



Animal Health Act 1981

1981 CHAPTER 22

PART II

DISEASE

Slaughter

31 Slaughter in certain diseases.

Schedule 3 to this Act has effect as to the slaughter of animals in relation to—

- (a) cattle plague;
- (b) pleuro-pneumonia;
- (c) foot-and-mouth disease;
- (d) swine-fever; and
- (e) diseases of poultry.

32 Slaughter in other diseases.

- (1) The Minister may, if he thinks fit, cause to be slaughtered any animal which—
 - (a) is affected or suspected of being affected with any disease to which this section applies; or
 - (b) has been exposed to the infection of any such disease.
- (2) This section applies to such diseases of animals as may from time to time be directed by order of the Ministers.
- (3) The Minister shall pay for animals slaughtered under this section compensation of such amount as may be determined in accordance with scales prescribed by order of the Minister made with the Treasury's approval.

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

- (4) This section does not apply to poultry; and in this section—

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- (a) “animals” includes horses;
- (b) “disease” is not restricted by its definition in this Act.

Modifications etc. (not altering text)

- C1** S. 32 applied (1.1.1993) by S.I. 1992/3159, **art. 2(1)** (as amended (S.) (28.6.2014) by The Specified Diseases (Notification and Slaughter) (Amendment) and Compensation (Scotland) Order 2014 (S.S.I. 2014/151), arts. 1(1), **2**
 S. 32 applied (24.1.1997) by S.I. 1996/3183, **art. 10(1)**
 S. 32 applied (1.4.1997) by S.I. 1997/757, **art. 11**
 S. 32 applied (1.4.1997) by S.I. 1997/758, **art. 18**
 S. 32 applied (E.) (1.9.2000) by S.I. 2000/2055, **art. 18**
 S. 32 applied (E.) (1.9.2000) by S.I. 2000/2056, **art. 11**
- C2** S. 32 applied (W.) (19.2.2003) by Bluetongue (Wales) Order 2003 (S.I. 2003/326), arts. 1(1), **13** (with art. 4)
- C3** S. 32 applied (S.) (19.2.2003) by Bluetongue (Scotland) Order 2003 (S.S.I. 2003/91), arts. 1(1), **13**
- C4** S. 32 applied (E.) (19.2.2003) by Bluetongue Order 2003 (S.I. 2003/130), arts. 1(1), **13**
- C5** S. 32 applied (S.) (28.11.2003) by African Swine Fever (Scotland) Order 2003 (S.S.I. 2003/586), arts. 1(1), **2(3)**
- C6** S. 32 applied (S.) (23.9.2005) by Tuberculosis (Scotland) Order 2005 (S.S.I. 2005/434), arts. 1(1), **4**
- C7** S. 32 applied (W.) (31.3.2006) by Enzootic Bovine Leukosis (Wales) Order 2006 (S.I. 2006/867), arts. 1(1), **13**
- C8** S. 32 applied (W.) (31.3.2006) by Brucellosis (Wales) Order 2006 (S.I. 2006/866), arts. 1(1), **18**
- C9** S. 32 applied (E.) (27.4.2006 at 6.00 p.m.) by Avian Influenza and Influenza of Avian Origin in Mammals (England) Order 2006 (S.I. 2006/1197), arts. 1(2), **3(2)** (with art. 3(3))
- C10** S. 32 applied (W.) (6.7.2006) by The Avian Influenza and Influenza of Avian Origin in Mammals (Wales) Order 2006 (S.I. 2006/1762), arts. 1(2), **3(2)** (with art. 3(3))
- C11** S. 32 applied (W.) (13.11.2006) by The Avian Influenza and Influenza of Avian Origin in Mammals (Wales) (No 2) Order 2006 (S.I. 2006/2927), arts. 1(2), **3(2)**
- C12** S. 32 applied (E.) (6.4.2007) by Tuberculosis (England) Order 2007 (S.I. 2007/740), arts. 1(1), **4**
- C13** S. 32 applied (S.) (6.4.2007) by Tuberculosis (Scotland) Order 2007 (S.S.I. 2007/147), arts. 1(1), **3**
- C14** S. 32 applied (W.) (2.11.2007 at 6.00 p.m.) by The Bluetongue (Wales) Order 2007 (S.I. 2007/3150), arts. 1, **15** (with art. 4)
- C15** S. 32 applied (W.) (23.11.2007 at 2.25 p.m.) by The Bluetongue (No. 2) (Wales) Order 2007 (S.I. 2007/3309), arts. 1, **17**
- C16** S. 32 applied (E.) (23.11.2007) by Bluetongue (No.2) Order 2007 (S.I. 2007/3304), arts. 1, **17**
- C17** S. 32 applied (S.) (11.2.2008) by Bluetongue (Scotland) Order 2008 (S.S.I. 2008/11), arts. 1(1), **20**

