



Animal Health Act 2002

2002 CHAPTER 42

PART 3

ENFORCEMENT

Powers

7 **Treatment: power of entry**

- (1) Section 16 of the 1981 Act (treatment after exposure to infection) is amended as follows.
- (2) In subsection (2) for “officer of the Minister” substitute “inspector”.
- (3) In that subsection omit the words from “taking with him” to the end.
- (4) After subsection (2) insert the following—
 - “(3) If a justice of the peace is satisfied on sworn information in writing that the first condition is satisfied and that the second or third condition is satisfied he may issue a warrant authorising an inspector to enter any land or premises, if necessary using reasonable force, for the purpose mentioned in subsection (2).
- (4) The information must include—
 - (a) a statement as to whether any representations have been made by the occupier of the land or premises to an inspector concerning the purpose for which the warrant is sought;
 - (b) a summary of any such representations.
- (5) The first condition is that there are reasonable grounds for an inspector to enter the land or premises for that purpose.
- (6) The second condition is that each of the following applies to the occupier of the premises—

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- (a) he has been informed of the decision to seek entry to the premises and of the reasons for that decision;
 - (b) he has failed to allow entry to the premises on being requested to do so by an inspector;
 - (c) he has been informed of the decision to apply for the warrant.
- (7) The third condition is that—
- (a) the premises are unoccupied or the occupier is absent and (in either case) notice of intention to apply for the warrant has been left in a conspicuous place on the premises, or
 - (b) an application for admission to the premises or the giving of notice of intention to apply for the warrant would defeat the object of entering the premises.
- (8) Subsections (9) to (12) apply to an inspector who enters any land or premises by virtue of subsection (2) or under a warrant issued under subsection (3).
- (9) The inspector may take with him—
- (a) such other persons as he thinks necessary to give him such assistance as he thinks necessary;
 - (b) such equipment as he thinks necessary.
- (10) The inspector may require any person on the land or premises who falls within subsection (11) to give him such assistance as he may reasonably require for the purpose mentioned in subsection (2).
- (11) The following persons fall within this subsection—
- (a) the occupier of the premises;
 - (b) a person appearing to the inspector to have charge of animals on the premises;
 - (c) a person appearing to the inspector to be under the direction or control of a person mentioned in paragraph (a) or (b).
- (12) If the inspector enters any unoccupied premises he must leave them as effectively secured against entry as he found them.
- (13) If the inspector enters any premises by virtue of a warrant issued under subsection (3) he must at the time of entry—
- (a) serve a copy of the warrant on the occupier of the premises, or (if the occupier is not on the premises)
 - (b) leave a copy of the warrant in a conspicuous place on the premises.
- (14) A warrant issued under subsection (3) remains in force for one month starting with the date of its approval by the justice of the peace, which date shall be clearly visible on the warrant.
- (15) A warrant issued under subsection (3) must be executed only at a reasonable hour unless the inspector thinks that the case is one of urgency.
- (16) In relation to any premises to which entry is obtained by virtue of a warrant under this section the Secretary of State must retain for a period of not less than 12 months beginning with the day after entry—
- (a) a copy of the warrant;

- (b) a copy of any record of the steps taken to effect entry to the premises and the actions taken on the premises by the inspector and any other person entering the premises with him.

(17) A person commits an offence if—

- (a) he is required to give assistance under subsection (10), and
- (b) he fails to give it.”

8 Slaughter: power of entry

(1) In the 1981 Act the following sections are inserted after section 62—

“62A Slaughter: power of entry

- (1) An inspector may at any time enter any premises for the purpose of—
 - (a) ascertaining whether a power conferred by or under this Act to cause an animal to be slaughtered should be exercised, or
 - (b) doing anything in pursuance of the exercise of that power.
- (2) In this section and sections 62B and 62C premises includes any land, building or other place.

