2), 37(1) and 64(2) above.
- (4) Without prejudice to section 17 of the Interpretation Act 1978 (repeal and re-enactment), the power conferred by virtue of sections 135(2) and 136(3) of the Medicines Act 1968 to bring into operation Schedule 6 to that Act (enactments of

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Parliament of United Kingdom repealed) has effect as if that Schedule included references to section 5(2) above and Schedule 1 to this Act.

- (5) Any officer or servant employed by the Minister for the purpose of the execution of the enactments relating to diseases of animals who was appointed before the commencement of Part IV of the Agriculture Act 1937 (1st April 1938) shall be deemed to have been appointed under section 5 of the Board of Agriculture Act 1889.
- (6) Nothing in this Act affects sections 40(2) and 42(2) of the Northern Ireland Constitution Act 1973 as those subsections have effect in relation to section 88 of the Diseases of Animals Act 1950.
- (7) In so far as any provision of—
 - (a) paragraph (a) of section 35(4) above,
 - (b) paragraph (a)(ii) of section 41(1) above,
 - (c) paragraph (c) of section 75(1) above, and
 - (d) section 89(1) above,

specifies an amount expressed in metric units which is derived from the exercise of the power to make regulations under section 7 of the Agriculture (Miscellaneous Provisions) Act 1976 that provision may be varied as if it were contained in regulations so made.

96 Consequential amendments and repeals

- (1) The enactments specified in Schedule 5 to this Act have effect subject to the amendments specified in that Schedule being amendments consequential on the provisions of this Act.
- (2) The enactments specified in Schedule 6 to this Act (which include certain obsolete or unnecessary enactments) are repealed to the extent specified in the third column of that Schedule.

97 Short title, extent, and commencement

- (1) This Act may be cited as the Animal Health Act 1981.
- (2) Sections 93 and 95(6) above apply to Northern Ireland, and Schedule 6 to this Act, so far as it repeals provisions of the Diseases of Animals Act 1950 which applied to Northern Ireland, but apart from those provisions this Act does not extend to Northern Ireland.
- (3) This Act shall come into force on the expiry of the period of one month beginning on the date of its passing.