



Animal Health Act 2002

2002 CHAPTER 42

PART 3

ENFORCEMENT

Powers

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.

Changes to legislation: There are currently no known outstanding effects for the Animal Health Act 2002, Section 9. (See end of Document for details)

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.
- (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—

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- (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.”

Changes to legislation:

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