



2010 CHAPTER 1

General

Deliberate infection

10.—(1) After Article 5 of the 1981 Order insert—

“Deliberate infection

5A.—(1) A person commits an offence if, without lawful authority or excuse (proof of which shall lie on him), he knowingly or recklessly does any act which causes or is intended to cause an animal or bird to be infected with a disease.

(2) A person commits an offence if, without lawful authority or excuse (proof of which shall lie on him), that person acquires or takes possession of an animal or bird which he knows, or ought reasonably to know, to be infected with a disease.

Deliberate infection: disqualification

5B.—(1) If a person is convicted of an offence under Article 5A the court may by order disqualify that person, for such period as it thinks fit, from keeping or dealing in—

- (a) any animals or poultry, or
- (b) any animals or poultry of a specified kind.

(2) If a person is convicted of an offence under Article 5A and, at any time after the date of that conviction, that person is convicted of a further offence under that Article, the court shall by order disqualify that person, for such period as it thinks fit, from keeping or dealing in—

- (a) any animals or poultry; or
 - (b) any animals or poultry of a specified kind.
- (3) The court may suspend the operation of an order made under paragraph (1) or (2)—
- (a) for such period as it thinks necessary to enable arrangements to be made for the keeping of any animals or poultry to which the disqualification relates;
 - (b) pending an appeal.
- (4) A person who is disqualified under paragraph (1) or (2) may from time to time apply to the court which imposed the disqualification to remove it or vary it.
- (5) On an application under paragraph (4) the court may by order—
- (a) refuse the application,
 - (b) remove the disqualification, or
 - (c) vary the disqualification to apply it only to such animals or poultry or such kind of animals or poultry as it specifies.
- (6) In considering an application under paragraph (4) the court may have regard to—
- (a) the nature of the offence in respect of which the disqualification was imposed;
 - (b) the character of the applicant;
 - (c) the conduct of the applicant since the disqualification was imposed.
- (7) The first application under paragraph (4) must not be made before the end of the period of one year starting with the date the disqualification starts.
- (8) A further application shall not be made before the end of the period of one year starting with the date of the court's last order.
- (9) For the purposes of this Article keeping or dealing in an animal or bird includes—
- (a) having custody, control or possession of an animal or bird;
 - (b) being concerned in the management or control of a body (whether or not incorporated) whose activities include keeping or dealing in animals or poultry.”.
- (2) In Article 52 of the 1981 Order (offences), after paragraph (6) add—
- “(7) A person guilty of an offence under Article 5A shall be liable—
- (a) on summary conviction, to imprisonment for a term not exceeding six months or to a fine not exceeding the statutory maximum or to both;

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

(b) on conviction on indictment, to imprisonment for a term not exceeding two years or to a fine or to both.”.