



# Animal Health Act 1981

## 1981 CHAPTER 22

### PART III

#### WELFARE AND EXPORT

##### *Care*

#### **37 Prevention of suffering.**

- [<sup>F1</sup>(1) The Ministers may make such orders as they think fit for the purpose of protecting animals from unnecessary suffering—
- (a) during inland transit, including transit by an aircraft on a flight beginning and ending in Great Britain; or
  - (b) while exposed for sale; or
  - (c) while awaiting removal after being exposed for sale.
- (2) The Ministers may make such orders as they think fit—
- (a) for ensuring for animals carried by sea or by air proper ventilation during the passage and on landing; and
  - (b) for protecting them from unnecessary suffering during the passage and on landing.]

#### **Textual Amendments**

- F1** Ss. 37-39 repealed (S.) (6.10.2006) by [Animal Health and Welfare \(Scotland\) Act 2006 \(asp 11\)](#), s. 55(1), [Sch. 2 para. 8\(2\)](#) (with s. 54); [S.S.I. 2006/482](#), art. 2

#### **38 Food and water.**

- [<sup>F1</sup>(1) The Ministers may make such orders as they think fit for ensuring for animals a proper supply of food and water—
- (a) for any period in which the animals are detained; and

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(b) during their passage by sea or by air and on landing.

(2) The following bodies—

- (a) The Boards established by the <sup>M1</sup>Transport Act 1962,
- (b) [<sup>F2</sup>the London Transport Executive][<sup>F3</sup>Transport for London], and
- (c) every railway company,

shall to the satisfaction of the appropriate Minister provide food and water, or either of them, at such railway stations as the appropriate Minister by general or specific description directs, for animals carried, or about to be or having been carried, on the railway of any of those bodies, and the additional provisions of Schedule 4 to this Act have effect accordingly.

In this subsection and in Schedule 4—

- (i) references to the bodies mentioned in paragraphs (a) and (b) include [<sup>F4</sup>in the case of those mentioned in paragraph (a)] wholly-owned subsidiaries of those bodies [<sup>F5</sup>and in the case of Transport for London, any of its subsidiaries (within the meaning of the Greater London Authority Act 1999)];
- (ii) “railway company” includes a person working a railway under lease or otherwise.]

#### Textual Amendments

- F1** Ss. 37-39 repealed (S.) (6.10.2006) by [Animal Health and Welfare \(Scotland\) Act 2006 \(asp 11\)](#), s. 55(1), [Sch. 2 para. 8\(2\)](#) (with s. 54); S.S.I. 2006/482, art. 2
- F2** Words appearing second substituted (E.W.) for words appearing first by [London Regional Transport Act 1984 \(c. 32, SIF 126\)](#), s. 71(3)(a), Sch. 6 para. 23(a)
- F3** Words in s. 38(2)(b) substituted (15.7.2003) by [The Transport for London \(Consequential Provisions\) Order 2003 \(S.I. 2003/1615\)](#), art. 1(1), [Sch. 1 para. 9\(a\)](#)
- F4** Words inserted (E.W.) as provided by [London Regional Transport Act 1984 \(c. 32, SIF 126\)](#), s. 71(3)(a), Sch. 6 para. 23(b)
- F5** Words in s. 38(2)(i) substituted (15.7.2003) by [The Transport for London \(Consequential Provisions\) Order 2003 \(S.I. 2003/1615\)](#), art. 1(1), [Sch. 1 para. 9\(b\)](#)

#### Marginal Citations

- M1** 1962 c. 46.

### *Export*

## 39 Export of animals generally.

[<sup>F1</sup>(1) The Ministers may by order provide in the interests of animal welfare for regulating the exportation from Great Britain of animals, and in particular—

- (a) for prohibiting exportation without such certificate or licence as may be prescribed by the order; and
- (b) as to the circumstances in which and conditions on which a certificate or licence may be obtained.

(2) Without prejudice to the generality of subsection (1) above, an order under this section may include provision for requiring persons proposing to export animals from Great Britain to furnish information about—

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- (a) the intended ultimate destination of the animals;
- (b) the arrangements for conveying them to that destination; and
- (c) any other matters which may be specified in the order.]

