



# Animal Health and Welfare Act 1984

## 1984 CHAPTER 40

### *Controls over Breeding of Livestock*

#### **10 Artificial breeding of livestock**

- (1) The appropriate Minister may make regulations for controlling the practice of artificial breeding of livestock.

In this section "artificial breeding" includes artificial insemination and transfer of ova or embryos.

- (2) Regulations under this section—

- (a) may, for the purpose of controlling the use for artificial breeding of any specified kind of livestock or of semen, ova or embryos of such livestock, prohibit the carrying on of any specified activity in connection with such livestock or with such semen, ova or embryos except under the authority of a licence or approval issued under the regulations;
- (b) may, for the purpose of controlling their use for artificial breeding, prohibit the importation of semen, ova or embryos of any specified kind of livestock except under the authority of such a licence ;

and, accordingly, the regulations may make such provision as appears to the appropriate Minister to be expedient in respect of the issue, modification, suspension and revocation of licences or approvals under the regulations including the conditions subject to which they may be issued.

- (3) Regulations under this section may include provision—

- (a) in respect of advertisements in connection with artificial breeding;
- (b) for the seizure and detention of anything imported in contravention of any provision of the regulations or any conditions of any licence under them or anything which appears to any person authorised in that behalf to have been so imported and for dealing with anything so imported (whether by requiring it to be destroyed or taken out of Great Britain or otherwise);
- (c) for the payment of fees in connection with—
  - (i) the issue of licences or approvals under the regulations, and

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*Status: This is the original version (as it was originally enacted).*

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(ii) tests or examinations carried out for the purposes of the regulations, and, where the regulations provide for an appeal against a refusal to issue any such licence or approval, in connection with such an appeal, being (in all cases) fees determined with the approval of the Treasury ;

but subsection (2) above and this subsection are without prejudice to the generality of subsection (1) above.

(4) For the purpose of ascertaining whether the provisions of regulations under this section or the conditions of any licence or approval under them are being or have been contravened, a person authorised in writing in that behalf by the appropriate Minister may, on producing his authority, enter at all reasonable times—

- (a) any premises used by the holder of a licence or approval under the regulations, being premises used for or in connection with any of the purposes authorised by the licence or approval; and
- (b) any premises on which he has reasonable grounds for suspecting that an offence under this section is being or has been committed;

and may inspect the premises and any livestock or articles on them and carry out such test or other investigation as he thinks

(5) For the purposes of any test or investigation under subsection (4) above, the person so authorised may require any person on the premises to give such information as it is in his power to give.

(6) A person who—

- (a) contravenes any provision of regulations under this section or any conditions of a licence or approval under such regulations;
- (b) intentionally obstructs any person in the exercise of the powers conferred on him by or under this section; or
- (c) refuses to give any such person any information which he is required to give under subsection (5) above;

is guilty of an offence and liable on summary conviction to imprisonment for a term not exceeding three months or to a fine not exceeding level 3 on the standard scale, or both.

In this subsection " the standard scale " has the meaning given by section 75 of the Criminal Justice Act 1982.

(7) It is a defence to a charge of committing an offence under subsection (6)(a) above to prove that the accused took all reasonable steps and exercised all due diligence to avoid committing the offence.

(8) In this section—

" appropriate Minister " means, in relation to England, the Minister of Agriculture, Fisheries and Food and, in relation to Scotland or to Wales, the Secretary of State;

" contravention " includes failure to comply and " contravene " is to be construed accordingly;

" livestock " includes any animal or bird not in the wild state ;

" premises " includes any description of vehicle;

" specified " means specified in regulations under this section ; and anything brought to Great Britain from a country out of Great Britain and landed here is imported for the purposes of this section.

## **11 Provisions supplementary to section 10**

- (1) Where an offence committed by a body corporate under section 10 of this Act is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any director, manager, secretary or other similar officer of the body corporate, or any person who was purporting to act in any such capacity, he as well as the body corporate shall be guilty of the offence, and shall be liable to be proceeded against and punished accordingly.
- (2) Where the affairs of a body corporate are managed by its members, subsection (1) above shall apply in relation to the acts and defaults of a member in connection with his functions of management as if he were a director of the body corporate.
- (3) Section 17 of the Agriculture (Miscellaneous Provisions) Act 1943 (control of artificial insemination) shall cease to have effect but, without prejudice to section 17 of the Interpretation Act 1978 (repeal and re-enactment)—
  - (a) in so far as regulations under section 17 of the Agriculture (Miscellaneous Provisions) Act 1943 could have been made under section 10 of this Act, they shall not be invalidated by the repeal but shall have effect as if so made and as if references in them to subsection (3) of the said section 17 were references to the corresponding provision (if any) of regulations under section 10 of this Act, and
  - (b) if at the commencement of section 10 of this Act the importation of any semen is prohibited by regulations under that section except under the authority of a licence issued under the regulations then, in so far as any licence under subsection (3) of the said section 17 could have been issued under the regulations, it shall not be invalidated by the repeal but shall have effect as if so issued;and references in section 10 of this Act to regulations under that section or licences or approvals under such regulations shall be interpreted accordingly.
- (4) The power conferred by section 10 of this Act to make regulations shall be exercisable by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

## **12 Removal of controls on keeping of bulls and stallions**

The Improvement of Live Stock (Licensing of Bulls) Act 1931 (licence or permit required for keeping bulls which have attained prescribed age) and the Horse Breeding Act 1958 (similar requirement for stallions) shall cease to have effect.