



Animal Health Act 1981

1981 CHAPTER 22

[^{F1}PART 2B

TSE: SCOTLAND

[^{F1}Enforcement

Textual Amendments

F1 Pt. 2B inserted (S.) (6.10.2006) by [Animal Health and Welfare \(Scotland\) Act 2006 \(asp 11\)](#), ss. 11, 55(1) (with s. 54); S.S.I. 2006/482, art. 2

36R Scottish Ministers' powers of enforcement

- (1) This section applies if the Scottish Ministers are satisfied that a person has failed to comply with one or more of the restrictions or requirements imposed on that person by a restriction notice.
- (2) But this section does not apply in relation to any livestock—
 - (a) which is the subject of a review under section 36Q which has not been determined; or
 - (b) which, as the result of a successful review, is no longer subject to the restriction notice.
- (3) The Scottish Ministers may take such reasonable steps as they consider appropriate to secure that effect is given to any restriction or requirement.
- (4) In particular, the Scottish Ministers may—
 - (a) cause to be destroyed any semen, egg or embryo which has not been destroyed as required under section 36P(7);
 - (b) cause to be castrated (or as appropriate sterilised) or slaughtered any livestock—
 - (i) which is the subject of the notice; but

Changes to legislation: There are currently no known outstanding effects for the Animal Health Act 1981, Cross Heading: Enforcement. (See end of Document for details)

- (ii) which has neither been castrated (or as appropriate sterilised) nor slaughtered as required under section 36P(8).
- (5) The Scottish Ministers may recover from the person to whom a restriction notice has been given such reasonable expenses as arise from any steps taken under subsection (3) in relation to that notice.

36S Offences

- (1) A person to whom a restriction notice is given commits an offence (whether or not the notice is the subject of a review under section 36Q) if that person—
 - (a) sells (or otherwise transfers to another person) livestock to which the notice applies, or any of its semen, eggs or embryos;
 - (b) fails, without excuse (proof of which lies on the person) to comply with any of the restrictions or requirements specified in the notice.
- (2) Any other person commits an offence if that person uses any semen, egg or embryo which the person knows, or ought reasonably to know, has been taken from livestock which is the subject of a restriction notice.
- (3) A person commits an offence if, without excuse (proof of which lies on the person), that person fails to comply with any provision of regulations made under section 36O.
- (4) A keeper of livestock commits an offence if the keeper fails to give an inspector such assistance or information as the inspector may reasonably request in connection with the exercise by the inspector of a function under this Part.]

Changes to legislation:

There are currently no known outstanding effects for the Animal Health Act 1981, Cross
Heading: Enforcement.