



**Isle of Man**

*Ellan Vannin*

**AT 22 of 1996**

**ANIMAL HEALTH ACT 1996**





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*Ellan Vannin*

## ANIMAL HEALTH ACT 1996

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**Isle of Man**

*Ellan Vannin*

## **ANIMAL HEALTH ACT 1996**

*Received Royal Assent:* 15 October 1996  
*Passed:* 15 October 1996  
*Commenced:* 18 November 1997

**AN ACT** to repeal and replace the Diseases of Animals Acts 1948 to 1975 and certain related enactments; to make provision for animal health and welfare; and for connected purposes.

### **PART I – GENERAL**

#### *General powers of Department to make orders*

#### **1 General powers of Department to make orders**

[P1981/22/1]

The Department of Environment, Food and Agriculture (in this Act referred to as “**the Department**”) may make such orders as it thinks fit —

- (a) generally for the better execution of this Act, or for the purpose of in any manner preventing disease and the spreading of disease; and
- (b) in particular for the purposes set out in this Act, and for prescribing and regulating the payment and recovery of expenses in respect of animals.<sup>1</sup>

#### *Eradication and prevention of disease*

#### **2 Expenditure for eradication**

[P1981/22/3]

- (1) The Department may, with the Treasury’s approval, expend such sums as it thinks fit with the object of eradicating as far as practicable diseases of animals in the Island.

In this subsection ‘disease’ is not restricted by its definition in this Act.

- (2) To obtain information required for the purposes of subsection (1) the Department may authorise in writing any veterinary inspector or other officer of the Department to inspect animals.
- (3) A person so authorised may, for the purpose of any inspection to be carried out by him —
  - (a) at all reasonable times, and
  - (b) upon production of his authority on demand,enter on any land and apply such tests and take such samples as he considers necessary.
- (4) The owner and the person in charge of an animal on that land shall comply with all reasonable requirements of the authorised officer as to the collection and confinement of the animals and afford all other reasonable facilities for the examination of the animals and application of such tests and the taking of samples by the officer.

### **3 Veterinary services**

[P1981/22/5]

Without prejudice to the generality of section 2, the Department has the power, with the Treasury's approval, to provide veterinary services, including diagnostic services, whether free of charge or not, for any of the purposes of this Act.

### **4 Eradication areas and disease free areas**

[P1981/22/6]

The Department may make orders —

- (a) declaring any area to be an eradication area for purposes connected with the control of disease;
- (b) declaring any area as respects which it is satisfied that any particular disease is for practical purposes non-existent in that area to be a disease free area for purposes connected with the control of that disease; and
- (c) prohibiting or regulating the movement of animals into, out of or within any area which is for the time being an eradication area or a disease free area or, any other measure which may be considered necessary for the eradication of disease.

### **4A Biosecurity guidance**

- (1) The Department may by order approve guidance issued (whether by the Department or another person) on the appropriate measures ("biosecurity measures") to be taken to prevent the spread of causative agents of —
  - (a) foot-and-mouth disease;



- (b) any other disease specified in an order of the Department.
- (2) Before issuing or approving guidance on biosecurity measures the Department shall consult such persons and organisations as appear to it to be representative of those having an interest in such measures.
- (3) The Department shall from time to time review guidance approved under subsection (1) and may, after such consultation as is mentioned in subsection (2), at any time by order —
  - (a) approve any modification of the guidance, or
  - (b) withdraw its approval;and references in this section to guidance approved under subsection (1) shall be construed accordingly.
- (4) If a person to whom this subsection applies fails to comply with guidance approved under subsection (1), he or she is not by reason only of that failure liable in any civil or criminal proceedings; but the guidance is admissible in evidence in such proceedings, and a court may take account of any failure to act in accordance with it in deciding any question in the proceedings.
- (5) Subsection (4) applies to —
  - (a) any person having functions under this Act;
  - (b) any person who is the owner or occupier of premises on which animals are kept;
  - (c) any person who has charge of animals;
  - (d) any person who is under the direction of a person mentioned in paragraphs (a) to (c).<sup>2</sup>

*Cleansing, marking and movement*

## 5 Cleansing and disinfection

[P1981/22/7]

The Department may make such orders as it thinks fit —

- (a) for prescribing and regulating the cleansing and disinfection of places used for the holding of markets, fairs, exhibitions or sales of animals, or for lairage of animals, and yards, sheds, stables, containers, fields, enclosures and other places used for animals;
- (b) for prescribing and regulating the cleansing and disinfection of vessels, aircraft, vehicles, pens, and containers, and other places, and things used for the carrying of animals;
- (c) for prescribing and regulating the disinfection of the clothes of persons coming in contact with or employed about diseased or suspected animals and the use of precautions against the spreading of disease by such persons;

- (d) for prescribing modes of cleansing and disinfection.

## 6 Marking and movement generally

[P1981/22/8]

- (1) The Department may make such orders as it thinks fit —
  - (a) for prescribing and regulating the marking of animals and the isolation of newly acquired animals;
  - (b) for prohibiting or regulating —
    - (i) the movement and removal of animals, animal products, semen, ova and embryos;
    - (ii) the removal of carcasses, fodder, litter, excrement and other things;
  - (c) for prescribing and regulating —
    - (i) the issue and production of licences; and
    - (ii) the keeping of records and documents, for the purpose of paragraphs (a) and (b);
  - (d) for prohibiting, absolutely or conditionally, the use, for the carrying of animals or for any connected purpose, of a vessel, aircraft, vehicle, container, aquarium or pen or other place or thing;
  - (e) for prohibiting or regulating the holding of markets, fairs, exhibitions, sales of animals, gymkhanas, hunts or meets, and other events at which animals will be present.
- (2) An order under subsection (1)(c)(ii) may make provision —
  - (a) requiring persons to furnish to an inspector such records and documents as are required to be kept under that subsection; and
  - (b) permitting an inspector to retain such records and documents for such reasonable time as is necessary for the purpose of determining their accuracy.
- (3) A person is guilty of an offence against this Act if, where an order of the Department absolutely or conditionally prohibits the use of a vessel, aircraft, vehicle, container, aquarium or pen, or other place or thing, for the carrying of animals or for any connected purpose, he, without lawful authority or excuse, proof of which shall lie with him, does anything so prohibited.
- (4) In relation to horses and ponies, the powers conferred by subsection (1)(a) shall not require horses or ponies to be marked in a manner which is likely to affect their appearance.

*Transport by sea and air***7 Prohibition in specific cases**

[P1981/22/9]

The Department may make such orders as it thinks fit for prohibiting the conveyance of animals by any specified vessel or aircraft to or from any port or aerodrome in the Island for such time as the Department may consider expedient.

**8 Importation**

[P1981/22/10]

- (1) The Department may by order make such provision as it thinks fit for the purpose of preventing the introduction or spreading of disease into or within the Island through the importation of —
  - (a) animals and carcases;
  - (b) animal products;
  - (c) other things, whether animate or inanimate, by or by means of which it appears to it that any disease might be carried or transmitted or caused to be carried or transmitted.
- (2) Without prejudice to the generality of the powers conferred by this section and by section 1, for the purpose specified in subsection (1) an order under this section —
  - (a) may prohibit or regulate the importation of any of the things specified in paragraphs (a) to (c) of subsection (1);
  - (b) may make provision not only with respect to imports (including vessels, boats, aircraft, containers and vehicles of any description) but also with respect to persons, animals, and other things which have been or may have been in contact with imports; and
  - (c) may make provision with respect to any of the matters specified in Schedule 1.
- (3) An order under this section may provide that, in such circumstances as may be specified in the order, animals which —
  - (a) are brought into the island in such circumstances that they are not imported, within the meaning of this Act, and
  - (b) whilst outside the Island have been or may have been in contact with any of the things specified in paragraphs (a) to (c) of subsection (1),shall be deemed for the purposes of this section and Schedule 1 to be imported at the time when they are brought into the Island.
- (4) In this section ‘disease’ is not restricted by its definition in this Act.

- (5) An order under this section which is expressed to be made for the purpose of preventing the introduction of disease into the Island may include provision for the destruction, by such persons as may be prescribed by the order, of animals in respect of which the order or any licence granted under it is contravened.
- (6) For the purposes of this section and Schedule 1 the time of importation of any thing or animal shall be —
  - (a) in the case of carriage by sea, the time when the ship carrying it comes within the limits of a port;
  - (b) in the case of carriage by air, the time when the aircraft carrying it lands in the Island or the time when unloaded in the Island, whichever is the earlier.
- (7) The landing of imported animals in the Island shall be effected in such manner, at such times and subject to such supervision as the Department may direct.

