

Animal Health Bill

EXPLANATORY NOTES

Explanatory notes to the Bill, prepared by the Department for Environment, Food and Rural Affairs, are published as Bill 39 – EN.

EUROPEAN CONVENTION ON HUMAN RIGHTS

Secretary Margaret Beckett has made the following statement under section 19(1)(a) of the Human Rights Act 1998:

In my view the provisions of the Animal Health Bill are compatible with the Convention rights.

Animal Health Bill

CONTENTS

PART 1

SLAUGHTER

- 1 Foot-and-mouth disease
- 2 Extension of power to slaughter
- 3 Adjusted compensation
- 4 Slaughter of vaccinated animals

PART 2

SCRAPIE

- 5 Scrapie

PART 3

ENFORCEMENT

Powers

- 6 Treatment: power of entry
- 7 Slaughter: power of entry
- 8 Tests and samples: power of entry
- 9 Inspection of vehicles
- 10 Obstruction

Offences

- 11 Deliberate infection of animals
- 12 Penalties for certain summary offences
- 13 Prosecutions: time limit

PART 4

GENERAL

- 14 The Minister

- 15 Commencement
- 16 Finance
- 17 Extent
- 18 Short title

Schedule 1 – Adjusted compensation
Schedule 2 – Scrapie

A
B I L L

TO

Amend the Animal Health Act 1981.

BE IT ENACTED by the Queen’s most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

PART 1

SLAUGHTER

1 Foot-and-mouth disease

- (1) In the Animal Health Act 1981 (c. 22) (in this Act referred to as the 1981 Act) paragraph 3 of Schedule 3 (power to cause slaughter of animals because of foot-and-mouth disease) is amended as follows. 5
- (2) In sub-paragraph (1) omit “and” at the end of paragraph (a), and after paragraph (b) insert—
- “*(c)* any animals the Minister thinks should be slaughtered with a view to preventing the spread of foot-and-mouth disease.” 10
- (3) After sub-paragraph (1) insert—
- “(1A) In applying sub-paragraph (1)(c) above it is immaterial whether or not animals—
- (a) are affected with foot-and-mouth disease or suspected of being so affected; 15
- (b) are or have been in contact with animals so affected;
- (c) have been exposed to the infection of foot-and-mouth disease;
- (d) have been treated with vaccine against foot-and-mouth disease.” 20

2 Extension of power to slaughter

- (1) In the 1981 Act the following section is inserted after section 32—

“32A Slaughter to prevent spread of disease

- (1) *The Minister may by order amend Schedule 3 for the purpose of—*
- (a) authorising or requiring the slaughter of animals to be caused with a view to preventing the spread of disease other than foot-and-mouth disease; 5
 - (b) *requiring the payment of compensation in respect of animals slaughtered by virtue of the order.*
- (2) An order under this section may include—
- (a) amendments corresponding to those made by section 1 of the Animal Health Act 2001; 10
 - (b) amendments as to slaughter in relation to any disease not referred to in Schedule 3 (apart from the order);
 - (c) supplementary or incidental provisions (including amendments of provisions other than Schedule 3).
- (3) No order may be made under this section unless a draft of the order has been laid before Parliament and approved by a resolution of each House.” 15
- (2) In section 35(2) of that Act (diseases to which power of seizure and disposal of carcasses applies), in paragraph (a)—
- (a) for the words “and swine-fever” substitute “, swine-fever and transmissible spongiform encephalopathies”; 20
 - (b) after “applies” insert “and any disease in respect of which an order under section 32A is in force”.

3 Adjusted compensation

Schedule 1 contains provisions about the adjustment of compensation. 25

4 Slaughter of vaccinated animals

In the 1981 Act the following section is inserted after section 16—

“16A Slaughter of vaccinated animals

- (1) This section applies to any animal which has been treated with vaccine for the purpose of preventing the spread of foot-and-mouth disease or such other disease as the Minister may by order specify. 30
- (2) The Minister may cause to be slaughtered any animal to which this section applies.
- (3) The power conferred by this section extends to taking any action—
- (a) which is required to enable any such animal to be slaughtered, 35
 - or
 - (b) which is otherwise required in connection with the slaughter.
- (4) *For any animal slaughtered under this section the Minister must pay compensation of such an amount as may be prescribed by order of the Minister.*
- (5) No order may be made under subsection (1) unless a draft of the order has been laid before Parliament and approved by a resolution of each House. 40

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

PART 2

SCRAPIE

5

5 Scrapie

Schedule 2 contains provision about transmissible spongiform encephalopathies in sheep.

