



# Agriculture (Miscellaneous Provisions) Act 1968

## 1968 CHAPTER 34

### PART I

#### WELFARE OF LIVESTOCK

#### **1 Prevention of unnecessary pain and distress for livestock.**

- (1) Any person who causes unnecessary pain or unnecessary distress to any livestock for the time being situated on agricultural land and under his control or permits any such livestock to suffer any such pain or distress of which he knows or may reasonably be expected to know shall be guilty of an offence under this section.
- (2) Nothing in the foregoing subsection shall apply to any act lawfully done under the Cruelty to Animals Act 1876 or to any thing done or omitted by or under the direction of any person in accordance with the terms of a licence issued by the Minister for the purpose of enabling that person to undertake scientific research.

#### **2 Regulations with respect to the welfare of livestock.**

- (1) The Ministers may, after consultation with such persons appearing to them to represent any interests concerned as the Ministers consider appropriate, by regulations make such provision with respect to the welfare of livestock for the time being situated on agricultural land as they think fit; and without prejudice to the generality of the foregoing provisions of this section the regulations may in particular include provision—
  - (a) with respect to the dimensions and layout of accommodation for livestock, the materials to be used in constructing any such accommodation and the facilities by way of lighting, heating, cooling, ventilation, drainage, water supply and otherwise to be provided in connection with any accommodation ;

- (b) for ensuring the provision of balanced diets for live stock and for prohibiting or regulating the use of any substance as food for livestock and the importation and supply of any substance intended for use as food for livestock;
  - (c) for prohibiting the bleeding of livestock and the mutilation of livestock in any manner specified in the regulations, and for prohibiting or regulating the use of any method of marking or restraining livestock or interfering with the capacity of livestock to smell, see, hear, emit sound or exercise any other faculty.
- (2) Without prejudice to the generality of the powers conferred by subsection (1) of this section, regulations under this section may—
- (a) provide that a person who contravenes or fails to comply with specified provisions of the regulations shall be guilty of an offence under this section ;
  - (b) provide for exemptions, either subject to conditions prescribed by the regulations or without conditions, from any provisions of the regulations ; and
  - (c) contain such incidental and supplemental provisions as the Ministers consider expedient for the purposes of the regulations.
- (3) No regulations shall be made under this section unless a draft of the regulations has been approved by a resolution of each House of Parliament.

### **3 Codes of recommendations for the welfare of livestock.**

- (1) The Ministers may from time to time, after consultation with such persons appearing to them to represent any interests concerned as the Ministers consider appropriate,—
- (a) prepare codes containing such recommendations with respect to the welfare of livestock for the time being situated on agricultural land as they consider proper for the guidance of persons concerned with livestock; and
  - (b) revise any such code by revoking, varying, amending or adding to the provisions of the code in such manner as the Ministers think fit.
- (2) A code prepared in pursuance of this section and any alterations proposed to be made on a revision of such a code shall be laid before both Houses of Parliament forthwith after being prepared ; and the code or revised code, as the case may be, shall not be issued until the code or the proposed alterations have been approved by both Houses.
- (3) Subject to subsection (2) of this section, the Ministers shall cause every code prepared or revised in pursuance of this section to be printed, and may cause copies of it to be put on sale to the public at such a price as the Ministers may determine.
- (4) A failure on the part of any person to observe a provision of a code for the time being issued under this section shall not of itself render that person liable to proceedings of any kind; but such a failure on the part of any person may, in proceedings against him for an offence under section 1 of this Act, be relied upon by the prosecution as tending to establish the guilt of the accused unless it is shown that he cannot reasonably be expected to have observed the provision in question within the period which has elapsed since that provision was first included in a code issued under this section.

### **4 Expenditure on free advice on the welfare of livestock.**

Without prejudice to the generality of his powers to incur expenditure under the enactments relating to the eradication and prevention of diseases of animals, the Minister may, with the approval of the Treasury, spend such sums as he thinks fit on

the giving of advice, free of charge, to persons concerned with livestock on matters relating to the welfare of livestock.

## **5 Extension of classes of operations in which anaesthetics must be used.**

The Ministers may, after consultation with the Royal College of Veterinary Surgeons and with such persons appearing to the Ministers to represent any other interests concerned as the Ministers consider appropriate, by order provide that paragraphs 7 and 8 of Schedule 1 to the Protection of Animals (Anaesthetics) Act 1954 (which exempt certain minor operations from the requirement to use anaesthetics imposed by that Act) shall not permit the performance, either in any circumstances or in such circumstances as may be specified in the order, of such operations as may be so specified.