## 9 Exports

[P1981/22/11]

The Department may by order make provision in the interests of animal health, animal welfare or human health, for regulating the exportation from the Island of animals, animal carcasses or animal products, and in particular —

- (a) for prohibiting exportation without such certificate or licence as may be prescribed by the order,
- (b) as to the circumstances in which and conditions on which a certificate or licence may be obtained; and
- (c) may make provision with respect to any of the matters specified in Schedule 1.

## 10 Isolation facility

[P1981/22/12]

- (1) For the purpose of preventing the conveyance of disease by animals exported from or imported into the Island, the Department may —
  - (a) provide or approve facilities for the examination of animals intended for export or import; and
  - (b) provide or approve one or more isolation facilities for the reception, isolation and examination of such animals.
- (2) Without prejudice to the generality of the power of the Department to approve or revoke the approval of isolation facilities, when determining whether or not to approve or revoke the approval of an isolation facility, the Department shall take into account the welfare of the animals within such facility.

- (3) Notwithstanding anything in this Act, compensation shall not be payable under this Act in respect of any animal intended for export or import, which by reason of —
- (a) its having been diseased or suspected of being affected with any disease,
  - (b) its having been exposed to the infection of any disease, other than a compulsorily notifiable disease; or
  - (c) the welfare of the animal,
- is slaughtered in an isolation facility provided or approved under subsection (1)(b).

### *Prevention*

## **11 Prevention of disease**

- (1) The Department may make such orders as it thinks fit for prescribing, regulating and securing the treatment (including vaccination) of animals.
- (2) The Department may make such orders as it thinks fit to require the taking of measures (including the muzzling of animals) for the purpose of preventing the spread of disease.
- (3) The Department may make such orders as it thinks fit for prohibiting or regulating the use of any vaccine, serum or other treatment for the purpose of preventing the spread of disease.
- (4) An inspector of the Department may —
  - (a) subject to the directions of the Department; and
  - (b) for the purposes of any order under subsections (1) and (2),enter any land and examine any animal on that land.
- (5) The owner and the person in charge of any animal shall comply with all reasonable requirements of the inspector as to the collection and confinement of the animals and afford all other reasonable facilities for the examination of the animals by the inspector.

## **PART II – DISEASE**

### *Outbreak*

## **12 Separation and notice**

[P1981/22/15]

- (1) Any person having in his possession or under his charge an animal affected or suspected of being affected with a compulsorily notifiable disease shall —

- (a) as far as practicable keep that animal separate from animals not so affected; and
  - (b) with all practicable speed give notice of the fact of the animal being so affected or suspected of being affected to the Department or to a police officer who shall convey the information to the Department.
- (2) Any person who knows or suspects that an animal (whether in captivity or not) is affected with a compulsorily notifiable disease shall give notice of that fact to the Department unless —
- (a) he believes on reasonable grounds that another person has given notice under this section in respect of that animal, or
  - (b) he is exempted from doing so by an order under section 1,
- and, if the animal is in his possession or under his charge, shall as far as practicable keep the animal separate from other animals.
- (3) Any person having in his possession or under his charge an animal which is affected with a disease (other than a compulsorily notifiable disease) to which this subsection applies shall with all practicable speed give notice of the fact of the animal being so affected to the Department.
- (4) The Department may make such orders as it thinks fit for —
- (a) prescribing and regulating the notice to be given to or by any person or authority in case of any particular disease or in case of the illness of an animal;
  - (b) specifying the diseases which are to be compulsorily notifiable diseases for the purposes of this Act;
  - (c) specifying the diseases to which subsection (3) applies;
  - (d) supplementing or varying for those purposes any of the provisions of subsections (1) to (3).
- (5) A person is guilty of an offence against this Act who, without lawful authority or excuse, proof of which shall lie with him, fails where required by this Act or by an order of the Department —
- (a) to keep an animal separate so far as practicable; or
  - (b) to give notice of disease with all practicable speed.

### 13 Treatment after exposure to infection

[P1981/22/16]

- (1) For the purpose of preventing the spread of disease, the Department may cause to be treated with serum or vaccine, or with both serum and vaccine, or any other treatment, any animal —
- (a) which has been in contact with a diseased animal, or
  - (b) which appears to the Department to be or to have been in any way exposed to the infection of disease; or

- (c) which is in an infected area.
- (2) The powers conferred by this section shall be construed as extending to the taking of any action —
  - (a) which is requisite for enabling the appropriate treatment to be administered, or
  - (b) which is otherwise required in connection with that treatment.<sup>3</sup>
- (3) For the purpose of exercising the powers conferred by this section an inspector may enter any land, premises, building or other place.<sup>4</sup>

### *Infection*

## **14 Powers as to infected places and areas**

[P1981/22/17]

- (1) The Department may make such orders as it thinks fit for prescribing the cases in which places and areas are to be declared to be infected with a disease and the authority, mode, and conditions by, in, and on which declarations in that behalf are to be made, and their effect and consequences, and their duration and discontinuance, and other connected matters.
- (2) Every place or area so declared infected shall be an infected place or area for the purposes of this Act.
- (3) A notice served in pursuance of directions of the Department by virtue of an order made under this section shall be conclusive evidence to all intents of the existence or past existence or cessation of the disease, and of any other matter on which the notice proceeds.

## **15 Other provisions as to infected places and areas**

[P1981/22/18]

- (1) Notwithstanding anything in this Act, where the Department, after making a declaration of a place being an infected place finds that it has been made in error —
  - (a) respecting the existence or past existence of disease, or
  - (b) respecting the limits of a place, or
  - (c) respecting any other matter of fact on which the declaration proceeded,the Department may by order cancel the declaration as regards the infected place, or as regards any part of it, as it thinks fit.
- (2) Where, in accordance with the provisions of this Act —
  - (a) a place or an area or a portion of an area is declared free from a disease, or

- (b) a declaration of a place being an infected place is cancelled as regards the place or as regards any part of it,

then, from the time specified in that behalf by the Department the place, or area or that portion of the area or that part of the place, shall cease to be, or to be in, an infected place or area.

- (3) An order of the Department —
  - (a) declaring a place to be an infected place or area, or
  - (b) declaring a place or area, or a portion of an area, to be free from disease, or
  - (c) cancelling a declaration,

shall be conclusive evidence to all intents of the existence or past existence or cessation of the disease, or of the error, and of any other matter on which the order proceeds.

## 16 Destruction of wildlife

[P1981/22/19 and 21]

- (1) This section —
  - (a) applies to any disease which is for the time being a disease for the purposes of section 1(a); and
  - (b) is without prejudice to any powers conferred by other provisions of this Act on the Department.
- (2) Subject to the provisions of this section, if the Department is satisfied that the destruction of the wild members of one or more species is necessary in order to prevent the spread of, eliminate, or substantially reduce the incidence of, a disease to which this section applies in animals of any kind or in man, it may by order provide for the destruction of wild members of that or those species.
- (3) Before making an order under this section the Department shall consult with such nature conservation bodies as appear to the Department to be appropriate, and every order so made shall specify —
  - (a) the disease to which it applies; and
  - (b) the one or more species to which it relates.
- (4) An order under this section providing for the destruction of wild members of one or more species may authorise the use of one or more methods of destruction that would otherwise be unlawful.

The order shall not authorise such use unless the Department is satisfied that use of the method or methods in question is the most appropriate way of carrying out that destruction, having regard to all relevant considerations and, in particular, the need to avoid causing unnecessary suffering to wild members of the species in question.

- (5) An order under this section may include provision —



- (a) for ensuring that destruction of wild members of any species to which the order relates is properly and effectively carried out, and in particular —
    - (i) for preventing persons from taking into captivity, harbouring, concealing or otherwise protecting wild members of any such species with intent to prevent their destruction, or
    - (ii) in any other way obstructing or interfering with anything which has been, is being or is to be done or used in connection with that destruction;
  - (b) for regulating the ownership and disposal of the carcasses of members of any such species destroyed.
- (6) Before commencing the destruction of wild members of a species on any land the Department shall take all reasonable steps to inform —
- (a) the occupier of the land, and
  - (b) any other person who may be there,
- of its intention to carry out that destruction and of the methods of destruction to be used.
- It shall be the Department's duty to ensure that destruction is carried out in as safe and humane a manner as is possible in all the circumstances.
- (7) Where an order under this section is in force, the Department shall have power to take such measures (including the erection of fences or other obstacles) as it considers appropriate —
- (a) for preventing the movement of living creatures into or out of any area while destruction of wild members of any species to which the order relates is being carried out in the area; and
  - (b) where destruction of wild members of any such species has been or is to be carried out in any area, for preventing the recolonisation of that area by members of that species for as long as it considers necessary to prevent reappearance among them of the disease to which the order applies.
- (8) As soon as practicable after the Department is satisfied, in the case of any land, that any measures affecting that land which have been taken in connection with an order under this section are no longer necessary, it shall —
- (a) remove from the land anything placed or erected on it; and
  - (b) take such other steps as are reasonably practicable to reinstate the land.
- (9) In this section and section 17, references to wild members of any species are references to members of the species that are neither domesticated nor held in captivity.

