

# ANIMAL HEALTH ACT 2002

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## EXPLANATORY NOTES

### COMMENTARY ON SECTIONS

#### Part 3: Enforcement

##### Offences

34. *Subsection (1) of Section 12* inserts new sections 28A and 28B into the 1981 Act. Section 28A creates a new offence of deliberately infecting an animal with certain diseases or intending to do so and sets the penalties. The penalty on conviction by a Magistrates' Court could be up to 6 months' imprisonment and/or a fine of up to the statutory maximum (currently £5,000) and the penalty on conviction by a Crown Court could be up to 2 years' imprisonment and/or an unlimited fine. Section 28B gives the court power to disqualify a person convicted with the offence from keeping or dealing in animals for such period as it sees fit. After one year (and each subsequent period of one year) the person may apply to have the disqualification lifted or its duration reduced. The diseases to which this new offence applies are listed in new Schedule 2A to the 1981 Act, inserted by subsection (2) of clause 12.
35. *Section 13* substitutes a new section 75 in the 1981 Act which standardises the maximum penalties for offences against the Act for which no penalty is specified to a new maximum of a fine not exceeding level 5 on the standard scale (currently £5,000) and/or 6 months' imprisonment.
36. *Section 14* inserts a new section 71A which extends the time limit within which prosecutions for offences under the 1981 Act can be brought. It enables prosecutions to be brought within six months of the date on which evidence of the offence is discovered, provided this is within three years of the date on which the offence was committed.