



Animal Health Act 1981

1981 CHAPTER 22

[^{F1}PART 2A

SCRAPIE

[^{F1}Power of entry

Textual Amendments

F1 Pt. 2A (ss. 36A-36M) inserted (14.1.2003) by 2002 c. 42, s. 6, Sch.; S.I. 2002/3044, art. 2

36G Power of entry

- (1) An inspector or a constable may at all reasonable times enter any premises for the purpose of—
 - (a) carrying out any function he has under or in pursuance of this Part, or
 - (b) ascertaining whether any such function should be exercised.
- (2) Subsection (1) does not apply to premises used only as a private dwelling-house unless 24 hours' notice of the intended entry is given to the occupier.
- (3) A person acting under subsection (1) must, if required, show evidence of his authority to act under that subsection.

36H 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 person mentioned in section 36G(1) to enter premises, if necessary using reasonable force, for the purpose there mentioned.
- (2) The information must include—

Status: Point in time view as at 14/01/2003.

Changes to legislation: There are currently no known outstanding effects for the Animal Health Act 1981, Cross Heading: Power of entry. (See end of Document for details)

- (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 person mentioned in section 36G(1) to enter premises for the purpose there mentioned.
- (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 a person mentioned in section 36G(1);
 - (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 person authorised by the warrant to enter the premises 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 person authorised by the warrant to enter the premises and any other person entering the premises with him.

36I Supplementary

- (1) This section applies to a person who enters premises by virtue of section 36G(1) or under a warrant issued under section 36H (an authorised person).
- (2) An authorised person may take with him—
- (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) An authorised person may require any person on the premises who falls within subsection (4) to give him such assistance as he may reasonably require for the purpose mentioned in section 36G(1).
- (4) The following persons fall within this subsection—

Status: Point in time view as at 14/01/2003.

Changes to legislation: There are currently no known outstanding effects for the Animal Health Act 1981, Cross Heading: Power of entry. (See end of Document for details)

- (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).
- (5) An authorised person may—
- (a) inspect any records (in whatever form they are held) relating to the keeping, acquisition or disposal of animals;
 - (b) seize and detain any records which he reasonably thinks may be needed as evidence in any proceedings under or by virtue of this Act.
- (6) If an authorised person enters any unoccupied premises he must leave them as effectively secured against entry as he found them.
- (7) If an authorised person enters any premises by virtue of a warrant issued under section 36H 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.

36J Offences

- (1) A person commits an offence if without lawful authority or excuse (proof of which shall lie on him) he—
- (a) refuses admission to any premises to a person acting under section 36G above,
 - (b) obstructs or impedes him in so acting, or
 - (c) assists in any such obstruction or impeding.
- (2) A person commits an offence if—
- (a) he is required to give assistance under section 36I(3), and
 - (b) he fails to give it.]

Status:

Point in time view as at 14/01/2003.

Changes to legislation:

There are currently no known outstanding effects for the Animal Health Act 1981, Cross
Heading: Power of entry.