**17 Powers of entry etc for s 16**

[P1981/22/22]

- (1) In relation to any disease to which section 16 applies the following persons are authorised officers for the purposes of this section —
- (a) an officer of the Department,
  - (b) a veterinary inspector, and
  - (c) any person who, not being such an officer or inspector, is authorised by the Department to exercise the powers conferred by this section,

and section 16(9) applies to this section.

- (2) Where an authorised officer has reasonable grounds for suspecting that there exists among the wild members of any species a disease to which section 16 applies, he may enter any land and —
- (a) take samples of the wild members of that species, or of their excreta, or of any materials (whether or not forming part of the land) with which wild members of that species may have been in contact;
  - (b) carry out any other investigations which he considers necessary for the purpose of determining, as regards that species and that disease, whether an order under section 16 should be made.
- (3) An authorised officer may at any time enter any land when an order under section 16 is in force for any of the following purposes —
- (a) to carry out the destruction of any wild members of a species to which the order relates that may be on that land;
  - (b) to take any such measures as are mentioned in section 16(7);
  - (c) to ascertain, as regards any wild members of a species to which the order relates, whether destruction has been effectively carried out.
- (4) Where in pursuance of an order under section 16 destruction of wild members of any species to which the order relates has been carried out on any land, then, for the purpose of ascertaining —
- (a) whether the land has been or is being recolonised by wild members of that species, and, if so,
  - (b) whether there exists among them the disease to which the order applies (or, if the order has been revoked, to which it previously applied),

an authorised officer may enter the land and take such samples of or relating to that species as are mentioned in subsection (2)(a); but the powers conferred by this subsection shall not be exercisable at any time more than 2 years after the revocation of the order in question.

- (5) A person entering any land in the exercise of powers conferred on him by this section shall, if so required by the owner or occupier or person in charge of the land —
  - (a) produce to him some duly authenticated document showing his authority; and
  - (b) state in writing his reasons for entering.
- (6) The preceding provisions of this section are without prejudice to any powers conferred on inspectors or others by or by virtue of any other provision of this Act.

## **18 Orders as to infected places and areas**

[P1981/22/23]

The Department may make such orders as it thinks fit for all or any of the following purposes —

- (a) for prescribing and regulating by the publication of notices, placards, handbills, or otherwise, in the immediate neighbourhood of a place or area declared infected, of the fact of such declaration;
- (b) for prohibiting or regulating the movement of animals and persons into, within, or out of an infected place or area;
- (c) for prohibiting or regulating the use of any public right of way within an infected place or area;
- (d) for prescribing and regulating the isolation or separation of animals being in an infected place or area;
- (e) for prohibiting or regulating the removal of carcasses, fodder, litter, utensils, pens, hurdles, excrement, or other things into, within, or out of an infected place or area;
- (f) for prescribing and regulating the destruction, burial, disposal, or treatment of carcasses, fodder, litter, utensils, pens, hurdles, excrement, or other things, being in or removed from an infected place or area;
- (g) for prescribing and regulating the cleansing and disinfection of infected places and areas, or parts of them;
- (h) for prescribing and regulating the disinfection of the clothes of persons being in an infected place, and the use of precautions against the spreading of disease by such persons.

### **18A Preventing introduction or spread of disease**

- (1) The Department may by order declare any area comprising the whole or any part of the Island to be a controlled area for purposes connected with preventing the introduction into, or the spread within, that area of disease or causative agents of disease.

- (2) An order under subsection (1) may include provision for all or any of the following —
- (a) prohibiting or regulating the movement of animals and persons into, within or out of the controlled area;
  - (b) prohibiting or regulating the use of any public right of way within the controlled area;
  - (c) prescribing and regulating the isolation or separation of animals being in the controlled area;
  - (d) prohibiting or regulating the removal of carcasses, fodder, litter, utensils, pens, hurdles, excrement, or other things into, within or out of the controlled area.<sup>5</sup>

## 19 Movement of diseased or suspected animals

[P1981/22/25]

The Department may make such orders as it thinks fit for all or any of the following purposes —

- (a) for prohibiting or regulating the exposure of diseased or suspected animals in markets or fairs or sale-yards, or other public or private places, where animals are exposed for sale, show or exhibition and their placing in lairs or other places adjacent to or connected with markets or fairs, or where animals are placed before exposure for sale, show or exhibition;
- (b) for prohibiting or regulating the sending or carrying of diseased or suspected animals, or of excrement or other thing likely to spread disease, or causing them to be sent or carried, on railways, canals, rivers, or inland navigations, or in coasting vessels, or in an aircraft engaged in a flight or a part of a flight beginning and ending in the Island, or otherwise;
- (c) for prohibiting or regulating the sending, carrying, leading, or driving of diseased or suspected animals, or causing them to be sent, carried, led or driven, on highways or thoroughfares, or elsewhere;
- (d) for prohibiting or regulating the placing or keeping of diseased or suspected animals on commons or unenclosed lands, or in fields or other places insufficiently fenced, or on the sides of highways;
- (e) for prohibiting or regulating generally the placing or keeping of diseased or suspected animals in a place not in the possession, occupation or under the control of the owner of the animals.

## 20 Exclusion of strangers

[P1981/22/27]

- (1) A person owning or having charge of any animals in a place or area declared infected with any disease shall affix, at or near the entrance to a

building or enclosure in which the animals are, a notice in the prescribed form forbidding persons to enter the building or enclosure without the permission mentioned in the notice.

- (2) Thereupon it shall not be lawful for any person to enter or go into, on, or over the building or enclosure without that permission except, subject to any order under section 18(c) or 18A(2)(b), a person having by law a right of entry or way into, on or over that building or enclosure.<sup>6</sup>

## **21 Seizure of diseased or suspected animals**

[P1981/22/28]

The Department may make such orders as it thinks fit —

- (a) for prescribing and regulating the seizure, detention and disposal of a diseased or suspected animal exposed, carried, kept or otherwise dealt with in contravention of an order of the Department; and
- (b) for prescribing and regulating the liability of the owner or consignor or consignee of such animal to the expenses connected with its seizure, detention and disposal.

### **21A Deliberate infection**

- (1) A person commits an offence against this Act if without lawful authority or excuse (proof of which shall lie on him or her) he or she knowingly does anything which causes or is intended to cause an animal to be infected with a disease specified in Schedule 1A.
- (2) A person guilty of an offence under subsection (1) is liable —
- (a) on summary conviction, to custody for a term not exceeding 6 months or to a fine not exceeding £5,000 or to both;
- (b) on conviction on information, to custody for a term not exceeding 2 years or to a fine or to both.
- (3) The Department may by order amend Schedule 1A.<sup>7</sup>

### **21B Deliberate infection: disqualification**

- (1) If a person is convicted of an offence under section 21A the court may by order disqualify him or her, 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; or

- (b) pending an appeal.
- (3) A person who is disqualified under subsection (1) may 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; and
  - (c) his or her 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; and 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.
- (7) 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.<sup>8</sup>

*Risk to human health*

## 22 Control of zoonoses

[P1981/22/29]

- (1) This section shall have effect with a view to reducing the risk to human health from any disease of, or organism carried in or on, animals; and the Department may by order designate any such disease or organism which in its opinion constitutes such a risk as is mentioned in this subsection.

In this section “disease” is not restricted by its definition in this Act.

- (2) Where any disease or organism is for the time being designated under this section, the Department may by order —
  - (a) provide for any provision of this Act which has effect in relation to the disease to have that effect in relation to the disease so designated subject to such modifications as may be specified in the order;

- (b) apply any provision of this Act, subject to any modifications so specified, in relation to the presence of the organism in or on an animal as if the presence of the organism were a disease to which this Act applied.
- (3) The Department may by order make provision for requiring a person who, in such circumstances as are specified by the order, knows or has reason to suspect that an animal of such description as is specified in the order is or was —
  - (a) affected with a disease designated under this section, or
  - (b) a carrier of an organism so designated,to furnish to such person and in such form and within such period as are specified in the order such information relating to the animal as is so specified.

