Animal Health Act 2002

2002 CHAPTER 42

PART 3

ENFORCEMENT

Offences

12 Deliberate infection of animals

(1) In the 1981 Act the following sections are inserted after section 28—

"**28A Deliberate infection**

(1) A person commits an offence if without lawful authority or excuse (proof of which shall lie on him) he knowingly does anything which causes or is intended to cause an animal to be infected with a disease specified in Schedule 2A.

(2) A person guilty of an offence under subsection (1) is liable—

(a) on summary conviction, to imprisonment for a term not exceeding six months or to a fine not exceeding the statutory maximum or to both;

(b) on conviction on indictment, to imprisonment for a term not exceeding two years or to a fine or to both.

(3) The Secretary of State may by order amend Schedule 2A.

(4) A statutory instrument containing an order under subsection (3) is subject to annulment in pursuance of a resolution of either House of Parliament.

28B Deliberate infection: disqualification

(1) If a person is convicted of an offence under section 28A the court may by order disqualify him, for such period as it thinks fit, from keeping or dealing in—

(a) any animals, or

(b) any animals of a specified kind.

(2) The court may suspend the operation of the order—

(a) for such period as it thinks necessary to enable arrangements to be made for the keeping of any animals to which the disqualification relates;

(b) pending an appeal.

(3) A person who is disqualified under subsection (1) may from time to time apply to the court which imposed the disqualification to remove it or vary it.

(4) On an application under subsection (3) the court may by order—

(a) refuse the application,

(b) remove the disqualification, or

(c) vary the disqualification to apply it only to such animals or kind of animals as it specifies.

(5) In considering an application under subsection (3) the court may have regard to—

(a) the nature of the offence in respect of which the disqualification was imposed;

(b) the character of the applicant;

(c) his conduct since the disqualification was imposed.

(6) The first application under subsection (3) must not be made before the end of the period of one year starting with the date the disqualification starts.

(7) A further application must not be made before the end of the period of one year starting with the date of the court's last order.

(8) For the purposes of this section keeping or dealing in an animal includes—

(a) having custody or control of an animal;

(b) being concerned in the management or control of a body (whether or not incorporated) whose activities include keeping or dealing in animals."

(2) In that Act the following Schedule is inserted after Schedule 2—

"SCHEDULE 2A

SPECIFIED DISEASES

Foot-and-mouth disease
Swine vesicular disease
Peste des petits ruminants
Lumpy skin disease
Bluetongue
African horse sickness
Classical swine fever
Newcastle disease
Vesicular stomatitis
Rinderpest
Contagious bovine pleuropneumonia

Rift Valley fever
Sheep pox and goat pox
African swine fever
Highly pathogenic avian influenza."

13 Penalties for certain summary offences

In the 1981 Act the following section is substituted for section 75—

"**75 Penalties for certain summary offences**

(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."

14 Prosecutions: time limit

In the 1981 Act the following section is inserted before section 72—

"**71A Prosecutions: time limit**

(1) Despite anything in section 127(1) of the Magistrates' Courts Act 1980 an information relating to an offence under this Act which is triable by a magistrates' court in England and Wales may be so tried if it is laid at any time—
   (a) within the period of three years starting with the date of the commission of the offence, and
   (b) within the period of six months starting with the day on which evidence which the prosecutor thinks is sufficient to justify the proceedings comes to his knowledge.

(2) A certificate by the prosecutor as to the date on which such evidence came to his knowledge is conclusive evidence of that fact."

Changes to legislation:
There are currently no known outstanding effects for the Animal Health Act 2002, Cross Heading: Offences.