



# 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 [<sup>F1</sup>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](#)

#### [<sup>F2</sup>75 Penalties for certain summary offences **E+W**

- (1) This section applies to any offence under this Act for which no penalty is specified.
- (2) A person guilty of an offence to which this section applies is liable on summary conviction to imprisonment for a term not exceeding six months or to a fine not exceeding level 5 on the standard scale or to both.]

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#### 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

- F2** S. 75 substituted (14.1.2003) by 2002 c. 42, s. 13; S.I. 2002/3044, art. 2

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

- C1** S. 75 applied (W.) (28.10.2005 at 17:20) by [The Avian Influenza \(Preventive Measures\) \(Wales\) Regulations 2005 \(S.I. 2005/2985\)](#), regs. 1, **10(1)(h)**
- C2** S. 75 applied (E.) (28.10.2005 at 12.00 p.m.) by [Avian Influenza \(Preventive Measures in Zoos\) Regulations 2005 \(S.I. 2005/2990\)](#), regs. 1, **7(1)(h)**
- C3** S. 75 applied (W.) (28.10.2005 at 17:20) by [The Avian Influenza \(Preventive Measures in Zoos\) \(Wales\) Regulations 2005 \(S.I. 2005/2984\)](#), regs. 1, **7(1)(h)**
- C4** S. 75 applied (E.) (28.10.2005 at 12.00 p.m.) by [Avian Influenza \(Preventive Measures\) Regulations 2005 \(S.I. 2005/2989\)](#), regs. 1, **10(1)(h)**
- C5** S. 75 applied (W.) (9.12.2005) by [The Avian Influenza \(Preventive Measures\) \(Wales\) \(No. 2\) Regulations 2005 \(S.I. 2005/3384\)](#), regs. 1, **10(1)**
- C6** S. 75 applied (E.) (with modifications) (9.12.2005) by [Avian Influenza \(Preventive Measures\) \(No.2\) Regulations 2005 \(S.I. 2005/3394\)](#), regs. 1(2), **13**
- C7** S. 75 applied (W.) (9.12.2005) by [The Avian Influenza \(Preventive Measures in Zoos\) \(Wales\) \(No. 2\) Regulations 2005 \(S.I. 2005/3385\)](#), regs. 1, **7(1)**
- C8** S. 75 applied (with modifications) (W.) (1.2.2006) by [The Foot-and-Mouth Disease \(Control of Vaccination\) \(Wales\) Regulations 2006 \(S.I. 2006/180\)](#), regs. 1(2), **36(3)**
- C9** S. 75 modified (E.) (23.2.2006) by [Foot-and-Mouth Disease \(Control of Vaccination\) \(England\) Regulations 2006 \(S.I. 2006/183\)](#), regs. 1(2), **37(3)**

## 75 Punishment of summary offences not otherwise provided for. **S**

- (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 [<sup>F4</sup>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 [<sup>F5</sup>level 3 on the standard scale] for each animal; or
  - (c) where the offence is committed in relation to carcasses, fodder, litter, dung or other thing (exclusive of animals), to a fine not exceeding [<sup>F6</sup>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—

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- (a) <sup>M1</sup>Rabies (Importation of Dogs, Cats and Other Mammals) Order 1974; and
- (b) <sup>M2</sup>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.

#### **Extent Information**

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

#### **Textual Amendments**

- F4** Words substituted by virtue of [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\)](#), **ss. 289F**, 289G
- F5** Words substituted by virtue of [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\)](#), **ss. 289F**, 289G
- F6** Words substituted by virtue of [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\)](#), **ss. 289F**, 289G

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

- C11** S. 75 applied (with modifications) (S.) (23.2.2006) by [Foot and Mouth Disease \(Slaughter and Vaccination\) \(Scotland\) Regulations 2006 \(S.S.I. 2006/45\)](#), regs. 1(1), **41(3)**

#### **Marginal Citations**

- M1** [S.I. 1974/2211](#).
- M2** [S.I. 1974/2212](#).

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## 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.

<sup>F3</sup>(4) .....

### Textual Amendments

**F3** S. 76(4) repealed (5.11.1993) by 1993 c. 50, s. 1(1), **Sch. 1 Pt.XIV**.

### Modifications etc. (not altering text)

**C10** S. 76(3) applied by S.I. 1986/2265, **arts. 11, 12**

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