#### Textual Amendments

- F1** Ss. 37-39 repealed (S.) (6.10.2006) by [Animal Health and Welfare \(Scotland\) Act 2006 \(asp 11\)](#), s. 55(1), [Sch. 2 para. 8\(2\)](#) (with s. 54); S.S.I. 2006/482, art. 2

#### *Export of horses other than those defined as ponies*

### 40 Restriction on export of horses.

- (1) It is an offence against this Act to ship or attempt to ship any horse (which for the purpose of this section does not include a horse defined by this Act to be a pony) in any vessel or aircraft from any port or aerodrome in Great Britain to any port or aerodrome outside the British Islands unless the horse—

- (a) immediately before shipment has been examined by a veterinary inspector appointed by the Minister for the purpose of conducting examinations under this section, and
- (b) has been certified in writing by the inspector to comply with the conditions mentioned in subsection (2) below,

but this subsection shall not apply in such cases as may be prescribed by order of the Ministers.

A statutory instrument containing an order under this subsection shall be subject to annulment in pursuance of a resolution of either House of Parliament.

- (2) The conditions referred to in subsection (1) above are that the horse—
- (a) is capable of being conveyed to the port or aerodrome outside the British Islands and disembarked without cruelty; and
  - (b) is capable of being worked without suffering.
- (3) Where the inspector is satisfied that the horse is of one of the categories set out in the first column of the following table the conditions to be complied with shall include the condition that in the inspector's opinion the horse—
- (a) is not more than 8 years of age; and
  - (b) is of not less value than the amount specified in respect of it in the second column of that table, or such other amount as may be prescribed by order of the Ministers.

TABLE

	£
A heavy draft horse	715
A vanner, mule or jennet	495
An ass	220

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- (4) Subsection (3) above shall not apply in the case of any horse where the inspector is satisfied—
- (a) that it is intended to use the horse as a performing animal; or
  - (b) that the horse is registered in the stud book of a society for the encouragement of horse-breeding recognised by the Ministers, and is intended to be used for breeding or exhibition; or
  - (c) that the horse is a foal at foot accompanying such a horse as is referred to in paragraph (b) above.

#### *Export of horses defined as ponies*

### **41 Restriction on export of ponies.**

- (1) It is an offence against this Act to ship or attempt to ship any pony in any vessel or aircraft from any port or aerodrome in Great Britain to any port or aerodrome outside the British Islands unless—
- (a) the appropriate Minister is satisfied that the pony is intended for breeding, riding or exhibition and—
    - (i) it is not of less value than £300, or
    - (ii) in the case of a pony not exceeding 122 centimetres in height other than a pony of the Shetland breed not exceeding 107 centimetres in height, it is not of less value than £220, or
    - (iii) in the case of such a pony of the Shetland breed, it is not of less value than £145, or
    - (iv) such other value in any of those cases as may be prescribed by order of the Ministers; and
  - (b) Immediately before shipment the pony has been individually inspected by a veterinary inspector and has been certified in writing by the inspector to be capable of being conveyed to the port or aerodrome to which it is to be shipped, and disembarked, without unnecessary suffering.
- (2) Without prejudice to paragraph (b) of subsection (1) above, a veterinary inspector shall not certify a pony to be capable of being conveyed and disembarked as described in that subsection if—
- (a) being a mare, it is in his opinion heavy in foal, showing fullness of udder or too old to travel; or
  - (b) being a foal, it is in his opinion too young to travel.

### **42 Restriction on export of registered ponies.**

It is an offence against this Act to ship or attempt to ship a registered pony in any vessel or aircraft from any port or aerodrome in Great Britain to any port or aerodrome outside the British Islands unless there has first been obtained from the secretary of a society in whose stud book the pony is registered a certificate (“the export certificate”) that the pony is registered with that society.

For the purposes of this section the expression “registered pony” means a pony registered in—

- (a) the Arab Horse Society Stud Book,
- (b) the National Pony Society Stud Book,

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- (c) the British Palomino Society Stud Book, or
- (d) the British Spotted Horse and Pony Society Stud Book, or in the stud book of any of the following native breed societies, namely, English Connemara, Dales, Dartmoor, Exmoor, Fell, Highland, New Forest, Shetland and Welsh.

