



Animal Health Act 1981

1981 CHAPTER 22

PART V

ENFORCEMENT, OFFENCES AND PROCEEDINGS

Enforcement

60 Duties and authorities of constables

- (1) The police force of each police area shall execute and enforce this Act and every order of the Minister.
- (2) Where a person is seen or found committing, or is reasonably suspected of being engaged in committing, an offence against this Act, a constable may, without warrant, stop and detain him.
- (3) If that person's name and address are not known to the constable, and he fails to give them to the constable's satisfaction, the constable may, without warrant, apprehend him.
- (4) The constable may, whether so stopping or detaining or apprehending the person or not—
 - (a) stop, detain and examine any animal, vehicle, boat or thing to which the offence or suspected offence relates ; and
 - (b) require it to be forthwith taken back to or into any place or district from which or out of which it was unlawfully removed and execute and enforce that requisition.
- (5) If a person obstructs or impedes or assists in obstructing or impeding a constable or other officer in the execution—
 - (a) of this Act, or
 - (b) of an Order of the Minister, or
 - (c) of a regulation of a local authority,the Constable or officer may without warrant apprehend the offender.

Status: This is the original version (as it was originally enacted).

- (6) A person apprehended under this section—
 - (a) shall be taken with all practicable speed before a justice, or, in Scotland, a sheriff or district court; and
 - (b) shall not be detained without a warrant longer than is necessary for that purpose.
- (7) All enactments relating to the release of persons on bail by an officer of police or a constable shall apply in the case of a person apprehended under this section.
- (8) The foregoing provisions of this section respecting a constable extend and apply to any person called by a constable to his assistance.
- (9) A constable shall forthwith make a report in writing to his superior officer of every case in which he stops any person, animal, vehicle, boat, or thing under this section, and of his proceedings in consequence.
- (10) Nothing in this section shall take away or abridge any power or authority that a constable would have had if this section had not been enacted.

61 Powers of arrest as to rabies

- (1) Without prejudice to the powers of arrest conferred by section 60 above or otherwise, a constable may arrest without warrant any person whom he, with reasonable cause, suspects to be in the act of committing or to have committed an offence to which this section applies.
- (2) The offences to which this section applies are offences against this Act consisting of—
 - (a) the landing or attempted landing of any animal in contravention of an order made under this Act and expressed to be made for the purpose of preventing the introduction of rabies into Great Britain; or
 - (b) the failure by the person having the charge or control of any vessel or boat to discharge any obligation imposed on him in that capacity by such an order; or
 - (c) the movement, in contravention of an order under section 17 or section 23 above, of any animal into, within or out of a place or area declared to be infected with rabies.

62 Entry and search under s. 61

- (1) For the purpose of arresting a person under the power conferred by section 61 above a constable may enter (if need be, by force) and search any vessel, boat, aircraft or vehicle of any other description in which that person is or in which the constable, with reasonable cause, suspects him to be.
- (2) For the purpose of exercising any power to seize an animal or cause an animal to be seized, and—
 - (a) where that power is conferred on constables by an order made under this Act, and
 - (b) where that power is expressed to be made for the purpose of preventing the introduction of rabies into Great Britain,
 a constable may enter (if need be, by force) and search any vessel, boat, aircraft or vehicle of any other description in which there is, or in which he, with reasonable cause, suspects that there is, an animal to which that power applies.