## 23 Provisions supplemental to s 22

[P1981/22/30]

- (1) If it appears to the Department that a person may have information relating to —
  - (a) an animal affected with a disease designated under section 22, or
  - (b) an animal which is a carrier of an organism so designated,the Department may by notice in writing require him to furnish to such person and in such form and within such period as are specified in the notice such information relating to the animal as he possesses and is so specified.

In this section “disease” is not restricted by its definition in this Act.
- (2) Where a veterinary inspector has reason to believe that an animal such as is mentioned in subsection (1) is or has been on any land he may, on producing if so required evidence of his authority —
  - (a) enter the land and make such tests and take such samples of any animal, feeding stuff, litter, excrement, vessel, pen, vehicle or other thing whatsoever which is on or forms part of the land as he thinks appropriate for the purpose of ascertaining whether such an animal is or has been on the land; and
  - (b) require the owner or person having charge of any animals on the land to take such reasonable steps as the inspector may specify for the purpose of collecting or restraining them so as to facilitate the exercise in relation to them of the powers conferred on the inspector by paragraph (a).
- (3) A person is guilty of an offence against this Act who —
  - (a) fails to comply with a requirement imposed on him by virtue of section 22 and this section; or

- (b) in purported compliance with a requirement to furnish information which is imposed on him by virtue of section 22 and this section, knowingly or recklessly furnishes information which is false in a material particular.

### *Slaughter*

## **24 Slaughter in certain diseases**

[P1981/22/32]

- (1) The Department may, if it thinks fit, cause to be slaughtered any animal which —
  - (a) is affected or suspected of being affected with any disease to which this section applies; or
  - (b) has been exposed to the infection of any such disease.
- (2) This section applies to such diseases of animals as may from time to time be directed by order of the Department.
- (3) The Department shall pay for animals slaughtered under this section compensation of such amount as may be determined in accordance with scales prescribed by order of the Department.
- (4) In this section, 'disease' is not restricted by its definition in this Act.

## **24A Slaughter in case of epidemic disease**

- (1) The Department may, if it thinks fit, in any case cause to be slaughtered —
  - (a) any animals affected with an epidemic disease, or suspected of being so affected;
  - (b) any animals which are or have been in the same field, shed or other place, or in the same herd or flock, as animals affected with an epidemic disease;
  - (c) any animals which are or have been otherwise in contact with animals affected with an epidemic disease;
  - (d) any animals which appear to the Department to have been in any way exposed to the infection of an epidemic disease; or
  - (e) any animals which the Department thinks should be slaughtered with a view to preventing the spread of an epidemic disease.
- (2) The Department may exercise the power under subsection (1)(e) whether or not animals —
  - (a) are affected with the disease in question or suspected of being so affected;
  - (b) are or have been in contact with animals so affected;



- (c) have been exposed to the infection of that disease; or
  - (d) have been treated with vaccine against that disease.
- (3) The Department shall pay for animals slaughtered under this section compensation of such amount as may be determined in accordance with scales prescribed by order of the Department.
- (4) In this section “epidemic disease” means a disease which —
- (a) appears to the Department to be occurring at a higher than normal rate in an animal population, and
  - (b) is specified in an order of the Department.<sup>9</sup>

## 25 Slaughter and compensation generally

[P1981/22/34]

- (1) The Department may, notwithstanding anything in this Act, reserve for observation and treatment an animal liable to be slaughtered under this Act at its direction.
- (2) Where an animal has been slaughtered under this Act at the Department’s direction, the carcase of the animal shall belong to the Department and shall be buried, or sold, or otherwise disposed of by it, or as it directs, as the condition of the animal or carcase and other circumstances may require.
- (3) If, in any case, the sum received by the Department on sale of a carcase under this section exceeds the amount paid for compensation to the owner of the animal slaughtered, it shall pay that excess to the owner, after deducting reasonable expenses.
- (4) Where an animal has been slaughtered under this Act at the Department’s direction, it may use for the burial or disposal by other means of the carcase any ground in the possession or occupation of the owner previous to slaughter of the animal and suitable in that behalf, or any common or unenclosed land.
- (5) If the owner of an animal slaughtered under this Act at the Department’s direction has an insurance on the animal, the amount of the compensation awarded to him under this Act may be deducted by the insurers from the amount of the money payable under the insurance before they make any payment in respect of it.
- (6) Notwithstanding anything in this Act, the Department may, if it thinks fit, withhold, either wholly or partially, compensation or other payment in respect of an animal slaughtered under this Act at its discretion, where the animal, being an imported animal, was in its judgment diseased at the time of its landing or, before or while being brought to the Island, exposed to the infection of disease.
- (7) The Department may make such orders as it thinks fit for all or any of the following purposes —

- (a) for prescribing the mode of ascertainment of the value of an animal slaughtered, or liable to be slaughtered, at its direction;
  - (b) for regulating applications for, and the mode of payment of, compensation;
  - (c) for prescribing and regulating the method of destruction, disposal or treatment of carcasses of animals slaughtered at its direction,
- and it may by order provide that subsection (6) shall cease to have effect in any case specified in the order.

*Carcasses etc liable to spread disease*

## 26 Seizure and disposal of carcasses etc

[P1981/22/35]

- (1) The Department may by order make such provision —
  - (a) for the seizure of anything, whether animate or inanimate, by or by means of which it appears to it that any disease to which this subsection applies might be carried or transmitted, and
  - (b) for the method of destruction, disposal or treatment of anything seized under the order,as it may think expedient for preventing the spread of any such disease.
- (2) Subsection (1) does not authorise provision for the seizure of any animal; but such an order may provide for the seizure of carcasses and of anything obtained from or produced by an animal.
- (3) Subsection (1) applies to the following diseases (being those in the case of which powers of slaughter are exercisable under this Act) —
  - (a) any disease within the meaning of section 24 to which that section for the time being applies; and
  - (b) an epidemic disease within the meaning of section 24A.<sup>10</sup>
- (4) The Department may make such orders as it thinks fit —
  - (a) for prescribing and regulating the method of destruction, disposal or treatment of carcasses of animals dying while diseased or suspected of being affected with any disease;
  - (b) for prescribing and regulating the method of destruction, or disposal of anything seized under subsection (1);
  - (c) for prohibiting or regulating the digging up of carcasses which have been buried.
- (5) A person is guilty of an offence against this Act who, without lawful authority or excuse, proof of which shall lie with him —
  - (a) throws or places, or causes or suffers to be thrown or placed, into any river, stream, lake, reservoir, or other water, or into the sea,

the carcase of an animal which has died of disease, or been slaughtered as diseased or suspected of being affected with any disease; or

- (b) digs up, or causes to be dug up, a carcase buried under the direction of the Department or of a receiver of wreck.

## 27 Compensation for seizure

[P1981/22/36]

- (1) The Department may by order provide for the payment of compensation for anything seized under an order made for the purpose of preventing the spread of any disease to which section 26(1) applies, except the carcase of or anything obtained from or produced by any animal affected with that disease.
- (2) The Department may by order provide for the payment by it of compensation for carcasses of, or things obtained from or produced by animals affected with any disease to which section 26(1) applies, being carcasses or things seized under an order made by virtue of section 26(1).
- (3) The compensation payable under subsection (1) or subsection (2) for anything seized shall be its value at the time of seizure.
- (4) Where anything destroyed, buried or disposed of under an order made under section 18(f) could have been seized under an order made under section 26(1), the Department shall pay the like compensation (if any) for it as if it had been so seized at the time of the destruction, or disposal.
- (5) The Department may make such orders as it thinks fit for all or any of the following purposes —
  - (a) for prescribing how the value of anything seized under section 26(1) is to be ascertained;
  - (b) for regulating applications for, and the mode of payment of, any compensation payable by virtue of this section;
  - (c) for prescribing and regulating the destruction or disposal of anything seized under section 26(1).