#### **43 Regulation of export of ponies.**

The Ministers shall by order make such provision as they think necessary or expedient for the following purposes—

- (a) for prohibiting the export of ponies by sea or air from any place in Great Britain to any place outside the British Islands unless such ponies are rested immediately before being loaded in the vessel or aircraft in which they are to be carried;
- (b) for regulating and prescribing the premises at which and the periods during which ponies are to be so rested;
- (c) for prescribing and regulating the cleansing and supervision of such premises and the provision at them of clean and sufficient bedding and adequate supplies of fodder and water.

*Other provisions as to export of horses*

#### **44 Slaughter on examination of inspection.**

If any horse examined under section 40(1) above or inspected under section 41(1) above is found by the veterinary inspector—

- (a) to be in such physical condition that it is cruel to keep it alive, or
- (b) to be permanently incapable of being worked without suffering,

the inspector shall forthwith slaughter it (or cause it to be slaughtered) with a mechanically operated instrument suitable and sufficient for the purpose, and no compensation shall be made to the owner of that animal.

#### **45 Marking of horses certified for export.**

- (1) A veterinary inspector may, for the purposes of identification, mark a horse certified by him under section 40(1) above or section 41(1) above in such manner as the Ministers may by order prescribe.
- (2) A person who, with a view to evading the provisions of section 40 above or section 41 above, marks a horse—
  - (a) with the prescribed mark, or
  - (b) with any mark so nearly resembling it as to be calculated to deceive,is guilty of an offence against this Act.

#### **46 Slaughter of injured horses.**

- (1) If any horse shipped from any port in Great Britain to any port outside the British Islands has a limb broken or is otherwise seriously injured while on board so as to be incapable of being disembarked without cruelty—
  - (a) the master of the vessel shall forthwith cause the animal to be slaughtered; and

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- (b) every vessel on which a horse is so shipped shall carry a proper killing instrument, to be approved by the Ministers for that purpose.
- (2) It is the duty of the owner and master of every such vessel to see that the vessel is provided with such an instrument, and the master, if so required by an inspector, shall produce the instrument for his inspection.

#### **47 Exemption of thoroughbreds in transit.**

Sections 40 and 41 and 46 above shall not apply in the case of shipment of any thoroughbred horse certified in writing by a steward or the secretary of the Jockey Club—

- (a) to have arrived in Great Britain not more than one month before the date of shipment for the purpose of being run in a race; or
- (b) to be shipped for the purpose of being run in a race; or
- (c) to be shipped in order to be used for breeding purposes.

#### **48 Certificates.**

Where—

- (a) a certificate is given under section 40(1), section 41(1) or section 47 above, or
- (b) an export certificate is given under section 42 above,

that certificate shall be delivered at the time of shipment to the master of the vessel or the pilot of the aircraft on which the animal is shipped, who shall—

- (i) on demand produce the certificate to any constable or any inspector or other officer of the appropriate Minister or the local authority; and
- (ii) allow such constable, inspector or other officer to take a copy of or extract from the certificate.

#### **49 Enforcement and interpretation.**

- (1) An inspector may enter any vessel or aircraft for the purpose of ascertaining whether the provisions—
  - (a) of sections 40 to 42 and 44 to 48 above (in this section described as “the relevant sections”), or
  - (b) of any order under this Act relating to the exportation or shipment of horses, are being complied with.
- (2) Every local authority shall, if and so far as the Ministers by order so direct, execute and enforce the relevant sections.
- (3) If—
  - (a) a person does anything or omits to do anything in contravention of the provisions of the relevant sections, or
  - (b) the master of a vessel or the pilot of an aircraft permits a horse to be shipped in a vessel or aircraft in contravention of those provisions,
 he shall be guilty of an offence against this Act, and the provisions of this Act relating to offences and legal proceedings shall apply accordingly as if the expression “animal” in those provisions included horses.
- (4) In this section and the relevant sections—

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- [<sup>F6</sup>(a) “ master ”, “ owner ” and “ port ” have the same meanings as in the Merchant Shipping Act 1995, and “ vessel ” has the same meaning as “ ship ” in the Merchant Shipping Act 1995; and ]
- (b) “pilot of an aircraft” includes any other person having the command or charge of the aircraft.

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**Textual Amendments**

**F6** S. 49(4)(a) substituted (1.1.1996) by [1995 c. 21](#), ss. 314(2), 316(2), [Sch. 13 para. 58\(a\)](#)

**Changes to legislation:**

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