63 General powers of inspectors

- (1) An inspector has—
 - (a) for the purposes of this Act, but
 - (b) with the exception of the powers conferred by sections 61 and 62 above, all the powers which a constable has, under this Act or otherwise, in the place where the inspector is acting.
- (2) An inspector may at any time enter any land or shed to which this Act applies, or other building or place where he has reasonable grounds for supposing—
 - (a) that disease exists or has within 56 days existed ; or
 - (b) that the carcase of a diseased or suspected animal is or has been kept, or has been buried, destroyed, or otherwise disposed of; or
 - (c) that there is to be found any pen, place, vehicle, or thing in respect of which any person has on any occasion failed to comply with the provisions of this Act, or of an order of the Minister, or of a regulation of a local authority; or
 - (d) that this Act or an order of the Minister or a regulation of a local authority has not been or is not being complied with.
- (3) An inspector may at any time enter any pen, vehicle, vessel, boat or aircraft in which or where he has reasonable grounds for supposing that this Act or an order of the Minister or a regulation of a local authority has not been or is not being complied with.
- (4) An inspector entering as authorised by the foregoing provisions of this section shall, if required by the owner, or occupier, or person in charge of the land, building, place, pen, vehicle, vessel, boat or aircraft state in writing his reasons for entering.
- (5) For the purpose of ascertaining whether the provisions of any order under section 10 above or the conditions of any licence issued in accordance with any such order are being complied with, an inspector may at any time enter—
 - (a) any vessel, boat, aircraft or vehicle of any other description which is for the time being within the limits of a port, within the meaning of the Customs and Excise Management Act 1979, or at a customs and excise airport, within the meaning of that Act; or
 - (b) any vessel, boat or aircraft which does not fall within paragraph (a) above but which he has reasonable grounds for supposing has recently been brought into Great Britain.
- (6) Without prejudice to subsection (5) above, an inspector may at any time enter—
 - (a) any land, building or other place, or
 - (b) any vessel, boat, aircraft or vehicle of any other description,on or in which he has reasonable grounds for supposing that there is being or has been kept any animal or other thing which has been imported and the importation of which is for the time being prohibited or regulated by an order under section 10; and in this subsection " animals " and " imported " have the same meaning as in that section.
- (7) A certificate of a veterinary inspector to the effect that an animal is or was affected with a disease specified in the certificate shall, for the purposes of this Act, be conclusive evidence in all courts of justice of the matter certified.
- (8) An inspector of the Minister has all the powers of an inspector throughout Great Britain or that part for which he is appointed.

Status: This is the original version (as it was originally enacted).

- (9) In addition to the powers conferred by this section upon inspectors, an inspector of the Minister may at any time, for the purpose of ascertaining whether pleuro-pneumonia, foot-and-mouth disease or swine-fever exists, or has within 56 days existed, in any shed, land or other place, enter such shed, land or place.

64 Powers of inspectors as to poultry

- (1) An inspector of the Ministry and, if so authorised by an order of the Minister, an inspector of a local authority, may at any time enter any pen, shed, land or other place in which he has reasonable grounds for supposing that poultry are or have been kept, for the purpose of ascertaining whether disease exists or has existed in or on them.
- (2) For the purpose of enforcing any order for protecting poultry from unnecessary suffering, an inspector may examine
- (a) poultry in any circumstances to which the order relates and
 - (b) any receptacle or vehicle used for their conveyance or exposure for sale,
- and he may enter any premises, vessel or aircraft in which he has reasonable ground for supposing that there are poultry—
- (i) exposed for sale ; or
 - (ii) in course of conveyance; or
 - (iii) packed for conveyance or exposure for sale.

65 Power to detain vessels and aircraft

- (1) Where an inspector of the Minister is satisfied that this Act or an order of the Minister or a regulation of a local authority has not been or is not being complied with on board a vessel in port, then, on the inspector's representation in writing to that effect, stating particulars of non-compliance, the vessel may be detained until the appropriate Minister otherwise directs.
- (2) The officer detaining the vessel shall forthwith deliver to the master or person in charge of the vessel a copy of the representation.
- (3) Section 692 of the Merchant Shipping Act 1894 shall apply in the case of such detention as if it were authorised or ordered under that Act.
- (4) In relation to aircraft the Ministers may—
- (a) by an order under this Act adapt that section of the 1894 Act as applied in the case of the detention of a vessel under this section ; or
 - (b) make such other provision instead of it as they think expedient.

66 Refusal and obstruction

A person is guilty of an offence against this Act who, without lawful authority or excuse, proof of which shall lie on him—

- (a) refuses to an inspector or other officer, acting in execution of this Act, or of an order of the Minister, or of a regulation of a local authority, admission to any land, building, place, pen, vessel, boat, aircraft or vehicle of any other description which the inspector or officer is entitled to enter or examine ; or
- (b) obstructs or impedes him in so entering or examining; or

- (c) otherwise in any respect obstructs or impedes an inspector or constable or other officer in the execution of his duty, or assists in any such obstructing or impeding.

Offences as to licences, declarations, certificates and instruments

67 Issue of false licences etc.

A person is guilty of an offence against this Act—

- (a) who grants or issues a licence, certificate or instrument made or issued, or purporting to be made or issued under or for any purpose of this Act, or of an order of the Minister, or of a regulation of a local authority, which is false in any date or other material particular, unless he shows to the court's satisfaction that he did not know of that falsity, and that he could not with reasonable diligence have obtained knowledge of it; or
- (b) who grants or issues such a licence, certificate or instrument not having, and knowing that he has not, lawful authority to grant or issue it.