### *Susceptibility to disease<sup>11</sup>*

## 27A Genotypes susceptible to disease

Schedule 1B shall have effect for the purpose of eradicating genotypes which are particularly susceptible to infection by certain diseases.<sup>12</sup>

**PART III – WELFARE OF LIVESTOCK AND OTHER ANIMALS<sup>13</sup>****28 Prevention of unnecessary pain and distress for livestock on agricultural land, etc**

[1981/5/1]

- (1) Subject to subsections (2) and (3), any person who –
  - (a) causes unnecessary pain or unnecessary distress to any livestock which are under his control, or
  - (b) permits any such livestock to suffer any such pain or distress of which he knows or may reasonably be expected to know,shall be guilty of an offence under this Act.
- (2) Subsection (1) shall apply only in respect of livestock which are for the time being –
  - (a) situated on agricultural land; or
  - (b) on or in any vehicle, container or movable structure for the purpose of treatment, slaughter or feeding.
- (3) Subsection (1) shall not apply to any act lawfully done under the *Cruelty to Animals Act 1997*.
- (4) Any person who is guilty of an offence under this section shall be liable on summary conviction to custody for a term not exceeding 6 months or to a fine not exceeding £5,000, or to both.<sup>14</sup>

**28A Power of court to disqualify persons**

- (1) Where a person is convicted of an offence under section 28, the court before which he is convicted may, if it thinks fit, in addition to, or in substitution for, any other punishment order him to be disqualified, for such period as it thinks fit, from having the custody of any livestock or of any livestock of a kind specified in the order.
- (2) Where a court has ordered the disqualification of any person pursuant to subsection (1), it may, if it thinks fit, suspend the operation of the order –
  - (a) for such period as it thinks necessary for enabling arrangements to be made for the custody of any livestock to which the disqualification relates; or
  - (b) pending an appeal.
- (3) Subject to subsection (5), a person who is disqualified by virtue of an order under subsection (1) may, at any time after the expiration of –
  - (a) one year from the date of the order; or
  - (b) two thirds of the period of the disqualification,

- whichever is the later, and from time to time, apply to the court by which the order was made to remove the disqualification.
- (4) On any application under subsection (3), the court may, as it thinks proper, having regard to —
- (a) the character of the applicant and his conduct subsequent to the making of the order;
  - (b) the nature of the offence for which he was convicted; and
  - (c) any other circumstances of the case,
- either —
- (i) direct that, as from such date as may be specified in the direction, the disqualification be removed or that the order be so varied so as to apply only to livestock of a kind specified in the direction; or
  - (ii) refuse the application.
- (5) Where, on an application under subsection (3), the court directs the variation of an order under subsection (1) or refuses the application, no further application under subsection (3) shall be entertained if made within one year from the date of the direction or, as the case may be, the refusal.
- (6) Any person who has the custody of any livestock in contravention of an order under subsection (1) is guilty of an offence and shall be liable on summary conviction to custody for a term not exceeding 3 months or to a fine not exceeding £2,500, or to both.<sup>15</sup>

## 29 Welfare of animals

[1981/5/2]

- (1) The Department may make such orders as it thinks fit for the purpose of protecting animals from unnecessary suffering and generally with respect to the welfare of animals —
- (a) while on any land or on or in any vehicle, container or movable structure; or
  - (b) while awaiting, during loading and during carriage by land, sea or air on a journey beginning and ending in the Island; or
  - (c) while awaiting, during loading, during export and while on passage following export; or
  - (d) while awaiting, and while exposed for, sale, show or exhibition; or
  - (e) while awaiting removal after being exposed for sale, show or exhibition.<sup>16</sup>
- (2) Without prejudice to the generality of subsection (1), orders under this section may make provision with respect to any of the matters specified in Schedule 2.

- (3) Before making an order under this section the Department shall consult with such organisations as appear to it to be representative of interests substantially affected by the proposed order.

### **30 Codes of recommendations for the welfare of livestock on agricultural land, etc**

[1981/5/3]

- (1) The Department may, after consultation with such organisations as appear to it to be representative of interests substantially affected —
  - (a) prepare codes containing such recommendations with respect to the welfare of livestock for the time being situated on agricultural land or on or in any vehicle, container or movable structure as it considers proper for the guidance of persons concerned with livestock; and
  - (b) revise any such code by revoking, varying, amending or adding to the provisions of the code in such manner as the Department thinks fit.
- (2) A code prepared under this section shall be laid before Tynwald as soon as practicable after being prepared.
- (3) The Department shall cause every code issued under this section to be printed, and may cause copies of it to be put on sale to the public at such reasonable price as the Department may determine.
- (4) A failure on the part of any person to observe a provision of a code for the time being issued under this section shall not of itself render that person liable to proceedings of any kind; but such a failure on the part of any person may, in proceedings against him for an offence under section 28, be relied upon by the prosecution as tending to establish the guilt of the accused unless it is shown that he cannot reasonably be expected to have observed the provision in question within the period which has elapsed since that provision was first included in a code issued under this section.

### **31 Expenditure on advice on the welfare of livestock**

[1981/5/4]

The Department may, with the approval of the Treasury spend such sums as it thinks fit on the giving of advice, free of charge, to persons concerned with livestock on matters relating to the welfare of livestock.

### **32 Power of entry, inspection, etc**

[1981/5/5]

- (1) An inspector may, on production of his appointment, if so required, at any reasonable time enter —

- (a) any land; or
  - (b) any vessel, aircraft or vehicle,
- for the purpose of –
- (i) ascertaining whether the provisions of any order under this Part are being complied with; or
  - (ii) ascertaining whether an offence under this Part has been committed on the land, vessel, aircraft or vehicle, or
  - (iii) inspecting animals while they are awaiting export.
- (2) An inspector may take for analysis a sample of any substance which he finds when exercising his power under subsection (1) and which appears to him to be intended for use as food for animals; and the provisions of subsections (2) to (7) of section 6 of the *Agriculture (Poisonous Substances) Act 1961* (which relates to the dividing up, analysis and evidence of analysis of certain samples) shall have effect in relation to a sample taken under this section as they have effect in relation to a sample taken under the said section 6 but as if for references to that Act, an inspector and such an employer as is mentioned in the said section 6 there were substituted respectively references to this Part, the inspector taking the sample under this section and a person appearing to that inspector to have custody of the substance in question.<sup>17</sup>
- (3) An inspector may examine any animals which he finds when exercising the powers conferred by subsection (1) and apply to, and take from, the animals such tests and samples as he considers appropriate; and an inspector by whom a sample is taken from animals in pursuance of this subsection shall, if before the sample is taken he is requested to do so by any person appearing to him to have the custody of the animals, deliver a part of the sample or a similar sample to the person who made the request.<sup>18</sup>
- (4) Where an inspector enters land in exercise of the powers conferred by subsection (1) and he requests any person present on the land, being the occupier or a servant of the occupier of the land or a person having the custody of any animals present on the land to indicate to the inspector the places on the land used for the accommodation of the animals or for the storage or treatment or any substance intended for use as food for animals, it shall be the duty of the person to whom the request is addressed to comply with the request so far as he is able to do so.<sup>19</sup>
- (5) Where an inspector enters any vessel, vehicle or aircraft in exercise of the powers conferred by subsection (1) and he requests any person present, who appears to the inspector to be the person having the custody of any animals present on the vessel, vehicle or aircraft to give such assistance to the inspector as is reasonable in the circumstances, it shall be the duty of the person to whom the request is addressed to comply with the request so far as he is able to do so.<sup>20</sup>

- (6) Where an inspector is satisfied that any animal examined under this section is in such distress as to require urgent relief –
- (a) he may request the person who appears to him to be the person having immediate control of the animal to take such measures as appear to the inspector to be necessary to relieve such distress and it shall be the duty of that person to comply with the request so far as he is able to do so; or<sup>21</sup>
  - (b) where such a request appears to the inspector to be inappropriate or unlikely to be complied with or where there is no person present who appears to have control of the animal, the inspector may take control of such animal and may remove and detain the animal for the purpose of taking such measures as appear to be necessary to relieve such distress.<sup>22</sup>
- (7) Where any animal has been detained and removed under subsection (6)(b), the inspector shall apply to a court of summary jurisdiction for directions as to the disposal or destruction of the animal and the court may order the owner of the animal to pay any reasonable expenses incurred in removing, detaining, feeding, treating and disposing of or destroying such animal.<sup>23</sup>
- (8) A person who fails to perform his duty under subsection (4), (5) or (6)(a) shall be guilty of an offence under this Act.

### 33 Interpretation of Part III

[1981/5/7]

- (1) In this Part –

“**agriculture**” includes horticulture, fruit growing, seed growing, dairy farming and livestock breeding and keeping, the use of land as grazing land, meadow land, osier land, market gardens and nursery grounds and the use of land for woodlands where that use is ancillary to the farming of land for other agricultural purposes;

“**agricultural land**” means land used for agriculture which is so used for the purposes of a trade or business.

- (2) Nothing in this Part shall be construed as prejudicing any provision of the *Cruelty to Animals Act 1997*.

## PART IV – IMPROVEMENT OF LIVESTOCK

### 34 Powers of Department to establish centres for purposes of artificial insemination of livestock

With a view to developing and improving the breeding of livestock, including poultry and bees, by the practice of artificial insemination the Department may



establish and operate such centres providing services of artificial insemination for any such livestock as the Department thinks fit.

