



# Animal Health Act 1981

## 1981 CHAPTER 22

### PART II

#### DISEASE

#### *Outbreak*

#### [<sup>F1</sup> 14A National contingency plan

- (1) The appropriate authority must prepare a document (the national contingency plan) indicating the arrangements the authority intends to put in place for the purpose of dealing with any occurrence of—
  - (a) foot-and-mouth disease;
  - (b) such other disease as the authority by order specifies.
- (2) After preparing a draft of the national contingency plan the appropriate authority—
  - (a) must send a copy of the draft to such persons and organisations as the authority thinks are representative of those having an interest in the arrangements;
  - (b) must consider any representations made to the authority about the draft by such persons and organisations;
  - (c) may amend the draft accordingly.
- (3) After the appropriate authority has proceeded under subsection (2) the authority must—
  - (a) lay the plan before Parliament (unless subsection (9) applies);
  - (b) publish it in such manner as the authority thinks likely to bring it to the attention of persons who may be affected by the arrangements.
- (4) The appropriate authority must from time to time (but not less frequently than at intervals of one year) review the plan and if the authority thinks it appropriate revise the plan.
- (5) Subsections (2) and (3) apply to a revision of the plan as they apply to its preparation.

*Status: Point in time view as at 01/02/2006.*

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- (6) The power to make an order must be exercised by statutory instrument.
- (7) The instrument is subject to annulment in pursuance of a resolution of either House of Parliament (unless subsection (9) applies).
- (8) The appropriate authority is—
  - (a) the Secretary of State in relation to England;
  - (b) the Secretary of State and the National Assembly for Wales acting jointly in relation to Wales (except for the purposes of subsection (1)(b));
  - (c) the National Assembly for Wales in relation to Wales for the purposes of subsection (1)(b).
- (9) This subsection applies to a plan prepared in relation to Wales.
- (10) It is immaterial that anything done for the purposes of subsections (1) to (3) (except the making of an order under subsection (1)(b)) is done before the passing of the Animal Health Act 2002.]

#### **Textual Amendments**

- F1** S. 14A inserted (E.W.) (24.3.2003) by [Animal Health Act 2002 \(c. 42\), ss. 18, 19\(1\)](#); [S.I. 2002/3044, art. 2\(c\)](#)

#### **Modifications etc. (not altering text)**

- C1** S. 14A applied (E.) (28.8.2003) by [Avian Influenza and Newcastle Disease \(Contingency Planning\) \(England\) Order 2003 \(S.I. 2003/2036\)](#), arts. 1, 2
- C2** S. 14A applied (W.) (20.10.2005) by [Avian Influenza and Newcastle Disease \(Contingency Planning\) \(Wales\) Order 2005 \(S.I. 2005/2840\)](#), arts. 1(1), 2

### **[<sup>F2</sup>14B Duty to consider vaccination**

- (1) In relation to any occurrence of foot-and-mouth disease the Secretary of State must consider what is the most appropriate means of preventing the spread of the disease.
- (2) In particular he must consider whether in relation to the occurrence treating animals with serum or vaccine is more appropriate than any other means of preventing the spread of the disease.]

#### **Textual Amendments**

- F2** S. 14B inserted (E.W.) (14.1.2003) by [2002 c. 42, s. 15](#); [S.I. 2002/3044, art. 2](#)

### **15 Separation and notice.**

- (1) Any person having in his possession or under his charge an animal affected with disease shall—
  - (a) as far as practicable keep that animal separate from animals not so affected; and
  - (b) with all practicable speed give notice of the fact of the animal being so affected to a constable of the police force for the police area in which the animal is so affected.

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- (2) Any person who knows or suspects that an animal (whether in captivity or not) is affected with rabies shall give notice of that fact to a constable unless—
  - (a) he believes on reasonable grounds that another person has given notice under this section in respect of that animal, or
  - (b) he is exempted from doing so by an order under section 1 above,and, if the animal is in his possession or under his charge, shall as far as practicable keep the animal separate from other animals.
- (3) The constable to whom notice is given shall forthwith give information of it to such person or authority as the Ministers by order direct.
- (4) The Ministers may make such orders as they think fit for prescribing and regulating the notice to be given to or by any person or authority in case of any particular disease or in case of the illness of an animal, and for supplementing or varying for those purposes any of the provisions of subsections (1) to (3) above.
- (5) Subsections (1) to (4) above do not have effect in relation to poultry, but the Ministers may by order prescribe and regulate—
  - (a) the separation of diseased poultry from poultry not affected with disease; and
  - (b) the notification of disease in, or illness of, poultry.
- (6) The local authority shall pay to a veterinary surgeon or veterinary practitioner, in respect of every notification of disease made by him to the local authority in pursuance of an order under this Act requiring such a notification, such fee not exceeding 12½p as may be prescribed by the order.
- (7) A person is guilty of an offence against this Act who, without lawful authority or excuse, proof of which shall lie on him, fails where required by this Act or by an order of the Minister—
  - (a) to keep an animal separate so far as practicable; or
  - (b) to give notice of disease with all practicable speed.