68 Issue of licences etc. in blank

A person is guilty of an offence against this Act—

- (a) who, with intent unlawfully to evade or defeat this Act, or an order of the Minister, or a regulation of a local authority, grants or issues an instrument being in form a licence, certificate or instrument made or issued under this Act, or such an order or regulation, for permitting or regulating the movement of a particular animal, or the doing of any other particular thing, but being issued in blank, that is to say, not being before its issue so filled up as to specify any particular animal or thing;
- (b) who uses or offers or attempts to use for any purpose of this Act, or such an order or regulation, an instrument so issued in blank, unless he shows to the court's satisfaction that he did not know of it having been so issued in blank, and that he could not with reasonable diligence have obtained knowledge of it.

69 Falsely obtaining licences etc.

A person is guilty of an offence against this Act—

- (a) who for the purpose of obtaining a licence, certificate or instrument makes a declaration or statement false in any material particular, or
- (b) who obtains or endeavours to obtain a licence, certificate or instrument by means of a false pretence,

unless he shows to the court's satisfaction that he did not know of that falsity, and that he could not with reasonable diligence have obtained knowledge of it.

70 Alteration of licences etc.

A person is guilty of an offence against this Act, who, with intent unlawfully to evade this Act, or an order of the Minister, or a regulation of a local authority—

- (a) alters, or falsely makes, or ante-dates, or counterfeits a licence, declaration, certificate or instrument made or issued, or purporting to be made or issued, under or for any purpose of this Act or such an order or regulation; or

Status: This is the original version (as it was originally enacted).

- (b) offers or utters such a licence, declaration, certificate or instrument knowing it to be altered, or falsely made, or ante-dated or counterfeited.

71 Other offences as to licences

A person is guilty of an offence against this Act—

- (a) who, with intent unlawfully to evade this Act, or an order of the Minister, or a regulation of a local authority, does anything for which a licence is requisite under this Act, or such an order or regulation, without having obtained a licence ; or
- (b) who, where a licence is so requisite, having obtained a licence, with the like intent does the thing licensed after the licence has expired ; or
- (c) who uses or offers or attempts to use as such a licence—
 - (i) an instrument not being a complete licence, or
 - (ii) an instrument untruly purporting or appearing to be a licence,
 unless he shows to the court's satisfaction that he did not know of that incompleteness or untruth, and that he could not with reasonable diligence have obtained knowledge of it.

Offences generally

72 Offences made and declared by and under this Act

A person is guilty of an offence against this Act who, without lawful authority or excuse, proof of which shall lie on him—

- (a) does or omits anything the doing or omission of which is declared by this Act or by an order of the Minister to be an offence by that person against this Act; or
- (b) does anything which by this Act or such an order is made or declared to be not lawful.

73 General offences

A person is guilty of an offence against this Act who, without lawful authority or excuse, proof of which shall lie on him—

- (a) does anything in contravention of this Act, or of an order of the Minister, or of a regulation of a local authority; or
- (b) fails to give, produce, observe or do any notice, licence, rule or thing which by this Act or such an order or regulation he is required to give, produce, observe or do.

Further provisions as to punishment of offences

74 Liability under the customs and excise Acts

A person who—

- (a) lands or ships or attempts to land or ship an animal or thing, and
- (b) by so doing is in contravention of this Act or of an order of the Minister,

is liable under and according to the customs and excise Acts to the penalties imposed on persons importing or exporting or attempting to import or export goods the importation or exportation of which is prohibited. This section is without prejudice to any proceeding under this Act against such a person for an offence against this Act.

75 Punishment of summary offences not otherwise provided for

- (1) A person guilty of an offence against this Act for which a penalty is not provided by any other provision of this Act shall be liable on summary conviction—
 - (a) to a fine not exceeding £400; or
 - (b) if the offence is committed with respect to more than 10 animals, to a fine not exceeding £50 for each animal; or
 - (c) where the offence is committed in relation to carcasses, fodder, litter, dung or other thing (exclusive of animals), to a fine not exceeding £50 in respect of every 508 kilogrammes in weight thereof after the first 508 kilogrammes in addition to the first fine not exceeding £400.
- (2) An order—
 - (a) made under this Act, and
 - (b) expressed to be made for the purpose of preventing the introduction or spreading of rabies into or within Great Britain,may direct that paragraph (a) of subsection (1) above shall have effect in relation to any summary offence against this Act the existence of which is attributable to the provisions of that order as if for "£400" there were substituted " £1,000 ".
- (3) That paragraph (a) of subsection (1) shall have effect as provided by subsection (2) above in relation to any summary offence the existence of which is attributable to the provisions of either of the following orders—
 - (a) Rabies (Importation of Dogs, Cats and Other Mammals) Order 1974; and
 - (b) Rabies (Control) Order 1974.
- (4) A person convicted of an offence under any of the following provisions of this Act—
 - section 15(7),
 - paragraph (a) of section 35(4),
 - section 66,
 - section 72, and
 - section 73,is liable in the court's discretion on a further conviction for a second or subsequent offence against the same provision to imprisonment for any term not exceeding one month in lieu of the fine to which he is liable under subsection (1) above.
- (5) A person convicted of an offence under any of the following provisions of this Act—
 - section 8(2),
 - paragraph (b) of section 35(4),
 - section 67,
 - section 68,
 - section 69,
 - section 70, and
 - section 71,