62B Slaughter: warrants

- (1) If a justice of the peace is satisfied on sworn information in writing that the first condition is satisfied and that the second or third condition is satisfied he may issue a warrant authorising an inspector to enter any premises, if necessary using reasonable force, for the purpose mentioned in section 62A.
- (2) The information must include—
 - (a) a statement as to whether any representations have been made by the occupier of the land or premises to an inspector concerning the purpose for which the warrant is sought;
 - (b) a summary of any such representations.
- (3) The first condition is that there are reasonable grounds for an inspector to enter the premises for that purpose.
- (4) The second condition is that each of the following applies to the occupier of the premises—
 - (a) he has been informed of the decision to seek entry to the premises and of the reasons for that decision;
 - (b) he has failed to allow entry to the premises on being requested to do so by an inspector;
 - (c) he has been informed of the decision to apply for the warrant.
- (5) The third condition is that—
 - (a) the premises are unoccupied or the occupier is absent and (in either case) notice of intention to apply for the warrant has been left in a conspicuous place on the premises, or

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- (b) an application for admission to the premises or the giving of notice of intention to apply for the warrant would defeat the object of entering the premises.
- (6) A warrant issued under this section remains in force for one month starting with the date of its approval by the justice of the peace, which date shall be clearly visible on the warrant.
- (7) A warrant issued under this section must be executed only at a reasonable hour unless the inspector thinks that the case is one of urgency.
- (8) In relation to any premises to which entry is obtained by virtue of a warrant under this section the Secretary of State must retain for a period of not less than 12 months beginning with the day after entry—
 - (a) a copy of the warrant;
 - (b) a copy of any record of the steps taken to effect entry to the premises and the actions taken on the premises by the inspector and any other person entering the premises with him.

62C Slaughter: supplementary

- (1) This section applies to an inspector who enters any premises by virtue of section 62A or under a warrant issued under section 62B.
 - (2) The inspector may take with him—
 - (a) such other persons as he thinks necessary to give him such assistance as he thinks necessary;
 - (b) such equipment as he thinks necessary.
 - (3) The inspector may require any person on the premises who falls within subsection (4) to give him such assistance as he may reasonably require for the purpose mentioned in section 62A.
 - (4) The following persons fall within this subsection—
 - (a) the occupier of the premises;
 - (b) a person appearing to the inspector to have charge of animals on the premises;
 - (c) a person appearing to the inspector to be under the direction or control of a person mentioned in paragraph (a) or (b).
 - (5) If the inspector enters any premises by virtue of a warrant issued under section 62B he must at the time of entry—
 - (a) serve a copy of the warrant on the occupier of the premises, or (if the occupier is not on the premises)
 - (b) leave a copy of the warrant in a conspicuous place on the premises.
 - (6) If the inspector enters any unoccupied premises he must leave them as effectively secured against entry as he found them.”
- (2) In that Act the following section is inserted after section 66—

“66A Refusal and obstruction of inspector

- (1) A person commits an offence if without lawful authority or excuse (proof of which shall lie on him) he—
 - (a) refuses admission to any premises to a person acting under section 62A above,
 - (b) obstructs or impedes him in so acting, or
 - (c) assists in any such obstruction or impeding.
- (2) A person commits an offence if—
 - (a) he is required to give assistance under section 62C(3), and
 - (b) he fails to give it.”

9 Tests and samples: power of entry

In the 1981 Act the following sections are inserted after section 62C (inserted by section 8 of this Act)—

“62D Tests and samples: power of entry

- (1) A veterinary inspector may at any time enter any premises for the purpose of ascertaining—
 - (a) whether disease anti-bodies exist in animals on the premises;
 - (b) whether any animal on the premises or which was kept there at any time is, or was at that time, infected with disease;
 - (c) whether any causative agent of disease is present on the premises.
- (2) Disease is foot-and-mouth disease and such other disease as the Secretary of State may by order specify.
- (3) No order may be made under subsection (2) unless a draft of the order has been laid before Parliament and approved by a resolution of each House.
- (4) Causative agent includes any virus, bacterium and any other organism or infectious substance which may cause or transmit disease.
- (5) In this section and sections 62E and 62F premises includes any land, building or other place.