[^{F1}32A Slaughter to prevent spread of disease

- (1) The Secretary of State may by order amend Schedule 3 for the purpose of—
 - (a) authorising or requiring the slaughter of animals to be caused with a view to preventing the spread of disease other than foot-and-mouth disease;
 - (b) requiring the payment of compensation in respect of animals slaughtered by virtue of the order.
- (2) An order under this section may include—
 - (a) amendments corresponding to those made by section 1 of the Animal Health Act 2002;
 - (b) amendments as to slaughter in relation to any disease not referred to in Schedule 3 (apart from the order);

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- (c) supplementary or incidental provisions (including amendments of provisions other than Schedule 3).
- (3) No order may be made under this section unless a draft of the order has been laid before Parliament and approved by a resolution of each House.]

Textual Amendments

F1 S. 32A inserted (E.W.) (14.1.2003) by 2002 c. 42, s. 2(1); S.I. 2002/3044, art. 2

[^{F2} 32B Disease control (slaughter) protocol

- (1) This section applies to a power exercisable by the Secretary of State under—
 - (a) paragraph 3(1)(c) of Schedule 3;
 - (b) such other provision of that Schedule (as amended by an order under section 32A(1)(a)) as the Secretary of State by order specifies;
 - (c) such other provisions of this Act relating to the control of disease as the Secretary of State by order specifies.
- (2) The Secretary of State must prepare a document (the disease control (slaughter) protocol) indicating—
 - (a) the purposes for which any power to which this section applies will be exercised;
 - (b) the principal factors to be taken into account in deciding whether to exercise the power;
 - (c) the procedure to be followed in deciding whether in any circumstances or description of circumstances the power is to be exercised, which shall include the application of such methods of detecting disease in animals as may be available;
 - (d) the procedure to be followed by persons who have functions in relation to the exercise of the power;
 - (e) the means by which a particular decision to exercise the power may be reviewed.
- (3) After preparing a draft of the disease control (slaughter) protocol the Secretary of State—
 - (a) must send a copy of the draft to such persons and organisations as he thinks are representative of those having an interest in the exercise of the power;
 - (b) must consider any representations made to him about the draft by such persons and organisations;
 - (c) may amend the draft accordingly.
- (4) After the Secretary of State has proceeded under subsection (3) he must publish the protocol in such manner as he thinks appropriate.
- (5) The Secretary of State must from time to time review the protocol and if he thinks it appropriate revise the protocol.
- (6) Subsections (2) to (4) apply to a revision of the protocol as they apply to its preparation.
- (7) 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.

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- (8) It is immaterial that anything done for the purposes of subsections (2) to (4) is done before the passing of the Animal Health Act 2002.]

Textual Amendments

F2 Ss. 32B, 32C inserted (E.W.) (14.1.2003) by [2002 c. 42, s. 3](#); [S.I. 2002/3044, art. 2](#)

Modifications etc. (not altering text)

C18 S. 32B applied (28.8.2003) by [Avian Influenza and Newcastle Disease \(Biosecurity Guidance and Disease Control Slaughter Protocol\) \(England and Wales\) Order 2003 \(S.I. 2003/2035\), arts. 1, 3](#)

^{F3}32C Protocol: exercise of powers

- (1) A power to which section 32B applies must not be exercised unless the protocol mentioned in that section 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 who has any function in relation to the exercise of a power to which section 32B applies fails to act in accordance with the protocol he is not by reason only of that failure liable in any civil or criminal proceedings.
- (4) But the protocol 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.