Status: This is the original version (as it was originally enacted).

is liable in the court's discretion to imprisonment for any term not exceeding 2 months in lieu of the fine to which he is liable under subsection (1) above.

- (6) Nothing in this section applies in relation to an offence punishable under section 4 above.

76 Certain importation offences triable either summarily or on indictment

- (1) Where—

- (a) an offence against this Act which is declared to be such by an order under section 10 above, and
- (b) that order is expressed to be made for the purpose of preventing the introduction of rabies into Great Britain,

that offence may be tried either summarily or on indictment.

- (2) For an offence triable under subsection (1) above a person shall be liable—

- (a) on summary conviction to a fine not exceeding the statutory maximum;
- (b) on conviction on indictment to a fine or to imprisonment for a term not exceeding 12 months or to both.

- (3) Where an order under section 10 declares that this subsection applies to an offence which consists of—

- (a) a contravention of, or failure to comply with, any provision of that order, or
- (b) a failure to observe any conditions to which a licence issued in accordance with that order is subject,

that offence may be tried either summarily or on indictment, and a person convicted of such an offence shall be liable as provided in paragraphs (a) and (b) of subsection (2) above.

- (4) In this section " the statutory maximum ", in relation to a fine on summary conviction, means—

- (a) in England and Wales, the prescribed sum within the meaning of section 32 of the Magistrates' Courts Act 1980 (at the passing of this Act £1000);
- (b) in Scotland, the prescribed sum within the meaning of section 289B of the Criminal Procedure (Scotland) Act 1975 (at the passing of this Act £1000).

Until the coming into force of the Magistrates' Courts Act 1980 any reference in this subsection to any provision of that Act shall have effect as if it were a reference to the corresponding provision of the Criminal Law Act 1977.

Proceedings

77 Money recoverable summarily

Any money by this Act or an order of the Minister made recoverable summarily may be so recovered as a civil debt, and in England and Wales this shall be in accordance with the Magistrates' Courts Act 1980.

Until the coming into force of the Magistrates' Courts Act 1980 the reference in this section to that Act shall have effect as if it were a reference to the Magistrates' Courts Act 1952.

78 Appeal

If any person thinks himself aggrieved—

- (a) by the dismissal of a complaint by, or
- (b) by any determination or adjudication of,

a magistrates' court in England or Wales under this Act, he may appeal to the Crown Court. Nothing in this section applies in relation to an offence punishable under section 4 above.

79 Evidence and procedure

- (1) In any proceeding under this Act no proof shall be required of the appointment or handwriting of an inspector or other officer of the Minister or of the clerk or an inspector or other officer of a local authority.
- (2) Where the owner or person in charge of an animal is charged with an offence against this Act relative to disease or to any illness of the animal, he shall be presumed to have known of the existence of the disease or illness unless and until he shows to the court's satisfaction that—
 - (a) he had not knowledge of the existence of that disease or illness, and
 - (b) he could not with reasonable diligence have obtained that knowledge.
- (3) Where a person—
 - (a) is charged with an offence against this Act in not having duly cleansed or disinfected any place, vessel, aircraft, vehicle or thing belonging to him or under his charge, and
 - (b) a presumption against him on the part of the prosecution is raised,it shall lie on him to prove the due cleansing and disinfection mentioned in paragraph (a).
- (4) Every offence against this Act shall be deemed to have been committed, and every cause of complaint or matter for summary proceeding under this Act or an order of the Minister or regulation of a local authority shall be deemed to have arisen, either in any place—
 - (a) where it actually was committed or arose; or
 - (b) where the person charged or complained of or proceeded against happens to be at the time of the institution or commencement of the charge, complaint or proceeding.
- (5) Nothing in subsections (2) to (4) above applies in relation to an offence under section 4 above.