PART 3

ENFORCEMENT

10

Powers

6 Treatment: power of entry

- (1) Section 16 of the 1981 Act (treatment after exposure to infection) is amended as follows.

- (2) In subsection (2) for “officer of the Minister” substitute “inspector”. 15

- (3) In that subsection omit the words from “taking with him” to the end.

- (4) After subsection (2) insert the following –

- “(3) 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 an inspector to enter any land or premises, if necessary using reasonable force, for the purpose mentioned in subsection (2). 20

- (4) The first condition is that there are reasonable grounds for an inspector to enter the land or premises for that purpose.

- (5) The second condition is that – 25

- (a) admission to the land or premises has been refused or a refusal is expected, and
(b) notice of intention to apply for a warrant has been given to the occupier of the land or premises.

- (6) The third condition is that – 30

- (a) an application for admission or giving notice of intention to apply for a warrant would defeat the object of entering,
(b) the case is one of urgency, or
(c) the land or premises are unoccupied or the occupier is absent.

- (7) Subsections (8) to (10) apply to an inspector who enters any land or premises by virtue of subsection (2) or under a warrant issued under subsection (3). 35

-
- (8) The inspector may take with him such other persons as he thinks necessary to give him such assistance as he thinks necessary.
- (9) The inspector may require any person on the land or premises to give him such assistance as he reasonably needs for the purpose mentioned in subsection (2). 5
- (10) If the inspector enters any unoccupied premises he must leave them as effectively secured against entry as he found them.
- (11) A warrant issued under subsection (3) remains in force for one month starting with the date of its issue.
- (12) A person commits an offence if— 10
- (a) he is required to give assistance under subsection (9), and
 - (b) he fails to give it.”
- 7 Slaughter: power of entry**
- (1) In the 1981 Act the following sections are inserted after section 62—
- “62A Slaughter: power of entry 15**
- (1) An inspector may at any time enter any premises for the purpose of—
- (a) ascertaining whether a power conferred by or under this Act to cause an animal to be slaughtered should be exercised, or
 - (b) doing anything in pursuance of the exercise of that power.
- (2) In this section and sections 62B and 62C premises includes any land, building or other place. 20
- 62B Slaughter: 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 an inspector to enter any premises, if necessary using reasonable force, for the purpose mentioned in section 62A. 25
- (2) The first condition is that there are reasonable grounds for an inspector to enter the premises for that purpose.
- (3) The second condition is that— 30
- (a) admission to the premises has been refused or a refusal is expected, and
 - (b) notice of intention to apply for a warrant has been given to the occupier of the premises.
- (4) The third condition is that— 35
- (a) an application for admission or giving notice of intention to apply for a warrant would defeat the object of entering,
 - (b) the case is one of urgency, or
 - (c) the premises are unoccupied or the occupier is absent.
- (5) A warrant issued under this section remains in force for one month starting with the date of its issue. 40

62C Slaughter: supplementary

- (1) This section applies to an inspector who enters any premises by virtue of section 62A or under a warrant issued under section 62B.
 - (2) The inspector may take with him such other persons as he thinks necessary to give him such assistance as he thinks necessary. 5
 - (3) The inspector may require any person on the premises to give him such assistance as he reasonably needs for the purpose mentioned in section 62A.
 - (4) If the inspector enters any unoccupied premises he must leave them as effectively secured against entry as he found them.” 10
- (2) In that Act the following section is inserted after section 66—

“66A Refusal and obstruction of inspector

- (1) A person commits an offence if without lawful authority or excuse (proof of which shall lie on him) he—
 - (a) refuses admission to any premises to a person acting under section 62A above, 15
 - (b) obstructs or impedes him in so acting, or
 - (c) assists in any such obstruction or impeding.
- (2) A person commits an offence if—
 - (a) he is required to give assistance under section 62C(3), and 20
 - (b) he fails to give it.”