## 16 Treatment after exposure to infection. **E+W**

- (1) For the purpose of preventing the spread of disease, the Ministers may cause to be treated with serum or vaccine, or with both serum and vaccine, any animal or bird—
  - (a) which has been in contact with a diseased animal or bird, or
  - (b) which appears to the Ministers to be or to have been in any way exposed to the infection of disease; or
  - (c) which is in an infected area.
- (2) The powers conferred by this section shall be construed as extending to the taking of any action—
  - (a) which is requisite for enabling the appropriate treatment to be administered, or
  - (b) which is otherwise required in connection with that treatment,and for the purpose of exercising those powers any [<sup>F3</sup>inspector] may, subject to production of his authority on demand, enter any land or premises <sup>F4</sup>. . . .
- <sup>F5</sup>(3) 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 an inspector to enter any land or premises, if necessary using reasonable force, for the purpose mentioned in subsection (2).

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- (4) 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.
- (5) The first condition is that there are reasonable grounds for an inspector to enter the land or premises for that purpose.
- (6) 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.
- (7) 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.
- (8) Subsections (9) to (12) apply to an inspector who enters any land or premises by virtue of subsection (2) or under a warrant issued under subsection (3).
- (9) The inspector 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.
- (10) The inspector may require any person on the land or premises who falls within subsection (11) to give him such assistance as he may reasonably require for the purpose mentioned in subsection (2).
- (11) 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).
- (12) If the inspector enters any unoccupied premises he must leave them as effectively secured against entry as he found them.
- (13) If the inspector enters any premises by virtue of a warrant issued under subsection (3) 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.

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- (14) A warrant issued under subsection (3) 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.
- (15) A warrant issued under subsection (3) must be executed only at a reasonable hour unless the inspector thinks that the case is one of urgency.
- (16) 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.
- (17) A person commits an offence if—
- (a) he is required to give assistance under subsection (10), and
  - (b) he fails to give it.]

#### Extent Information

- E1** This version of this provision extends to England and Wales only; a separate version has been created for Scotland only

#### Textual Amendments

- F3** Words in s. 16(2) substituted (14.1.2003) by [2002 c. 42, s. 12\(1\)](#); [S.I. 2002/3044, art. 2](#)
- F4** Words in s. 16(2) omitted (14.1.2003) by virtue of [2002 c. 42, s. 12\(1\)](#); [S.I. 2002/3044, art. 2](#)
- F5** S. 16(3)-(17) inserted (14.1.2003) by [2002 c. 42, s. 12\(1\)](#); [S.I. 2002/3044, art. 2](#)

#### Modifications etc. (not altering text)

- C3** S. 16(1) excluded (W.) (1.2.2006) by [The Foot-and-Mouth Disease \(Control of Vaccination\) \(Wales\) Regulations 2006 \(S.I. 2006/180\)](#), regs. 1(2), [18](#)

## 16 Treatment after exposure to infection. **S**

- (1) For the purpose of preventing the spread of disease, the Ministers may cause to be treated with serum or vaccine, or with both serum and vaccine, any animal or bird—
- (a) which has been in contact with a diseased animal or bird, or
  - (b) which appears to the Ministers to be or to have been in any way exposed to the infection of disease; or
  - (c) which is in an infected area.
- (2) The powers conferred by this section shall be construed as extending to the taking of any action—
- (a) which is requisite for enabling the appropriate treatment to be administered, or
  - (b) which is otherwise required in connection with that treatment,
- and for the purpose of exercising those powers any officer of the Minister may, subject to production of his authority on demand, enter any land or premises taking with him such other persons, if any, as he considers requisite.

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**Extent Information**

- E2** This version of this provision extends to Scotland only; a separate version has been created for England and Wales only

**Modifications etc. (not altering text)**

- C3** S. 16(1) excluded (W.) (1.2.2006) by [The Foot-and-Mouth Disease \(Control of Vaccination\) \(Wales\) Regulations 2006 \(S.I. 2006/180\)](#), regs. 1(2), **18**

**[<sup>F6</sup>16A Slaughter of vaccinated animals**

- (1) This section applies to any animal which has been treated with vaccine for the purpose of preventing the spread of foot-and-mouth disease or such other disease as the Secretary of State may by order specify.
- (2) The Secretary of State may cause to be slaughtered any animal to which this section applies.
- (3) The power conferred by this section extends to taking any action—
  - (a) which is required to enable any such animal to be slaughtered, or
  - (b) which is otherwise required in connection with the slaughter.
- (4) For any animal slaughtered under this section the Secretary of State must pay compensation in accordance with subsections (5) and (6).
- (5) In the case of an animal treated with vaccine for the purpose of preventing the spread of foot-and-mouth disease—
  - (a) if the animal was affected with foot-and-mouth disease the compensation is the value of the animal immediately before it became so affected;
  - (b) in any other case the compensation is the value of the animal immediately before it was slaughtered.
- (6) In the case of an animal treated with vaccine for the purpose of preventing the spread of a disease specified by order under subsection (1) the compensation is of such an amount as may be prescribed by order of the Secretary of State.
- (7) In arriving at a value under subsection (5) above no account is to be taken of the fact that the animal had been treated with vaccine as mentioned in that subsection.”
- (8) No order may be made under subsection (1) unless a draft of the order has been laid before Parliament and approved by a resolution of each House.
- (9) A statutory instrument containing an order under subsection (6) is subject to annulment in pursuance of a resolution of either House of Parliament.]

**Textual Amendments**

- F6** S. 16A inserted (E.W.) (14.1.2003) by [2002 c. 42, s. 5](#); [S.I. 2002/3044, art. 2](#)

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**Changes to legislation:**

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