62E Tests and samples: warrants

- (1) If a justice of the peace is satisfied on sworn information in writing that the first condition is satisfied and that the second or third condition is satisfied he may issue a warrant authorising a veterinary inspector to enter any premises, if necessary using reasonable force, for the purpose mentioned in section 62D.
- (2) The information must include—
 - (a) a statement as to whether any representations have been made by the occupier of the land or premises to an inspector concerning the purpose for which the warrant is sought;
 - (b) a summary of any such representations.

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

- (3) The first condition is that there are reasonable grounds for a veterinary inspector to enter the premises for that purpose.
- (4) The second condition is that each of the following applies to the occupier of the premises—
 - (a) he has been informed of the decision to seek entry to the premises and of the reasons for that decision;
 - (b) he has failed to allow entry to the premises on being requested to do so by an inspector;
 - (c) he has been informed of the decision to apply for the warrant.
- (5) The third condition is that—
 - (a) the premises are unoccupied or the occupier is absent and (in either case) notice of intention to apply for the warrant has been left in a conspicuous place on the premises, or
 - (b) an application for admission to the premises or the giving of notice of intention to apply for the warrant would defeat the object of entering the premises.
- (6) A warrant issued under this section remains in force for one month starting with the date of its approval by the justice of the peace, which date shall be clearly visible on the warrant.
- (7) A warrant issued under this section must be executed only at a reasonable hour unless the inspector thinks that the case is one of urgency.
- (8) In relation to any premises to which entry is obtained by virtue of a warrant under this section the Secretary of State must retain for a period of not less than 12 months beginning with the day after entry—
 - (a) a copy of the warrant;
 - (b) a copy of any record of the steps taken to effect entry to the premises and the actions taken on the premises by the inspector and any other person entering the premises with him.

62F Tests and samples: supplementary

- (1) This section applies to a veterinary inspector who enters any premises by virtue of section 62D or under a warrant issued under section 62E.
- (2) The inspector may take with him—
 - (a) such other persons as he thinks necessary to give him such assistance as he thinks necessary;
 - (b) such equipment as he thinks necessary.
- (3) The inspector may take such samples (including samples from any animal on the premises) and carry out such tests as he thinks are necessary for the purpose mentioned in section 62D(1).
- (4) The inspector may require any person on the premises who falls within subsection (5) to give him such assistance as he may reasonably require for the purpose mentioned in section 62D(1).
- (5) The following persons fall within this subsection—

- (a) the occupier of the premises;
 - (b) a person appearing to the inspector to have charge of animals on the premises;
 - (c) a person appearing to the inspector to be under the direction or control of a person mentioned in paragraph (a) or (b).
- (6) If the inspector enters any unoccupied premises he must leave them as effectively secured against entry as he found them.
- (7) If the inspector enters any premises by virtue of a warrant issued under section 62E he must at the time of entry—
- (a) serve a copy of the warrant on the occupier of the premises, or (if the occupier is not on the premises)
 - (b) leave a copy of the warrant in a conspicuous place on the premises.
- (8) A person commits an offence if—
- (a) he is required to give assistance under subsection (4), and
 - (b) he fails to give it.”

10 Inspection of vehicles

In the 1981 Act the following section is inserted after section 65—

“65A Inspection of vehicles

- (1) If each of the conditions in subsection (2) is satisfied, an inspector may stop, detain and inspect any vehicle to ascertain whether the provisions of any of the following are being complied with—
- (a) this Act;
 - (b) an order made under this Act;
 - (c) a regulation of a local authority made in pursuance of such an order.
- (2) The conditions are—
- (a) that the vehicle is in a designated area in a designated period;
 - (b) that the inspector is accompanied by a constable in uniform.
- (3) In subsection (2) “designated” means designated by an order made by the Secretary of State.
- (4) A vehicle includes—
- (a) a trailer, semi-trailer or other thing which is designed or adapted to be towed by another vehicle;
 - (b) anything on a vehicle;
 - (c) a detachable part of a vehicle;
 - (d) a container or other structure designed or adapted to be carried by or on a vehicle.”

11 Obstruction

In section 60(5) of the 1981 Act (power to apprehend without warrant if officer is obstructed)—

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

- (a) for “officer other than a constable” substitute “inspector”;
- (b) for “officer” (in the second place where the word occurs) substitute “inspector or a constable”.