



Animal Health Act 1981

1981 CHAPTER 22

PART II

DISEASE

Carcases etc. liable to spread disease

35 Seizure and disposal of carcases etc. **E+W**

- (1) The Ministers may by order make such provision—
- ^[F1](a) for the seizure of anything, whether animate or inanimate, by or by means of which it appears to them that any disease to which this subsection applies might be carried or transmitted, and]
 - (b) for the destruction, burial, disposal or treatment of anything seized under the order,

as they may think expedient for preventing the spread of any ^[F2]such disease].

- ^[F3](1A) Subsection (1) above does not authorise provision for the seizure of any animal; but such an order may provide for the seizure of carcases and of anything obtained from or produced by an animal.

In this subsection, “animal” includes anything that may, by virtue of an order under section 87 below, be included for any of the purposes of this Act in the definition of animals or of poultry contained in that section, and “carcases” is to be construed accordingly.]

- (2) Subsection (1) above applies to the diseases in the case of which powers of slaughter are exercisable under this Act, that is to say—
- (a) to cattle plague, pleuro-pneumonia, foot-and-mouth disease ^[F4], swine-fever and transmissible spongiform encephalopathies], and any disease within the meaning of section 32 above to which that section for the time being applies ^[F5]and any disease in respect of which an order under section 32A is in force]; and
 - (b) to any disease as defined in relation to poultry by or under section 88 below.

Status: There are multiple versions of this provision on screen. These apply to different geographical extents. Skip to: E+W - England and Wales extent S - Scotland extent
Changes to legislation: There are currently no known outstanding effects for the Animal Health Act 1981, Section 35. (See end of Document for details)

- (3) The Ministers may make such orders as they think fit—
- (a) for prescribing and regulating the destruction, burial, disposal or treatment of carcasses of animals dying while diseased or suspected;
 - (b) for prescribing and regulating the destruction, burial or disposal of anything seized under subsection (1);
 - (c) for prohibiting or regulating the digging up of carcasses which have been buried.
- (4) A person is guilty of an offence against this Act who, without lawful authority or excuse, proof of which shall lie on him—
- (a) throws or places, or causes or suffers to be thrown or placed, into any river, stream, canal, navigation, or other water, or into the sea within 4.8 kilometres of the shore, the carcase of an animal which has died of disease, or been slaughtered as diseased or suspected; or
 - (b) digs up, or causes to be dug up, a carcase buried under the direction of the Minister or of a local authority or of a receiver of wreck.

Extent Information

- E1** This version of this provision extends to England and Wales only; a separate version has been created for Scotland only

Textual Amendments

- F1** S. 35(1)(a) substituted by [Animal Health and Welfare Act 1984 \(c. 40, SIF 2:8\)](#), [s. 1\(1\)\(a\)](#)
F2 Words substituted by [Animal Health and Welfare Act 1984 \(c. 40, SIF 2:8\)](#), [s. 1\(1\)\(b\)](#)
F3 S. 35(1A) inserted by [Animal Health and Welfare Act 1984 \(c. 40, SIF 2:8\)](#), [s. 1\(2\)](#)
F4 Words in s. 35(2)(a) substituted (14.1.2003) by [2002 c. 42, s. 2\(2\)\(a\)](#); [S.I. 2002/3044](#), [art. 2](#)
F5 Words in s. 35(2)(a) inserted (14.1.2003) by [2002 c. 42, s. 2\(2\)\(b\)](#); [S.I. 2002/3044](#), [art. 2](#)

35 Seizure and disposal of carcasses etc. **S**

- (1) The Ministers may by order make such provision—
- ^[F6](a) for the seizure of anything, whether animate or inanimate, by or by means of which it appears to them that any disease to which this subsection applies might be carried or transmitted, and]
 - (b) for the destruction, burial, disposal or treatment of anything seized under the order,
- as they may think expedient for preventing the spread of any ^[F7]such disease].

^[F8](1A) Subsection (1) above does not authorise provision for the seizure of any animal; but such an order may provide for the seizure of carcasses and of anything obtained from or produced by an animal.

In this subsection, “animal” includes anything that may, by virtue of an order under section 87 below, be included for any of the purposes of this Act in the definition of animals or of poultry contained in that section, and “carcasses” is to be construed accordingly.]

- (2) Subsection (1) above applies to the diseases in the case of which powers of slaughter are exercisable under this Act, that is to say—

Status: There are multiple versions of this provision on screen. These apply to different geographical extents. Skip to: E+W - England and Wales extent S - Scotland extent
Changes to legislation: There are currently no known outstanding effects for the Animal Health Act 1981, Section 35. (See end of Document for details)

- (a) to cattle plague, pleuro-pneumonia, foot-and-mouth disease and swine-fever, and any disease within the meaning of section 32 above to which that section for the time being applies ; and
 - (b) to any disease as defined in relation to poultry by or under section 88 below.
- (3) The Ministers may make such orders as they think fit—
- (a) for prescribing and regulating the destruction, burial, disposal or treatment of carcasses of animals dying while diseased or suspected;
 - (b) for prescribing and regulating the destruction, burial or disposal of anything seized under subsection (1);
 - (c) for prohibiting or regulating the digging up of carcasses which have been buried.
- (4) A person is guilty of an offence against this Act who, without lawful authority or excuse, proof of which shall lie on him—
- (a) throws or places, or causes or suffers to be thrown or placed, into any river, stream, canal, navigation, or other water, or into the sea within 4.8 kilometres of the shore, the carcass of an animal which has died of disease, or been slaughtered as diseased or suspected; or
 - (b) digs up, or causes to be dug up, a carcass buried under the direction of the Minister or of a local authority or of a receiver of wreck.

Extent Information

- E2** This version of this provision extends to Scotland only; a separate version has been created for England and Wales only
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Textual Amendments

- F6** S. 35(1)(a) substituted by [Animal Health and Welfare Act 1984 \(c. 40, SIF 2:8\)](#), **s. 1(1)(a)**
- F7** Words substituted by [Animal Health and Welfare Act 1984 \(c. 40, SIF 2:8\)](#), **s. 1(1)(b)**
- F8** S. 35(1A) inserted by [Animal Health and Welfare Act 1984 \(c. 40, SIF 2:8\)](#), **s. 1(2)**

Status:

There are multiple versions of this provision on screen. These apply to different geographical extents.

Skip to:

- E+W - England and Wales extent
- S - Scotland extent

Changes to legislation:

There are currently no known outstanding effects for the Animal Health Act 1981, Section 35.