### 35 Artificial breeding of livestock

[P1984/40/10]

(1) The Department may make regulations for controlling the practice of artificial breeding of livestock including —

- (a) artificial insemination;
- (b) the collection, transfer, processing and storage of breeding material;

and in this section “artificial breeding” shall be construed accordingly.

(2) Without prejudice to the generality of subsection (1), regulations under this section may —

- (a) prohibit the carrying on of any specified activity in connection with livestock or with breeding material except under the authority of a licence or approval issued under the regulations;
- (b) prohibit the importation of breeding material of any specified kind of livestock except under the authority of such a licence,

and, accordingly, the regulations may make such provision as appears to Department to be expedient in respect of the issue, modification, suspension and revocation of licences or approvals under the regulations including the conditions subject to which they may be issued.

(3) Without prejudice to the generality of subsections (1) and (2), regulations under this section may include provision —

- (a) prohibiting the use of any equipment in connection with artificial breeding where such equipment does not comply with such specifications and requirements as are specified in the regulations,
- (b) with respect to the welfare of livestock used for artificial breeding;
- (c) in respect of advertisements in connection with artificial breeding;
- (d) requiring the keeping of such records as may be specified by any person holding a licence under this section;
- (e) for the seizure and detention of anything imported in contravention of any provision of the regulations or any conditions of any licence under them or anything which appears to any person authorised in that behalf to have been so imported and for dealing with anything so imported (whether by requiring it to be destroyed or taken out of the Island or otherwise, at the expense of the importer and without compensation);
- (f) for the payment of fees in connection with —
  - (i) the issue of licences or approvals under the regulations, and

- (ii) tests or examinations carried out for the purposes of the regulations,  
and, where the regulations provide for an appeal against a refusal to issue any such licence or approval, in connection with such an appeal, being (in all cases) fees determined with the approval of the Treasury.
- (4) For the purpose of ascertaining whether the provisions of regulations under this section or the conditions of any licence or approval under them are being or have been contravened, an inspector may, on producing his authority, enter at all reasonable times —
  - (a) any land or vehicle used by the holder of a licence or approval under the regulations, being any land or vehicle used for or in connection with any of the purposes authorised by the licence or approval; and
  - (b) any land on, or vehicle in, which he has reasonable grounds for suspecting that an offence under this section is being or has been committed;and may inspect the land or vehicle and any livestock or articles on or in it and carry out such test or tests and take such samples as he considers necessary.
- (5) The owner and the person in charge of an animal on that land shall comply with all reasonable requirements of the authorised officer as to the collection and confinement of the animals and afford all other reasonable facilities for the examination of the animals and application of such tests and the taking of samples by the officer.
- (6) For the purposes of any test or the taking of any sample under subsection (4), the person so authorised may require any person on the land or in the vehicle to give such information as it is in his power to give.
- (7) A person is guilty of an offence against this Act who —
  - (a) contravenes any provision of regulations under this section or any conditions of a licence or approval under such regulations; or
  - (b) fails to comply with the requirement of an authorised officer under subsection (5); or
  - (c) refuses to give any such person any information which he is required to give under subsection (6).
- (8) It is a defence to a charge of committing an offence under subsection (7)(a) to prove that the accused took all reasonable steps and exercised all due diligence to avoid committing the offence.
- (9) In this section —

“breeding material” means semen, ova or embryos, and includes any other genetic material intended for use in artificial breeding;

“import” includes the bringing to and landing in the Island of anything from any place outside the Island;

“specified” means specified in regulations under this section.

(10) Without prejudice to the provisions of the *Interpretation Act 1976*, regulations under section 15 of the *Improvement of Livestock Act 1949* shall have effect as if made under this section.

## PART V – ENFORCEMENT, OFFENCES AND PROCEEDINGS

### *Enforcement*

#### **36 Duties and authorities of constables**

[P1981/22/60]

- (1) The police force shall execute and enforce this Act and every order under this Act.
- (2) Where a person is seen or found committing, or is reasonably suspected of being engaged in committing, an offence against this Act, a constable may, without warrant, stop and detain him.
- (3) The constable may, whether so stopping or detaining the person or not —
  - (a) stop, detain and examine any animal, vehicle, boat or thing to which the offence or suspected offence relates; and
  - (b) require it to be forthwith taken back to or into any place or district from which or out of which it was unlawfully removed and execute and enforce that requisition.
- (4) If a person obstructs or impedes or assists in obstructing or impeding an inspector other than a constable in the execution —
  - (a) of this Act, or
  - (b) of an order of the Department,the inspector may without warrant apprehend the offender.
- (5) A person apprehended under this section —
  - (a) shall be taken with all practicable speed before a justice; and
  - (b) shall not be detained without a warrant longer than is necessary for that purpose.
- (6) All enactments relating to the release of persons on bail by a constable shall apply in the case of a person apprehended under this section.

- (7) The foregoing provisions of this section respecting a constable extend and apply to any person called by a constable to his assistance.
- (8) A constable shall forthwith make a report in writing to his superior officer of every case in which he stops any person, animal, vehicle, boat, or thing under this section, and of his proceedings in consequence.
- (9) Nothing in this section shall take away or abridge any power or authority that a constable would have had if this section had not been enacted.

### **37 Powers of arrest as to disease**

[P1981/22/61]

- (1) Without prejudice to the powers of arrest conferred by section 36 or otherwise, a constable may arrest without warrant any person whom he, with reasonable cause, suspects to be in the act of committing or to have committed an offence to which this section applies.
- (2) The offences to which this section applies are offences against this Act consisting of —
  - (a) the landing or attempted landing of any animal in contravention of an order made under this Act and expressed to be made for the purpose of preventing the introduction of disease into the Island; or
  - (b) the failure by the person having the charge or control of any vessel, boat, aircraft or vehicle to discharge any obligation imposed on him in that capacity by such an order; or
  - (c) the movement, in contravention of an order under section 14 or 18, of any animal into, within or out of a place or area declared to be infected with disease; or
  - (d) the movement, in contravention of an order under section 18A, of any animal into, within or out of an area declared by the order to be a controlled area.<sup>24</sup>

### **38 Entry and search under s 37**

[P1981/22/62]

- (1) For the purpose of arresting a person under the power conferred by section 37 a constable may enter (if need be, by force) and search any land, vessel, boat, aircraft or vehicle of any other description in which that person is or in which the constable, with reasonable cause, suspects him to be.
- (2) For the purpose of exercising any power to seize an animal or cause an animal to be seized, and —
  - (a) where that power is conferred on constables by an order made under this Act, and

- (b) where that power is expressed to be made for the purpose of preventing the introduction of disease into the Island,

a constable may enter (if need be, by force) and search any land, vessel, boat, aircraft or vehicle of any other description in which there is, or in which he, with reasonable cause, suspects that there is, an animal to which that power applies.

### **38A Slaughter, marking and movement: power of entry**

An inspector may at any time enter any land, premises, building or other place for the purpose of —

- (a) ascertaining whether a power conferred by or under this Act, or by a relevant EU instrument, to cause an animal to be slaughtered should be exercised,<sup>25</sup>
- (b) doing anything in pursuance of the exercise of that power, or
- (c) ascertaining whether any requirement of an order under section 6 has been or is being complied with.<sup>26</sup>

### **38B Tests and samples: power of entry**

- (1) A veterinary inspector may at any time enter any land, premises, building or other place for the purpose of ascertaining —

- (a) whether disease anti-bodies exist in animals on the premises;
- (b) whether any animal on the premises or which was kept there at any time is, or was at that time, infected with disease; or
- (c) whether any causative agent of disease is present on the premises.

- (2) Where a veterinary inspector enters any premises by virtue of subsection (1) or a warrant under paragraph 3 of Schedule 1C, he or she may take such samples (including samples from any animal on the premises) and carry out such tests as he or she thinks are necessary for the purpose mentioned in subsection (1).

