



Animal Health Act 1981

1981 CHAPTER 22

[^{F1}PART 2A

SCRAPIE

Power of entry

[^{F1}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—
 - (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—

Status: Point in time view as at 14/01/2003. This version of this provision has been superseded.

Changes to legislation: There are currently no known outstanding effects for the Animal Health Act 1981, Section 36H. (See end of Document for details)

- (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.]

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](#)

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