



Criminal Law Act 1977

1977 CHAPTER 45

PART IV

MISCELLANEOUS PROVISIONS

55 Amendment of Rabies Act 1974 and Diseases of Animals (N.I.) Order 1975

- (1) The Rabies Act 1974 shall be amended as provided in subsections (2) and (3) below.
- (2) After section 5 there shall be inserted the following sections:—

“5A Powers of arrest.

- (1) Without prejudice to the powers of arrest conferred by section 71 of the principal Act or otherwise, a constable may arrest without warrant any person whom he, with reasonable cause, suspects to be in the act of committing or to have committed an offence to which this section applies.
- (2) The offences to which this section applies are offences against the principal Act consisting of—
 - (a) the landing or attempted landing of any animal in contravention of an order made under that Act and expressed to be made for the purpose of preventing the introduction of rabies into Great Britain; or
 - (b) the failure by the person having the charge or control of any vessel, boat or hovercraft to discharge any obligation imposed on him in that capacity by such an order; or
 - (c) the movement, in contravention of an order under section 10 or 11 of that Act, of any animal into, within or out of a place or area declared to be infected with rabies.
- (3) Section 73(1) of the principal Act (inspectors to have powers of constables) shall not have effect in relation to the powers conferred by this or the following section.

Status: This is the original version (as it was originally enacted).

5B Powers of entry and search.

- (1) For the purpose of arresting a person under the power conferred by section 5A above a constable may enter (if need be, by force) and search any vessel, boat, hovercraft, aircraft or vehicle of any other description in which that person is or in which the constable, with reasonable cause, suspects him to be.
- (2) For the purpose of exercising any power to seize an animal or cause an animal to be seized which is conferred on constables by an order made under the principal Act and expressed to be made for the purpose of preventing the introduction of rabies into Great Britain, a constable may enter (if need be, by force) and search any vessel, boat, hovercraft, aircraft or vehicle of any other description in which there is, or in which he, with reasonable cause, suspects that there is, an animal to which that power applies.”.
- (3) After section 6 there shall be inserted the following section:—

“6A Increase of fines for rabies offences.

- (1) An order made under the principal Act and expressed to be made for the purpose of preventing the introduction or spreading of rabies into or within Great Britain may direct that paragraph (a) of section 79(1) of that Act (punishment for offences) shall have effect in relation to any summary offence against that Act the existence of which is attributable to the provisions of that order as if for the words ' £400' (which were substituted by section 105(5)(a) of the Agriculture Act 1970) there were substituted the words ' £1,000 '.
- (2) The said paragraph (a) shall have effect as aforesaid in relation to any summary offence the existence of which is attributable to the provisions of either of the following orders made under the principal Act, namely the Rabies (Importation of Dogs, Cats and Other Mammals) Order 1974 and the Rabies (Control) Order 1974.”.
- (4) The Diseases of Animals (Northern Ireland) Order 1975 shall be amended as follows.
- (5) After Article 7 there shall be inserted the following Articles:—

“Powers of arrest

- 7A (1) Without prejudice to the powers of arrest conferred by section 39 of the principal Act or otherwise, a constable may arrest without warrant any person whom he, with reasonable cause, suspects to be in the act of committing or to have committed an offence to which this Article applies.
- (2) The offences to which this Article applies are offences against the principal Act consisting of—
 - (a) the landing or attempted landing of any animal in contravention of an order made under that Act and expressed to be made for the purpose of preventing the introduction of rabies into Northern Ireland; or
 - (b) the failure by the person having the charge or control of any vessel, boat or hovercraft to discharge any obligation imposed on him in that capacity by such an order; or

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

- (c) the movement, in contravention of an order under section 7 or 8 of that Act, of any animal into, within or out of a place or area declared to be infected with rabies.
- (3) Section 41(1) of the principal Act (inspectors to have powers of constables) shall not have effect in relation to the powers conferred by this or the following Article.

Powers of entry and search

- 7B (1) For the purpose of arresting a person under the power conferred by Article 7A a constable may enter (if need be, by force) and search any vessel, boat, hovercraft, aircraft or vehicle of any other description in which that person is or in which the constable, with reasonable cause, suspects him to be.
- (2) For the purpose of exercising any power to seize an animal or cause an animal to be seized which is conferred on constables by an order made under the principal Act and expressed to be made for the purpose of preventing the introduction of rabies into Northern Ireland, a constable may enter (if need be, by force) and search any vessel, boat, hovercraft, aircraft or vehicle of any other description in which there is, or in which he, with reasonable cause, suspects that there is, an animal to which that power applies.”.
- (6) After Article 8 there shall be inserted the following Article:—

“Increase of fines for rabies offences

- 8A (1) An order made under the principal Act and expressed to be made for the purpose of preventing the introduction or spreading of rabies into or within Northern Ireland may direct that paragraph (a) of section 46(1) of that Act (punishment for offences) shall have effect in relation to any summary offence against that Act the existence of which is attributable to the provisions of that order as if, for the words ' £500 ' (which were substituted by Article 10(1) (a) of the Diseases of Animals (Northern Ireland) Order 1975) there were substituted the words '£1,000 '.
- (2) The said paragraph (a) shall have effect as aforesaid in relation to any summary offence the existence of which is attributable to the provisions of any order made under the principal Act before the coming into operation of section 55(6) of the Criminal Law Act 1977 and expressed to be made for the purpose of preventing the introduction or spreading of rabies into or within Northern Ireland.”.