- (3) In this section —

“disease” means —

- (a) foot-and-mouth disease; and
- (b) any other disease specified in an order of the Department;

“premises” includes any land, building or other place.<sup>27</sup>

### **38C Powers of entry: supplementary**

Schedule 1C shall have effect in relation to the exercise of certain powers of entry under this Act.<sup>28</sup>

### 39 General powers of inspectors

[P1981/22/63]

- (1) An inspector has —
  - (a) for the purposes of this Act, but
  - (b) with the exception of the powers conferred by sections 37 and 38, all the powers which a constable has, under this Act or otherwise.
- (2) An inspector may at any time enter any land where he has reasonable grounds for supposing —
  - (a) that disease exists or has within 56 days existed; or
  - (b) that the carcase of a diseased or suspected animal is or has been kept, or has been buried, destroyed, or otherwise disposed of; or
  - (c) that there is to be found any pen, place, vehicle, or thing in respect of which any person has on any occasion failed to comply with the provisions of this Act, or of an order of the Department; or
  - (d) that this Act or an order of the Department has not been or is not being complied with.
- (3) An inspector may at any time enter any container, vehicle, vessel, boat or aircraft in which or in respect of which he has reasonable grounds for supposing that this Act or an order of the Department has not been or is not being complied with.
- (4) An inspector entering as authorised by the foregoing provisions of this section shall, if required by the owner, or occupier, or person in charge of the land, container, vehicle, vessel, boat or aircraft state in writing his reasons for entering.
- (5) For the purpose of ascertaining whether the provisions of any order under section 8 are being complied with, an inspector may at any time enter —
  - (a) any vessel, boat, aircraft or vehicle of any other description which is for the time being within the limits of a port, within the meaning of the *Customs and Excise Management Act 1986*, or at a customs and excise airport, within the meaning of that Act; or
  - (b) any vessel, boat or aircraft which does not fall within paragraph (a) but which he has reasonable grounds for supposing has recently been brought into the Island.
- (6) Without prejudice to subsection (5), an inspector may at any time enter —
  - (a) any land; or
  - (b) any vessel, boat, aircraft or vehicle of any other description, on or in which he has reasonable grounds for supposing that there is being or has been kept any animal or other thing which has been

imported and the importation of which is for the time being prohibited or regulated by an order under section 8.

- (7) Without prejudice to subsections (5) and (6), an inspector may at any time enter —
- (a) any land; or
  - (b) any vessel, boat, aircraft or vehicle of any other description,
- for the purpose of inspecting animals while they are awaiting export.
- (8) A certificate of a veterinary inspector to the effect that an animal is or was affected with a disease specified in the certificate shall, for the purposes of this Act, be conclusive evidence in all courts of justice of the matter certified.
- (9) In addition to the powers conferred by this section upon inspectors, an inspector of the Department may at any time, enter any land or any vessel, boat, aircraft or vehicle of any other description on or in which he has reasonable grounds for supposing that animals are or have been kept, for the purpose of ascertaining whether any disease exists there or has within 56 days existed there.

#### **40 Power to detain vessels and aircraft**

[P1981/22/65]

- (1) Where an inspector of the Department is satisfied that this Act or an order of the Department has not been or is not being complied with on board a vessel in port, then, on the inspector's representation in writing to that effect, stating particulars of non-compliance, the vessel may be detained until the Department otherwise directs.
- (2) The inspector detaining the vessel shall forthwith deliver to the master or person in charge of the vessel a copy of the representation.
- (3) Section 74 of the *Merchant Shipping Registration Act 1991* shall apply in the case of such detention as if it were authorised or ordered under that Act.
- (4) In relation to aircraft the Department may —
- (a) by an order under this Act adapt that section of the 1991 Act as applied in the case of the detention of a vessel under this section; or
  - (b) make such other provision instead of it as it thinks expedient.

#### **41 Refusal and obstruction**

[P1981/22/66]

A person is guilty of an offence under this Act who, without lawful authority or excuse, proof of which shall lie with him —

- (a) refuses to an inspector or other officer, acting in execution of this Act, or of an order of the Department, admission to any land,

vessel, boat, aircraft or vehicle of any other description which the inspector or officer is entitled to enter or examine; or

- (b) obstructs or impedes him in so entering or examining; or
- (c) otherwise in any respect obstructs, impedes or delays an inspector, constable, officer or other person acting in execution of this Act, or assists in any such obstructing or impeding.

*Offences as to licences, certificates and instruments*

**42 Issue of false licences etc**

[P1981/22/67]

A person is guilty of an offence against this Act —

- (a) who grants or issues a licence, certificate or instrument made or issued, or purporting to be made or issued under or for any purpose of this Act, or of an order made under this Act, which is false in any date or other material particular, unless he shows to the court's satisfaction that he did not know of that falsity, and that he could not with reasonable diligence have obtained knowledge of it; or
- (b) who grants or issues such a licence, certificate or instrument not having, and knowing that he has not, lawful authority to grant or issue it.

**43 Issue of licences etc in blank**

[P1981/22/68]

A person is guilty of an offence against this Act —

- (a) who, with intent unlawfully to evade or defeat this Act, or an order of the Department, grants or issues an instrument being in form a licence, certificate or instrument made or issued under this Act, or such an order or regulation, for permitting or regulating the movement of a particular animal, or the doing of any other particular thing, but being issued in blank, that is to say, not being before its issue so filled up as to specify any particular animal or thing;
- (b) who uses or offers or attempts to use for any purpose this Act, or such an order or regulation, an instrument so issued in blank, unless he shows to the court's satisfaction that he did not know of it having been so issued in blank, and that he could not with reasonable diligence have obtained knowledge of it.

**44 Falsely obtaining licences etc**

[P1981/22/69]

- (1) A person is guilty of an offence under this Act —



- (a) who for the purpose of obtaining a licence, certificate or instrument makes a declaration or statement false in any material particular, or
  - (b) who obtains or endeavours to obtain a licence, certificate or instrument by means of a false pretence,  
unless he shows to the court's satisfaction that he did not know of that falsity, and that he could not with reasonable diligence have obtained knowledge of it.
- (2) A person who intentionally or recklessly makes any false statement for the purpose of obtaining for himself or any other person any sum payable under section 2(1) is guilty of an offence under this Act.
- (3) Any person who in furnishing any information required of him by virtue of an order made under section 29, intentionally or recklessly makes any false statement shall be guilty of an offence under this Act.

#### 45 Other offences as to licences

[P1981/22/70]

A person is guilty of an offence against this Act —

- (a) who, with intent unlawfully to evade this Act, or an order of the Department, does anything for which a licence is requisite under this Act, or such an order or regulation, without having obtained a licence; or
- (b) who, where a licence is so requisite, having obtained a licence, with the like intent does the thing licensed after the licence has expired; or
- (c) who uses or offers or attempts to use as such a licence —
  - (i) an instrument not being a complete licence, or
  - (ii) an instrument falsely purporting or appearing to be a licence,

unless he shows to the court's satisfaction that he did not know of that incompleteness or untruth, and could not with reasonable diligence have obtained knowledge of it.

#### *Offences generally*

#### 46 Offences made and declared by and under this Act

[P1981/22/72]

A person is guilty of an offence against this Act who, without lawful authority or excuse, proof of which shall lie with him —

- (a) does or omits anything the doing or omission of which is declared by this Act or by an order of the Department to be an offence by that person against this Act; or

- (b) does anything which by this Act or such an order is made or declared to be not lawful; or
- (c) offends against any of the provisions of an order made under an Act repealed and replaced by this Act and which has effect as if made under this Act.

#### 47 General offences

[P1981/22/73]

A person is guilty of an offence against this Act who, without lawful authority or excuse, proof of which shall lie with him —

- (a) does anything in contravention of this Act, or of an order of the Department; or
- (b) fails to give, produce, observe or do any notice, licence, rule or thing which by this Act or such an order or regulation he is required to give, produce, observe or do.

*Further provisions as to punishment of offences*

#### 48 Liability under the customs and excise Acts

[P1981/22/74]

A person who —

- (a) lands or ships or attempts to land or ship an animal or thing, and
- (b) by so doing is in contravention of this Act or of an order of the Department,

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.

#### 49 Punishment of summary offences not otherwise provided for

[P1981/22/75]

- (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 £5,000; or
  - (b) if the offence is committed with respect to more than 10 animals, to a fine not exceeding £1,000 for each animal; or
  - (c) where the offence is committed in relation to carcasses, fodder, litter, excrement or other thing (exclusive of animals), to a fine not

exceeding £1,000 in respect of every 500 kilograms in weight thereof after the first 500 kilograms in addition to the first fine not exceeding £5,000.

- (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 the Island,

may direct that subsection (1)(a) 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 '£5,000' there were substituted '£10,000'.

- (3) Subsection (1)(a) shall have effect as provided by subsection (2) in relation to any summary offence the existence of which is attributable to the provisions of any order under this Act or having effect as if made under this Act and relating to the prevention or control of rabies.

- (4) A person convicted of an offence under any of the following provisions of this Act —

section 12(5),  
section 26(5)(a),  
section 41,  
section 46, and  
section 47,

is liable in the court's discretion on a further conviction for a second or subsequent offence against the same provision to custody for any term not exceeding one month in lieu of the fine to which he is liable under subsection (1).