8 Tests and samples: power of entry

In the 1981 Act the following sections are inserted after section 62C (inserted by section 7 of this Act)—

“62D Tests and samples: power of entry

- (1) A veterinary inspector may at any time enter any premises for the purpose of ascertaining—
 - (a) whether disease anti-bodies exist in animals on the premises or existed in animals which were kept there at any time during the period of 56 days ending with the day on which the veterinary inspector enters the premises; 30
 - (b) whether any animal on the premises or which was kept there at any time during that period is, or was at that time, infected with disease.
- (2) Disease is foot-and-mouth disease and such other disease as the Minister may by order specify. 35
- (3) No order may be made under subsection (2) unless a draft of the order has been laid before Parliament and approved by a resolution of each House.
- (4) In this section and sections 62E and 62F premises includes any land, building or other place. 40

62E Tests and samples: 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 veterinary inspector to enter any premises, if necessary using reasonable force, for the purpose mentioned in section 62D. 5
- (2) The first condition is that there are reasonable grounds for a veterinary inspector to enter the premises for that purpose.
- (3) The second condition is that—
- (a) admission to the premises has been refused or a refusal is expected, and 10
 - (b) notice of intention to apply for a warrant has been given to the occupier of the premises.
- (4) The third condition is that—
- (a) an application for admission or giving notice of intention to apply for a warrant would defeat the object of entering, 15
 - (b) the case is one of urgency, or
 - (c) the premises are unoccupied or the occupier is absent.
- (5) A warrant issued under this section remains in force for one month starting with the date of its issue. 20

62F Tests and samples: supplementary

- (1) This section applies to a veterinary inspector who enters any premises by virtue of section 62D or under a warrant issued under section 62E.
- (2) The inspector may take with him such other persons as he thinks necessary to give him such assistance as he thinks necessary. 25
- (3) The inspector may take such samples (including samples from any animal on the premises) and carry out such tests as he thinks are necessary for the purpose mentioned in section 62D(1).
- (4) The inspector may require any person on the premises to give him such assistance as he reasonably needs for the purpose mentioned in section 62D(1). 30
- (5) If the inspector enters any unoccupied premises he must leave them as effectively secured against entry as he found them.
- (6) A person commits an offence if—
- (a) he is required to give assistance under subsection (4), and 35
 - (b) he fails to give it.”

9 Inspection of vehicles

In the 1981 Act the following section is inserted after section 65—

“65A Inspection of vehicles

- (1) If each of the conditions in subsection (2) is satisfied, an inspector may stop, detain and inspect any vehicle to ascertain whether the provisions of any of the following are being complied with—
- (a) this Act; 5
 - (b) an order made under this Act;
 - (c) a regulation of a local authority made in pursuance of such an order.
- (2) The conditions are—
- (a) that the vehicle is in a designated area in a designated period; 10
 - (b) that the inspector is accompanied by a constable in uniform.
- (3) In subsection (2) “designated” means designated by an order made by the Minister.
- (4) A vehicle includes—
- (a) a trailer, semi-trailer or other thing which is designed or adapted to be towed by another vehicle; 15
 - (b) anything on a vehicle;
 - (c) a detachable part of a vehicle;
 - (d) a container or other structure designed or adapted to be carried by or on a vehicle.” 20

10 Obstruction

In section 60(5) of the 1981 Act (power to apprehend without warrant if officer is obstructed)—

- (a) for “officer other than a constable” substitute “inspector”;
- (b) for “officer” (in the second place where the word occurs) substitute “inspector or a constable”. 25

Offences

11 Deliberate infection of animals

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

“28A Deliberate infection 30

- (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— 35
- (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. 40
- (3) The Minister 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 – 5
- (a) any animals, or
 - (b) any animals of a specified kind.
- (2) The court may suspend the operation of the order – 10
- (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. 15
- (4) On an application under subsection (3) the court may by order –
- (a) refuse the application,
 - (b) remove the disqualification, or 20
 - (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 – 25
- (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. 30
- (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 – 35
- (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 – 40

“SCHEDULE 2A

SPECIFIED DISEASES

Foot-and-mouth disease	
Swine vesicular disease	
Peste des petits ruminants	5
Lumpy skin disease	
Bluetongue	
African horse sickness	
Classical swine fever	
Newcastle disease	10
Vesicular stomatitis	
Rinderpest	
Contagious bovine pleuropneumonia	
Rift Valley fever	
Sheep pox and goat pox	15
African swine fever	
Highly pathogenic avian influenza.”	

12 Penalties for certain summary offences

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

“75 Penalties for certain summary offences	20
(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.”	25

13 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—	30

- (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. 5
- (2) A certificate by the prosecutor as to the date on which such evidence came to his knowledge is conclusive evidence of that fact.”

