



Animal Health Act 1981

1981 CHAPTER 22

PART II

DISEASE

Infection

21 Destruction of wild life on infection other than rabies.

(1) This section—

- (a) applies to any disease other than rabies which is for the time being a disease for the purposes of section 1(a) above; and
- (b) is without prejudice to any powers conferred by other provisions of this Act on the Minister, the appropriate Minister and the Ministers.

(2) The Minister, if satisfied in the case of any area—

- (a) that there exists among the wild members of one or more species in the area a disease to which this section applies which has been or is being transmitted from members of that or those species to animals of any kind in the area, and
- (b) that destruction of wild members of that or those species in that area is necessary in order to eliminate, or substantially reduce the incidence of, that disease in animals of any kind in the area,

may, subject to the following provisions of this section, by order provide for the destruction of wild members of that or those species in that area.

(3) Before making an order under this section the Minister shall consult with the [^{F1} appropriate conservation body][^{F2}for the area to which it will apply], and every order so made shall specify—

- (a) the area to which it applies;
- (b) the disease to which it applies; and
- (c) the one or more species to which it relates.

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- (4) An order under this section providing for the destruction of wild members of one or more species in any area may provide for authorising the use for that purpose of one or more methods of destruction that would otherwise be unlawful.

The order shall not authorise such use unless the Minister is satisfied that use of the method or methods in question is the most appropriate way of carrying out that destruction, having regard to all relevant considerations and, in particular, the need to avoid causing unnecessary suffering to wild members of the species in question.

- (5) An order under this section may include provision—
- (a) for ensuring that destruction of wild members of any species to which the order relates is properly and effectively carried out, and in particular—
 - (i) for preventing persons from taking into captivity, harbouring, concealing or otherwise protecting wild members of any such species with intent to prevent their destruction, or
 - (ii) in any other way obstructing or interfering with anything which has been, is being or is to be done or used in connection with that destruction.
 - (b) for regulating the ownership and disposal of the carcasses of members of any such species destroyed in the area to which the order relates.
- (6) Before commencing the destruction of wild members of a species on any land within an area to which an order under this section applies the Minister shall take all reasonable steps to inform—
- (a) the occupier of the land, and
 - (b) any other person who may be there,
- of his intention to carry out that destruction and of the methods of destruction to be used.

It shall be the Minister's duty to ensure that destruction is carried out on any such land in as safe a manner as is possible in all the circumstances.

- (7) Where an order under this section is in force, the Minister shall have power to take such measures (including the erection of fences or other obstacles) as he considers appropriate—
- (a) for preventing the movement of living creatures into or out of the area or any part of the area to which the order applies while destruction of wild members of any species to which the order relates is being carried out in the area; and
 - (b) where destruction of wild members of any such species has been or is to be carried out in any part of that area, for preventing the recolonisation of that part by members of that species for as long as he considers necessary to prevent reappearance among them of the disease to which the order applies.
- (8) As soon as may be after the Minister is satisfied, in the case of any land, that any measures affecting that land which have been taken in connection with an order under this section are no longer necessary, he shall—
- (a) remove from the land anything placed or erected on it; and
 - (b) take such other steps as are reasonably practicable to reinstate the land.
- (9) In this section and section 22 below—
- “animals” includes horses,

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[^{F3}[^{F4}“appropriate conservation body” means Natural England,] [^{F5} Scottish Natural Heritage] or [^{F6}the Natural Resources Body for Wales],]

“species” means any species of bird or mammal, except man,
and references to wild members of any species in an area are references to members of the species in the area that are neither domesticated nor held in captivity.

- (10) A statutory instrument containing an order under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.

Textual Amendments

- F1** Words in s. 21(3) substituted (1.10.2006) by [Natural Environment and Rural Communities Act 2006 \(c. 16\), s. 107, Sch. 11 para. 68\(2\)](#); S.I. 2006/2541, art. 2 (with Sch.)
- F2** Words in s. 21(3) inserted (1.4.1991) by [Environmental Protection Act 1990 \(c. 43, SIF 46:4\), s. 132\(1\)\(a\), Sch. 9 para. 10\(2\)\(a\)](#); S.I. 1991/685, art. 3
- F3** Definition in s. 21(9) inserted (1.4.1991) by [Environmental Protection Act 1990 \(c. 43, SIF 46:4\), s. 132\(1\)\(a\), Sch. 9 para. 10\(2\)\(b\)](#); S.I. 1991/685, art. 3
- F4** Words in s. 21(9) substituted (1.10.2006) by [Natural Environment and Rural Communities Act 2006 \(c. 16\), s. 107, Sch. 11 para. 68\(3\)](#); S.I. 2006/2541, art. 2 (with Sch.)
- F5** Words in s. 21(9) substituted (1.4.1992) by [Natural Heritage \(Scotland\) Act 1991 \(c. 28, SIF 46:1\), s. 4, Sch. 2 para. 7\(2\)](#); S.I. 1991/2633, art. 4
- F6** Words in s. 21(9) substituted (1.4.2013) by [The Natural Resources Body for Wales \(Functions\) Order 2013 \(No. 755\), art. 1\(2\), Sch. 2 para. 180](#) (with Sch. 7)

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