



Animal Health Act 2002

2002 CHAPTER 42

PART 1

SLAUGHTER

3 Disease control (slaughter) protocol

In the 1981 Act the following sections are inserted after section 32A (as inserted by section 2 above)—

“32B Disease control (slaughter) protocol

- (1) This section applies to a power exercisable by the Secretary of State under—
 - (a) paragraph 3(1)(c) of Schedule 3;
 - (b) such other provision of that Schedule (as amended by an order under section 32A(1)(a)) as the Secretary of State by order specifies;
 - (c) such other provisions of this Act relating to the control of disease as the Secretary of State by order specifies.
- (2) The Secretary of State must prepare a document (the disease control (slaughter) protocol) indicating—
 - (a) the purposes for which any power to which this section applies will be exercised;
 - (b) the principal factors to be taken into account in deciding whether to exercise the power;
 - (c) the procedure to be followed in deciding whether in any circumstances or description of circumstances the power is to be exercised, which shall include the application of such methods of detecting disease in animals as may be available;
 - (d) the procedure to be followed by persons who have functions in relation to the exercise of the power;
 - (e) the means by which a particular decision to exercise the power may be reviewed.

Changes to legislation: There are currently no known outstanding effects for the Animal Health Act 2002, Section 3. (See end of Document for details)

- (3) After preparing a draft of the disease control (slaughter) protocol 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 the exercise of the power;
 - (b) must consider any representations made to him about the draft by such persons and organisations;
 - (c) may amend the draft accordingly.
- (4) After the Secretary of State has proceeded under subsection (3) he must publish the protocol in such manner as he thinks appropriate.
- (5) The Secretary of State must from time to time review the protocol and if he thinks it appropriate revise the protocol.
- (6) Subsections (2) to (4) apply to a revision of the protocol as they apply to its preparation.
- (7) 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.
- (8) It is immaterial that anything done for the purposes of subsections (2) to (4) is done before the passing of the Animal Health Act 2002.

32C Protocol: exercise of powers

- (1) A power to which section 32B applies must not be exercised unless the protocol mentioned in that section 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 who has any function in relation to the exercise of a power to which section 32B applies fails to act in accordance with the protocol he is not by reason only of that failure liable in any civil or criminal proceedings.
- (4) But the protocol 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.”

Changes to legislation:

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