



Animal Health Act 2002

2002 CHAPTER 42

PART 4

GENERAL

16 Biosecurity guidance

In the 1981 Act the following sections are inserted after section 6 (eradication areas and attested areas)—

“6A Biosecurity guidance

- (1) The Secretary of State must prepare guidance on the appropriate biosecurity measures to be taken in relation to—
 - (a) foot-and-mouth disease;
 - (b) such other disease as the Secretary of State by order specifies.
- (2) After preparing a draft of the guidance the Secretary of State—
 - (a) must send a copy of the draft to such persons and organisations as he thinks are representative of those having an interest in biosecurity measures;
 - (b) must consider any representations made to him about the draft by such persons and organisations;
 - (c) may amend the draft accordingly.
- (3) After the Secretary of State has proceeded under subsection (2) he must publish the guidance in such manner as he thinks appropriate.
- (4) The Secretary of State must from time to time review the guidance and if he thinks it appropriate revise the guidance.
- (5) Subsections (1) to (3) apply to a revision of the guidance as they apply to its preparation.

Changes to legislation: There are currently no known outstanding effects for the Animal Health Act 2002, Section 16. (See end of Document for details)

- (6) But if the Secretary of State thinks that it is necessary to revise the guidance urgently he may publish revised guidance without proceeding under subsection (2).
- (7) Biosecurity measures are measures taken to prevent the spread of causative agents of disease.
- (8) Causative agent includes any virus, bacterium and any other organism or infectious substance which may cause or transmit disease.
- (9) The power to make an order must be exercised by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.
- (10) It is immaterial that anything done for the purposes of subsections (1) to (3) is done before the passing of the Animal Health Act 2002.

6B Biosecurity compliance

- (1) A person having a function under this Act relating to foot-and-mouth disease or a disease specified by order under section 6A(1) must not exercise the function unless the guidance under section 6A has been published and has not been withdrawn.
- (2) Any act which is done in contravention of subsection (1) is done without lawful authority.
- (3) If a person to whom subsection (5) applies fails to comply with the guidance he is not by reason only of that failure liable in any civil or criminal proceedings.
- (4) But the guidance is admissible in evidence in such proceedings and a court may take account of any failure to act in accordance with it in deciding any question in the proceedings.
- (5) This subsection applies to—
 - (a) any person having functions under this Act;
 - (b) any person who is the owner or occupier of premises on which animals are kept;
 - (c) any person who has charge of animals;
 - (d) any person who is under the direction of a person mentioned in paragraphs (a) to (c).”

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