PART 4

GENERAL

- 14 The Minister** 10
- In section 86 of the 1981 Act (Ministers and their functions) the following subsection is inserted after subsection (1) –
- “(1A) In the following provisions a reference to the Minister is to the Minister of Agriculture, Fisheries and Food and subsection (1) does not apply –
- (a) section 16A; 15
 - (b) section 28A;
 - (c) section 32A;
 - (d) section 35A;
 - (e) Part 2A;
 - (f) section 62D; 20
 - (g) section 65A;
 - (h) in Schedule 3, paragraph 3(1)(c);
 - (i) Schedule 3A.”
- 15 Commencement**
- (1) The preceding provisions of this Act come into force in accordance with provision made by the Secretary of State by order made by statutory instrument. 25
 - (2) An order under this section may make different provision for different purposes.
- 16 Finance** 30
- Any expenditure incurred by a Minister of the Crown in consequence of this Act is to be paid out of money provided by Parliament.*
- 17 Extent**
- This Act extends only to England and Wales.
- 18 Short title** 35
- This Act may be cited as the Animal Health Act 2001.

SCHEDULES

SCHEDULE 1

Section 3

ADJUSTED COMPENSATION

- 1 The Animal Health Act 1981 (c. 22) is amended as follows.
- 2 The following section is inserted after section 35— 5
- “35A Adjusted compensation**
- (1) Schedule 3A to this Act (adjusted compensation for animals slaughtered because of foot-and-mouth disease) shall have effect.
- (2) The Minister may by order amend this Act so as to allow the adjustment of the compensation payable under it for animals slaughtered because of diseases other than foot-and-mouth disease. 10
- (3) An order under subsection (2)—
- (a) may make provision which (subject to any modifications) corresponds to that made by Schedule 3A with regard to animals slaughtered because of foot-and-mouth disease; 15
- (b) may include supplementary or incidental provisions.
- (4) No order may be made under subsection (2) unless a draft of the order has been laid before Parliament and approved by a resolution of each House.”
- 3 The following Schedule is inserted after Schedule 3— 20

“SCHEDULE 3A

FOOT-AND-MOUTH DISEASE: ADJUSTED COMPENSATION

Interpretation

- 1 (1) For the purposes of this Schedule the main provision is paragraph 3 of Schedule 3 to this Act. 25
- (2) For the purposes of this Schedule—
- (a) amount A is the amount of compensation which (apart from this Schedule) would be payable for an animal under the main provision;
- (b) amount B is 75 per cent of amount A; 30
- (c) amount C is the amount equal to the difference between amount A and amount B.

Infected premises: compensation adjusted

- 2 (1) This paragraph applies if an animal is slaughtered under the main provision and the premises on which it was kept by or on behalf of the person to whom compensation is payable constituted an infected place – 5
- (a) at the time when it was slaughtered, or
 - (b) at any time in the period of 28 days starting with the day on which it was slaughtered.
- (2) Premises constitute an infected place at a given time if at that time there is in force a notice which – 10
- (a) was served on the occupier of the premises under an order made under this Act in relation to foot-and-mouth disease, and
 - (b) declares the premises to be an infected place.
- (3) If this paragraph applies, the compensation payable for the animal under the main provision is amount B. 15
- (4) But sub-paragraph (3) is subject to paragraphs 3 to 6.
- (5) Premises includes any land, building or other place.

Disease risk assessment

- 3 (1) If paragraph 2 applies the Minister must cause a disease risk assessment to be made. 20
- (2) A disease risk assessment must be made by a person appointed to be an inspector for the purposes of this Act by the Minister.
- (3) A disease risk assessment is an assessment of whether the occupier of the premises referred to in paragraph 2(1) or persons under his control acted in the relevant period in such a way as to create a significant risk of the spread of foot-and-mouth disease. 25
- (4) In making a disease risk assessment account must be taken of –
- (a) the extent of compliance with the provisions of this Act, any order made under this Act or any regulation of a local authority made in pursuance of such an order; 30
 - (b) the extent of co-operation with inspectors and other persons;
 - (c) any relevant report.
- (5) The Minister must serve a copy of the disease risk assessment on the person to whom compensation for the animal is payable under the main provision. 35
- (6) Within the period of 14 days starting with the day on which the copy was served on him, that person may make written representations to the Minister. 40
- (7) A relevant report is a report resulting from an inspection which –
- (a) was made of the premises on which the animal was kept, and
 - (b) was carried out by an inspector in the relevant period.

