



Animal Health Act 1981

1981 CHAPTER 22

PART V

ENFORCEMENT, OFFENCES AND PROCEEDINGS

Further provisions as to punishment of offences

74 Liability under the customs and excise Acts.

A person who—

- (a) lands or ships or attempts to land or ship [^{F1}or brings or attempts to bring through the tunnel system as defined in the Channel Tunnel Act 1987] an animal or thing, and
- (b) by so doing is in contravention of this Act or of an order of the Minister,

is liable under and according to the customs and excise Acts to the penalties imposed on persons importing or exporting or attempting to import or export goods the importation or exportation of which is prohibited.

This section is without prejudice to any proceeding under this Act against such a person for an offence against this Act.

Textual Amendments

F1 Words inserted by [S.I. 1990/2371, art. 2\(1\), Sch. 1](#)

75 Punishment of summary offences not otherwise provided for.

- (1) A person guilty of an offence against this Act for which a penalty is not provided by any other provision of this Act shall be liable on summary conviction—
- (a) to a fine not exceeding [^{F2}level 5 on the standard scale]; or
 - (b) if the offence is committed with respect to more than 10 animals, to a fine not exceeding [^{F3}level 3 on the standard scale] for each animal; or

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

- (c) where the offence is committed in relation to carcases, fodder, litter, dung or other thing (exclusive of animals), to a fine not exceeding [^{F4}level 3 on the standard scale] in respect of every 508 kilogrammes in weight thereof after the first 508 kilogrammes in addition to the first fine not exceeding £400.
- (2) An order—
- (a) made under this Act, and
 - (b) 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 subsection (1) above shall have effect in relation to any summary offence against this Act the existence of which is attributable to the provisions of that order as if for “£400” there were substituted “£1,000”.
- (3) That paragraph (a) of subsection (1) shall have effect as provided by subsection (2) above in relation to any summary offence the existence of which is attributable to the provisions of either of the following orders—
- (a) ^{M1}Rabies (Importation of Dogs, Cats and Other Mammals) Order 1974; and
 - (b) ^{M2}Rabies (Control) Order 1974.
- (4) A person convicted of an offence under any of the following provisions of this Act—
- section 15(7),
 - paragraph (a) of section 35(4),
 - section 66,
 - section 72, and
 - section 73,
- is liable in the court's discretion on a further conviction for a second or subsequent offence against the same provision to imprisonment for any term not exceeding one month in lieu of the fine to which he is liable under subsection (1) above.
- (5) A person convicted of an offence under any of the following provisions of this Act—
- section 8(2),
 - paragraph (b) of section 35(4),
 - section 67,
 - section 68,
 - section 69,
 - section 70, and
 - section 71,
- is liable in the court's discretion to imprisonment for any term not exceeding 2 months in lieu of the fine to which he is liable under subsection (1) above.
- (6) Nothing in this section applies in relation to an offence punishable under section 4 above.

Textual Amendments

- F2** Words substituted by virtue of (E.W.) [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), [ss. 38, 46](#) and (S.) [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\)](#), [ss. 289F, 289G](#)
- F3** Words substituted by virtue of (E.W.) [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), [ss. 38, 46](#) and (S.) [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\)](#), [ss. 289F, 289G](#)

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F4 Words substituted by virtue of (E.W.) Criminal Justice Act 1982 (c. 48, SIF 39:1), **ss. 38, 46** and (S.) Criminal Procedure (Scotland) Act 1975 (c. 21, SIF 39:1), **ss. 289F, 289G**

Marginal Citations

M1 S.I. 1974/2211.

M2 S.I. 1974/2212.

76 Certain importation offences triable either summarily or on indictment.

(1) Where—

(a) an offence against this Act which is declared to be such by an order under section 10 above, and

(b) that order is expressed to be made for the purpose of preventing the introduction of rabies into Great Britain,

that offence may be tried either summarily or on indictment.

(2) For an offence triable under subsection (1) above a person shall be liable—

(a) on summary conviction to a fine not exceeding the statutory maximum;

(b) on conviction on indictment to a fine or to imprisonment for a term not exceeding 12 months or to both.

(3) Where an order under section 10 declares that this subsection applies to an offence which consists of—

(a) a contravention of, or failure to comply with, any provision of that order, or

(b) a failure to observe any conditions to which a licence issued in accordance with that order is subject,

that offence may be tried either summarily or on indictment, and a person convicted of such an offence shall be liable as provided in paragraphs (a) and (b) of subsection (2) above.

^{F5}(4)

Textual Amendments

F5 S. 76(4) repealed (5.11.1993) by 1993 c. 50, s. 1(1), **Sch. 1 Pt.XIV**.

Modifications etc. (not altering text)

C1 S. 76(3) applied by S.I. 1986/2265, **arts. 11, 12**

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