Textual Amendments

F3 Ss. 32B, 32C inserted (E.W.) (14.1.2003) by [2002 c. 42, s. 3](#); [S.I. 2002/3044, art.2](#)

[^{F4}32D Explanation of preventive slaughter

- (1) This section applies to a power exercisable by the Secretary of State under—
 - (a) paragraph 3(1)(c) of Schedule 3;
 - (b) any other provision of that Schedule as amended by an order under section 32A(1)(a).
- (2) The Secretary of State must not exercise a power to which this section applies unless before he first exercises the power in relation to any description of circumstances he publishes his reasons in relation to the circumstances of that description—
 - (a) for the exercise of the power;
 - (b) for not exercising his power under section 16 to cause animals to be treated with serum or vaccine.
- (3) If the Secretary of State does not comply with subsection (2) in relation to any description of circumstances anything done in connection with the exercise of the power in such circumstances must be taken to have been done without lawful authority.]

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Textual Amendments

F4 S. 32D inserted (E.W.) (14.1.2003) by [2002 c. 42, s. 4](#); [S.I. 2002/3044, art. 2](#)

[^{F5}32E Slaughter for preventing spread of disease: Scotland

Schedule 3A to this Act has effect as to slaughter in relation to—

- (a) cattle plague;
- (b) pleuro-pneumonia;
- (c) foot-and-mouth disease;
- (d) swine-fever;
- (e) diseases of poultry; and
- (f) such other diseases as are specified under paragraph 6 of that Schedule.]

Textual Amendments

F5 S. 32E inserted (S.) (6.10.2006) by [Animal Health and Welfare \(Scotland\) Act 2006 \(asp 11\), ss. 1\(1\), 55\(1\)](#) (with [s. 54](#)); [S.S.I. 2006/482, art. 2](#)

[^{F6}32F Disease control (slaughter) statement: Scotland

- (1) Before exercising, in relation to a particular event or state of affairs (regardless of its geographical extent), a power of slaughter conferred by or under—
 - (a) section 16B of this Act; or
 - (b) Schedule 3A to this Act,the Scottish Ministers must make a statement under this subsection.
- (2) The statement—
 - (a) must—
 - (i) describe the event or state of affairs concerned; and
 - (ii) express the reason why there is (in addition to, or as an alternative to, other courses of action) to be resort to exercise of that particular power for the relevant purpose;
 - (b) may include further information, for example—
 - (i) about factors that have been taken into account (including types of advice to which regard has been had);
 - (ii) as to procedures that are to be followed.
- (3) The Scottish Ministers are to—
 - (a) make the statement in such manner; and
 - (b) publicise the statement to such extent,as they consider appropriate.]

Textual Amendments

F6 S. 32F inserted (S.) (6.10.2006) by [Animal Health and Welfare \(Scotland\) Act 2006 \(asp 11\), ss. 3, 55\(1\)](#) (with [s. 54](#)); [S.S.I. 2006/482, art. 2](#)

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33 Additional staff and expenses.

[^{F7}(1)] The Minister may, for the purposes of his powers under this Act relating to the slaughter by him of animals,[^{F8} birds or amphibians,] employ such additional inspectors, valuers and other persons, and at such remuneration, and may incur such expenses, as, subject to the approval of [^{F9}the Treasury], he thinks necessary.

[^{F10}(2) In this section, “animals” means any kind of mammal (except man).]