- (8) The relevant period is the period of 21 days ending with the day on which the animal was slaughtered.

Assessment not carried out

- 4 (1) This paragraph applies if the inspector is unable to carry out a disease risk assessment because— 5
- (a) he is refused entry to the premises by the occupier or a person under the occupier’s control, or
 - (b) the occupier of the premises or a person under his control obstructs the inspector in carrying out the assessment.
- (2) If this paragraph applies— 10
- (a) paragraphs 5 and 6 do not apply, and
 - (b) the Minister must decide that the compensation payable for the animal under the main provision is amount B.
- (3) In such a case the compensation payable for the animal remains amount B. 15

Amount of compensation

- 5 (1) After considering the disease risk assessment and any representations made under paragraph 3(6) the Minister must decide that the compensation payable for the animal under the main provision is to be one of the following— 20
- (a) amount A;
 - (b) amount B plus such part of amount C as the Minister considers to be reasonable;
 - (c) amount B.
- (2) If the Minister decides as is mentioned in sub-paragraph (1)(a) or (b) the compensation payable for the animal must be calculated accordingly. 25
- (3) If the Minister decides as mentioned in sub-paragraph (1)(c) the compensation payable for the animal remains amount B.
- (4) But sub-paragraphs (1) to (3) are subject to paragraph 6. 30
- (5) The Minister must serve on the person to whom compensation for the animal is payable under the main provision a notice stating the Minister’s decision under this paragraph.

Appeal

- 6 (1) Within the period of 14 days starting with the day on which a notice is served on a person under paragraph 5(5), that person may make to the Minister a written statement that he appeals against the Minister’s decision under paragraph 5. 35
- (2) If a person makes a statement under sub-paragraph (1) he must at the same time pay to the Minister a sum of such amount as the Minister prescribes by order; and an order may prescribe circumstances in which no sum is payable. 40
- (3) If a person makes a statement under sub-paragraph (1) and pays any sum required by sub-paragraph (2)—

- (a) the Minister must appoint an independent person to consider the appeal;
 - (b) the procedure relating to the appeal is to be such as is prescribed by order made by the Minister;
 - (c) the compensation payable for the animal is to be such as is decided by the independent person (but not exceeding amount A). 5
- (4) If the independent person decides an amount exceeding that arrived at under paragraph 5—
- (a) no interest is payable on the excess in respect of the period before the decision is made; 10
 - (b) the Minister must return any sum paid under subparagraph (2).
- (5) A statutory instrument containing an order under this paragraph is subject to annulment in pursuance of a resolution of either House of Parliament. 15

Consultation and publication

- 7 (1) Before the matters to be covered by a disease risk assessment are decided or amended, the Minister must consult representative persons as to what the matters should be; and representative persons are persons the Minister considers to be representative of persons likely to be affected by this Schedule. 20
- (2) After the matters to be covered by a disease risk assessment are decided or amended, the Minister must publish them in such manner as he considers to be appropriate to bring them to the attention of persons likely to be affected by this Schedule. 25
- (3) It is immaterial that any consultation carried out for the purposes of this paragraph occurs before the commencement of this paragraph.”

SCHEDULE 2

Section 5 30

SCRAPIE

In the Animal Health Act 1981 (c. 22) the following Part is inserted after Part 2—

“PART 2A

SCRAPIE

Sheep genotypes 35**36A Power of Minister to specify sheep genotypes**

The Minister may by order specify sheep genotypes which, in his opinion, are more susceptible than other sheep genotypes—

- (a) to infection by transmissible spongiform encephalopathies generally, or by a particular form of transmissible spongiform encephalopathy, or
- (b) to becoming carriers.

Genetically susceptible sheep

5

36B Identification of genetically susceptible sheep

- (1) The Minister may by regulations make provision requiring the keeper of any sheep—
 - (a) to allow an inspector to take a sample from it, for the purpose of establishing its genotype; 10
 - (b) to allow an inspector to administer or otherwise attach to it an electronic identification device;
 - (c) where the genotype of the sheep has been established (whether or not as a result of the exercise of powers conferred by this Part) to keep a record of its genotype. 15
- (2) The regulations may, in particular—
 - (a) provide that only electronic identification devices of a prescribed kind may be administered or attached;
 - (b) make provision as to the assistance which an inspector may require the keeper to give to him; 20
 - (c) make provision with respect to the testing of samples;
 - (d) require the issuing and keeping of certificates recording the genotypes of sheep.