## **6 Powers of entry, etc.**

- (1) A person duly authorised in writing by the Minister may at any reasonable time enter upon any land, other than premises used wholly or mainly as a dwelling, for the purpose of ascertaining whether an offence under this Part of this Act has been committed on the land.
- (2) A person duly authorised in writing by a local authority may at any reasonable time enter upon any land, other than such premises as aforesaid, for the purpose of ascertaining whether an offence under this Part of this Act has been committed on the land, being an offence consisting of a contravention of or failure to comply with provisions of regulations made in pursuance of section 2(1)(b) of this Act.
- (3) A person authorised as mentioned in the foregoing provisions of this section to enter upon any land—
  - (a) shall if so required produce evidence of his authority before entering and while present on the land ; and
  - (b) may take with him on to the land such other persons as he considers necessary.
- (4) Any person authorised as aforesaid may take for analysis a sample of any substance which he finds on the land and which appears to him to be intended for use as food for livestock; and the provisions of subsections (2) to (7) of section 6 of the Agriculture (Poisonous Substances) Act 1952 (which relate to the dividing up, analysis and evidence of analysis of certain samples) and subsections (1), (4) and (5) of section 11 of that Act (Scottish application of the said section 6) shall have effect in relation to a sample taken under this section as they have effect in relation to a sample taken under the said section 6 but as if for references to that Act, an inspector and such an employer as is mentioned in the said section 6 there were substituted respectively references to this Part of this Act, the person taking the sample and a person appearing to the person taking the sample to have custody of the substance in question.
- (5) Any veterinary surgeon or veterinary practitioner authorised as mentioned in subsection (1) of this section to enter upon any land may examine any livestock which he finds on the land and apply to and take from the livestock such tests and samples as he considers appropriate ; and a person by whom a sample is taken from livestock in pursuance of this subsection shall, if before the sample is taken he is requested to do so by any person appearing to him to have the custody of the livestock, deliver a part of the sample or a similar sample to the person who made the request.

- (6) If a person entitled to enter upon any land in pursuance of this section requests any person present on the land, being the occupier or a servant of the occupier of the land or a person having the custody of any livestock present on the land,—
- (a) to indicate to the person so entitled the places on the land used for the accommodation of livestock or for the storage or treatment of any substance intended for use as food for livestock; or
  - (b) to facilitate the access of the person so entitled to any such place,
- it shall be the duty of the person to whom the request is addressed to comply with the request so far as he is able to do so.
- (7) A person who fails to perform his duty under subsection (6) of this section or otherwise wilfully obstructs a person entitled as aforesaid in the execution of that person's powers under this section shall be guilty of an offence under this section.

## **7 Punishment of offences under Part I.**

- (1) A person guilty of an offence under section 1 or section 2 of this Act shall be liable on summary conviction to imprisonment for a term not exceeding three months or a fine not exceeding one hundred pounds or both, or in the case of a second or subsequent offence, to such imprisonment or a fine not exceeding two hundred pounds or both.
- (2) A person guilty of an offence under section 6 of this Act shall be liable on summary conviction to a fine not exceeding twenty pounds.
- (3) In England and Wales a local authority shall, without prejudice to the powers of any other person to institute proceedings for an offence under this Part of this Act, have power to institute proceedings for such an offence as is mentioned in section 6(2) of this Act which is alleged to have been committed in their area.

## **8 Interpretation etc. of Part I.**

- (1) In this Part of this Act—
  - " agricultural land " means land used for agriculture (within the meaning of the Agriculture Act 1947 or, in Scotland, the Agriculture (Scotland) Act 1948) which is so used for the purposes of a trade or business ; and
  - " livestock " means any creature kept for the production of food, wool, skin or fur or for use in the farming of land or for such purpose as the Minister may by order specify.
- (2) Subsections (2) and (3) of section 59 of the Diseases of Animals Act 1950 (which define the expression " local authority ") shall have effect for the purposes of this Part of this Act as if for references to that Act there were substituted references to this Part of this Act and as if in subsection (2) the words from " and shall " onwards were omitted.
- (3) This Part of this Act applies to officers and servants of the Crown, and references to land in this Part of this Act include references to land belonging to Her Majesty in right of the Crown or the Duchy of Lancaster, land belonging to the Duchy of Cornwall and land held on behalf of Her Majesty for the purposes of any Government department; and in relation to any such land occupied by or on behalf of Her Majesty or the Duchy of Cornwall section 6 of this Act shall have effect as if subsection (2) were omitted.

- (4) Without prejudice to the powers conferred on the Ministers, in relation to Great Britain, by sections 2 and 3 of this Act, the powers conferred on them by either of those sections may be exercised, in relation to England and Wales only, by the Minister of Agriculture, Fisheries and Food and, in relation to Scotland only, by the Secretary of State; and references in those sections to the Ministers shall be construed accordingly.
- (5) Nothing in this Part of this Act shall be construed as prejudicing any provision of the Protection of Animals Acts 1911 to 1964 or the Protection of Animals (Scotland) Acts 1912 to 1964.