Textual Amendments

- F7** S. 33(1): s. 33 renumbered as s. 33(1) (S.) (6.10.2006) by [Animal Health and Welfare \(Scotland\) Act 2006 \(asp 11\)](#), s. 55(1), [Sch. 2 para. 2\(3\)\(a\)](#) (with s. 54); S.S.I. 2006/482, art. 2
- F8** Words in s. 33(1) inserted (S.) (6.10.2006) by [Animal Health and Welfare \(Scotland\) Act 2006 \(asp 11\)](#), s. 55(1), [Sch. 2 para. 2\(3\)\(b\)](#) (with s. 54); S.S.I. 2006/482, art. 2
- F9** Words substituted by virtue of S.I. 1981/1670, [arts. 2\(1\)\(a\)\(2\)](#), 3(5)
- F10** S. 33(2) inserted (S.) (6.10.2006) by [Animal Health and Welfare \(Scotland\) Act 2006 \(asp 11\)](#), s. 55(1), [Sch. 2 para. 2\(3\)\(c\)](#) (with s. 54); S.S.I. 2006/482, art. 2

34 Slaughter and compensation generally.

- (1) The Minister may, notwithstanding anything in this Act, reserve for observation and treatment an animal[^{F11} , bird or amphibian] liable to be slaughtered under this Act at his direction but subject to payment of compensation by him as in case of actual slaughter.
- (2) Where an animal[^{F11} , bird or amphibian] has been slaughtered under this Act at the Minister’s direction, the carcase of the animal[^{F11} , bird or amphibian] shall belong to the Minister and shall be buried, or sold, or otherwise disposed of by him, or as he directs, as the condition of the animal[^{F11} , bird or amphibian] or carcase and other circumstances may require or admit.
- (3) If, in any case, the sum received by the Minister on sale of a carcase under this section exceeds the amount paid for compensation to the owner of the animal[^{F11} , bird or amphibian] slaughtered, he shall pay that excess to the owner, after deducting reasonable expenses.
- (4) Where an animal[^{F11} , bird or amphibian] has been slaughtered under this Act at the Minister’s direction, he may use for the burial of the carcase any ground in the possession or occupation of the owner of the animal[^{F11} , bird or amphibian] and suitable in that behalf, or any common or unenclosed land.
- (5) If the owner of an animal[^{F11} , bird or amphibian] slaughtered under this Act at the Minister’s direction has an insurance on the animal[^{F11} , bird or amphibian], the amount of the compensation awarded to him under this Act may be deducted by the insurers from the amount of the money payable under the insurance before they make any payment in respect of it.
- (6) Notwithstanding anything in this Act, the Minister may, if he thinks fit, withhold, either wholly or partially, compensation or other payment in respect of an animal[^{F11} , bird or amphibian] slaughtered under this Act at his discretion, where the animal[^{F11} , bird or amphibian], being an imported animal[^{F11} , bird or amphibian], was in his judgment diseased at the time of its landing or, before or while being brought from a member State, exposed to the infection of disease.

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(7) The Ministers may make such orders as they think fit for all or any of the following purposes—

- (a) for prescribing the mode of ascertainment of the value of an animal^[F11], bird or amphibian] slaughtered, or liable to be slaughtered, at their direction;
- (b) for regulating applications for, and the mode of payment of, compensation;
- (c) for prescribing and regulating the destruction, burial, disposal or treatment of carcasses of animals^[F12], birds or amphibians] slaughtered at their direction,

and they may by order provide that subsection (6) above shall cease to have effect.

^[F13](8) In this section—

“animal” means any kind of mammal (except man);

“disease” is not restricted by its definition in this Act.]

Textual Amendments

F11 Words in s. 34 inserted (S.) (6.10.2006) by Animal Health and Welfare (Scotland) Act 2006 (asp 11), s. 55(1), **Sch. 2 para. 2(4)(a)** (with s. 54); S.S.I. 2006/482, art. 2

F12 Words in s. 34(7)(c) inserted (S.) (6.10.2006) by Animal Health and Welfare (Scotland) Act 2006 (asp 11), s. 55(1), **Sch. 2 para. 2(4)(b)** (with s. 54); S.S.I. 2006/482, art. 2

F13 S. 34(8) added (S.) (6.10.2006) by Animal Health and Welfare (Scotland) Act 2006 (asp 11), s. 55(1), **Sch. 2 para. 2(4)(c)** (with s. 54); S.S.I. 2006/482, art. 2

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