36C Restrictions on breeding from genetically susceptible sheep

- (1) This section applies where it appears to the Minister that a sheep is of a genotype specified in an order under section 36A. 25
- (2) The Minister must consider whether there are exceptional circumstances that justify allowing the sheep to be used for breeding.
- (3) If it appears to the Minister that allowing the sheep to be used for breeding would not be justified, he must give notice to its keeper (“a restriction notice”) that the restrictions and requirements imposed by subsections (7) to (9) apply in relation to the sheep. 30
- (4) A restriction notice—
 - (a) may be made so as to apply to more than one sheep, and
 - (b) may describe the sheep to which it applies in such a way as the Minister considers appropriate. 35
- (5) If the keeper of a sheep is not the same person as its owner, the Minister may give a separate restriction notice to the owner.
- (6) Subsections (7) to (9) apply to a person to whom a restriction notice is given. 40
- (7) He must not—

- (a) use a sheep to which the notice applies, or its semen, eggs or embryos, for purposes of or connected with breeding, or
 - (b) cause or permit such a sheep or such semen, eggs or embryos to be used by another person for those purposes.
- (8) He must arrange for any semen, egg or embryo which has at any time been taken from a sheep to which the notice applies, and which is in his possession or under his control, to be destroyed. 5
- (9) He must arrange for each sheep to which the notice applies –
- (a) to be castrated or (as appropriate) sterilised before the end of the period of one month beginning with the date on which the notice was given, or 10
 - (b) to be slaughtered before the end of the period of seven months beginning with that date.

36D Appeals

- (1) A person to whom a restriction notice has been given may appeal against the notice to a person appointed by the Minister for the purpose of dealing with appeals under this Part (“an assessor”). 15
- (2) An appeal may not be brought after the end of the period of 21 days beginning with the date on which the notice concerned was given to the appellant. 20
- (3) But the Minister may, in a particular case, extend the period of 21 days if he considers that there are exceptional circumstances justifying the extension.
- (4) If the restriction notice applies to more than one sheep, the appeal may be limited to the sheep specified by the appellant. 25
- (5) If the assessor allows the appeal, in whole or in part, he may –
- (a) revoke the notice,
 - (b) revoke the notice so far as it applies to one or more sheep specified by him, or
 - (c) direct that a further test is carried out in relation to sheep specified by him. 30
- (6) A direction under subsection (5)(c) may require –
- (a) a further sample to be taken,
 - (b) the further test to be carried out by a different testing laboratory. 35
- (7) The Minister may make regulations supplementing the provisions of this section.
- (8) The regulations may, in particular, make provision –
- (a) as to the procedure to be followed on an appeal,
 - (b) extending the period mentioned in section 36C(9)(a) where an appeal is brought against a restriction notice, 40
 - (c) requiring the appellant to meet the reasonable costs of, and in connection with, the taking of a further sample or the

- carrying out of a further test as a result of a direction under subsection (5)(c), and
- (d) as to the recovery of any such costs.
- (9) The revocation of a restriction notice (in whole or in part) by an assessor does not prevent the issue of another restriction notice, following the testing of a further sample. 5

Enforcement

36E Minister's powers of enforcement

- (1) This section applies if the Minister is satisfied that a person to whom a restriction notice has been given has failed to comply with one or more of the restrictions or requirements imposed on him by section 36C. 10
- (2) But it does not apply in relation to any sheep –
- (a) which is the subject of an appeal under section 36D which has not been disposed of, or 15
- (b) which, as the result of a successful appeal, is no longer subject to the restriction notice.
- (3) The Minister may take such reasonable steps as he considers appropriate to secure that the failure is remedied.
- (4) In particular, the Minister may cause to be castrated (or as appropriate sterilised) or slaughtered any sheep – 20
- (a) which is the subject of the notice, but
- (b) which has neither been castrated (or as appropriate sterilised) nor slaughtered within the period mentioned in section 36C(9)(b). 25
- (5) The Minister may make regulations supplementing the provisions of this section.

36F Offences

- (1) A person to whom a restriction notice is given commits an offence (whether or not the notice is the subject of an appeal) if – 30
- (a) he sells (or otherwise transfers to another person) a sheep to which the notice applies, or any of its semen, eggs or embryos;
- (b) he fails, without reasonable excuse (proof of which lies on him) to comply with any of the restrictions or requirements imposed by subsections (7) to (9) of section 36C. 35
- (2) Any other person commits an offence if he uses any semen, egg or embryo which he knows, or has reasonable cause to believe, has been taken from a sheep which is the subject of a restriction notice.
- (3) A person commits an offence if, without reasonable excuse (proof of which lies on him), he fails to comply with any provision of regulations made under section 36B. 40

- (4) A person commits an offence if he obstructs an inspector or any other person discharging, or attempting to discharge, functions conferred by or under this Part.

Power of entry

36G Power of entry 5

- (1) An inspector or a constable may at all reasonable times enter any premises for the purpose of –
- (a) carrying out any function he has under or in pursuance of this Part, or
 - (b) ascertaining whether any such function should be exercised. 10
- (2) Subsection (1) does not apply to premises used only as a private dwelling-house unless 24 hours' notice of the intended entry is given to the occupier.
- (3) A person acting under subsection (1) must, if required, show evidence of his authority to act under that subsection. 15

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. 20
- (2) 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.
- (3) The second condition is that – 25
- (a) admission to the premises has been refused or a refusal is expected, and
 - (b) notice of intention to apply for a warrant has been given to the occupier of the premises.
- (4) The third condition is that – 30
- (a) an application for admission or giving notice of intention to apply for a warrant would defeat the object of entering,
 - (b) the case is one of urgency, or
 - (c) the premises are unoccupied or the occupier is absent.
- (5) A warrant issued under this section remains in force for one month starting with the date of its issue. 35

36I Supplementary

- (1) This section applies to a person who enters premises by virtue of section 36G(1) or under a warrant issued under section 36H (an authorised person). 40

- (2) An authorised person may take with him such other persons as he thinks necessary to give him such assistance as he thinks necessary.
- (3) An authorised person may require any person on the premises to give him such assistance as he reasonably needs for the purpose mentioned in section 36G(1). 5
- (4) An authorised person may –
 - (a) inspect any records (in whatever form they are held) relating to the keeping, acquisition or disposal of animals;
 - (b) seize and detain any records which he reasonably thinks may be needed as evidence in any proceedings under or by virtue of this Act. 10
- (5) If an authorised person enters any unoccupied premises he must leave them as effectively secured against entry as he found them.

36J Offences

- (1) A person commits an offence if without lawful authority or excuse (proof of which shall lie on him) he – 15
 - (a) refuses admission to any premises to a person acting under section 36G above,
 - (b) obstructs or impedes him in so acting, or
 - (c) assists in any such obstruction or impeding. 20
- (2) A person commits an offence if –
 - (a) he is required to give assistance under section 36I(3), and
 - (b) he fails to give it.

General

36K Compensation 25

The Minister may make regulations providing for the payment by him of compensation in respect of loss suffered or costs incurred as a result of the exercise of a power conferred by or under this Part.

36L Regulations

- (1) A power to make regulations under this Part is exercisable by statutory instrument. 30
- (2) Such a statutory instrument is subject to annulment in pursuance of a resolution of either House of Parliament.

36M Interpretation

In this Part – 35
“keeper”, in relation to a sheep, includes an owner of the sheep;
“premises” includes any land, building or other place;
“restriction notice” means a notice given under section 36C.”

Animal Health Bill

A

B I L L

To amend the Animal Health Act 1981.

*Presented by Secretary Margaret Beckett
supported by
The Prime Minister, Mr Secretary Prescott,
Mr Chancellor of the Exchequer,
Mr Secretary Blunkett,
Mr Secretary Milburn, Mr Secretary Murphy,
Mr Michael Wills and Mr Elliot Morley*

*Ordered, by The House of Commons,
to be Printed, 30th October 2001.*

© Parliamentary copyright House of Commons 2000
*Applications for reproduction should be made in writing to the Copyright Unit,
Her Majesty's Stationery Office, St. Clements House, 2-16 Colegate, Norwich, NR3 1BQ*

PRINTED BY AUTHORITY OF THE HOUSE OF COMMONS
LONDON: THE STATIONERY OFFICE
Printed in the United Kingdom by
The Stationery Office Limited
£x.xx net