- (5) A person convicted of an offence under any of the following provisions of this Act —

section 6(3),  
section 26(5)(b),  
section 42,  
section 43,  
section 44, and  
section 45,

is liable in the court's discretion to custody for any term not exceeding 2 months in lieu of the fine to which he is liable under subsection (1).

## 50 Certain importation offences triable either summarily or on information

[P1981/22/76]

- (1) Where —
- (a) an offence against this Act which is declared to be such by an order under section 8, and
  - (b) that order is expressed to be made for the purpose of preventing the introduction of rabies into the Island,

that offence may be tried either summarily or on information.

- (2) For an offence triable under subsection (1) a person shall be liable —
- (a) on summary conviction to a fine not exceeding £5,000;
  - (b) on conviction on information to a fine or to custody for a term not exceeding 12 months or to both.

- (3) Where an order under section 8 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 information, and a person convicted of such an offence shall be liable as provided in paragraphs (a) and (b) of subsection (2).

### *Proceedings*

## 51 Money recoverable as a civil debt

[P1981/22/77]

Any money by this Act or an order of the Department made recoverable summarily may be so recovered as a civil debt.

## 52 Evidence and procedure

[P1981/22/79]

- (1) In any proceeding under this Act no proof shall be required of the appointment or handwriting of an inspector or other officer of the Department.
- (2) Where the owner or person in charge of an animal is charged with an offence against this Act relative to disease or to any illness of the animal, he shall be presumed to have known of the existence of the disease or illness unless and until he shows to the court's satisfaction that —

- (a) he had no knowledge of the existence of that disease or illness, and
  - (b) he could not with reasonable diligence have obtained that knowledge.
- (3) Where a person —
- (a) is charged with an offence against this Act in not having duly cleansed or disinfected any pen, place, vessel, container, aircraft, vehicle or thing belonging to him or under his charge, and
  - (b) a presumption against him on the part of the prosecution is raised,
- it shall lie with him to prove the due cleansing and disinfection mentioned in paragraph (a).

## 52A Prosecution time limits

- (1) Notwithstanding section 75 of the *Summary Jurisdiction Act 1989*, summary proceedings for an offence against this Act may be commenced —
- (a) if the proceedings are commenced before the end of the period of 3 years beginning with the date of the commission of the offence; and
  - (b) within 6 months after the date on which evidence sufficient in the opinion of the prosecutor to justify the proceedings comes to his knowledge.
- (2) For the purposes of this section a certificate signed by or on behalf of the prosecutor as to the date on which such evidence as is there mentioned came to his knowledge shall be conclusive evidence of that fact, and a certificate stating that matter and purporting to be so signed shall be treated as so signed unless the contrary is proved.<sup>29</sup>

## PART VI – SUPPLEMENTAL

### *Information*

## 53 Information from agricultural marketing bodies

[P1981/22/82]

Every body administering a scheme under the *Agricultural Marketing Act 1934* shall give to the Department such information as it may reasonably require for the purposes of its functions under this Act.

*Tynwald procedure***54 Public documents**

Every regulation or order under this Act (with the exception of an order under section 63(2)) shall be laid before Tynwald as soon as practicable after it is made, and if Tynwald at the sitting at which the regulation or order is laid or at the next following sitting fails to approve it, the regulation or order shall cease to have effect.

*Notices and fees***55 Form and service of instruments**

[P1981/22/83]

- (1) Every notice under this Act or under any order or regulation made under this Act must be in writing.
- (2) The Department may make such orders as it thinks fit for prescribing and regulating the form and mode of service or delivery of notices and other instruments.

**56 Fees**

The Department may by order made with the Treasury's approval prescribe fees to be paid with respect to such of its functions under this Act as may be specified in the order.

*Interpretation***57 Meaning of "animals"**

[P1981/22/87]

In this Act, "**animals**" means all warm blooded species and all cold blooded, but does not include man.

**58 Meaning of "disease"**

[P1981/22/88]

In this Act, unless the context otherwise requires, "**disease**" means —

- (a) such diseases as are specified in any order under this Act or having effect as if made under this Act which requires notification of the disease or imposes any other requirements or controls in relation to the disease;
- (b) any disease prescribed for the purposes of this section in an order under this Act.

**59 Other interpretation provisions**

[P1981/22/89]

In this Act —

“**aerodrome**” means any area of land or water designed, equipped, set apart or commonly used for affording facilities for the landing and departure of aircraft;

“**animal product**” means any thing of animal origin other than the carcase or part of the carcase;

“**carcase**” means the carcase of an animal and includes part of a carcase, and the meat, bones, hide, skin, hooves, offal or other part of an animal, separately or otherwise, or any portion thereof;

“**cattle**” means bulls, cows, steers, heifers and calves;

“**causative agent**”, in relation to any disease, includes any virus, any bacterium and any other organism or infectious substance which may cause or transmit that disease;<sup>30</sup>

“**compulsorily notifiable disease**” means any disease which is specified as such in an order made under section 12(4)(b);

“**the customs and excise Acts**” has the meaning given by the *Customs and Excise Management Act 1986*;

“**the Department**” has the meaning given by section 1;

“**diseased**” means affected with disease;

“**export**” includes removal to the United Kingdom and “**exported**” shall be construed accordingly;

“**fodder**” means substances commonly used for food for animals;

“**import**” means brought to the Island from a country or territory out of the Island and includes removal from the United Kingdom to the Island and “**imported**” shall be construed accordingly;

“**infected place**” and “**infected area**” have the meanings given by section 14(2);

“**inspector**” means a person appointed to be an inspector for the purposes of this Act and includes a veterinary inspector;

“**justice**” means a justice of the peace;

“**land**” includes buildings and structures;

“**litter**” means straw or other substance commonly used for bedding or otherwise for or about animals;

“**livestock**” means any species kept for the production of food, wool, skin or fur or for use in the farming of land or for such other purposes as the Department may by order specify and includes horses;

“**relevant EU instrument**” means any EU instrument (within the meaning of section 1(1) of the *European Communities (Isle of Man) Act 1973*) which relates directly or indirectly to animal health and applies as part of the law of the Island under section 2(1) or 2A(1) of that Act;<sup>31</sup>

“**suspected animal**” means an animal suspected of being affected with any disease, and “**diseased**” shall be construed accordingly;

“**veterinary inspector**” means a veterinary inspector appointed by the Department.

*Miscellaneous provisions as to operation*

## 60 Transitional

[P1981/22/94]

- (1) Where a period of time specified in an enactment repealed by this Act is current at the commencement of this Act, this Act shall have effect as if the corresponding provisions of this Act had been in force when that period began to run.
- (2) For the purpose of determining the punishment which may be imposed on a person in respect of the commission by him of an offence under any provision of this Act, an offence committed by that person under the corresponding enactment repealed by this Act shall be deemed to have been committed under that provision.

## 61 Consequential repeals

The enactments specified in Schedule 3 (which include certain obsolete or unnecessary enactments) are repealed to the extent specified in the third column of that Schedule.

## 62 Financial

- (1) The expenses of the Department under this Act shall be paid for out of monies provided by Tynwald.
- (2) Any fees or other income received by the Department under this Act shall form part of the General Revenue.

## 63 Short title and commencement

- (1) This Act may be cited as the Animal Health Act 1996.
- (2) This Act shall come into operation on such day as the Department may by order appoint and different days may be appointed for different purposes or for different provisions.<sup>32</sup>



**SCHEDULE 1****SPECIFIC MATTERS WITH RESPECT TO WHICH PROVISION  
MAY BE MADE IN ORDERS UNDER SECTIONS 8 AND 9**

## Sections 8 and 9

1. The conditions to be observed before, during and after importation or exportation.
2. Exemptions from provisions of the order by means of licences, whether general or specific and whether conditional or unconditional, issued in accordance with the order.
3. The prohibition of the importation or exportation of animals or other things save at such ports, aerodromes and other places of entry or exit as may be designated.
4. For requiring persons importing or exporting animals or other things to furnish such information and documents as may be specified.
5. (1) In the case of importation, landing and isolation of animals and other things in an isolation facility provided or approved under section 10(1)(b).  
(2) In the case of importation, for requiring persons importing animals or other things to export them as soon as practicable after import to prevent the introduction or spread of disease into or within the Island.
6. In the case of exportation, isolation before export in an isolation facility provided or approved under section 10(1)(b).
7. Seizure, detention and treatment (including vaccination) of animals and other things.
8. Slaughter of animals and destruction of other things.
9. Cleansing and disinfection.
10. Marking, testing and use of animals and other things.
11. Movement of persons and of animals and other things.
12. Recovery of costs.
13. Inspection.
14. Entitlement to compensation and the determination of the amount of compensation payable in any case.

**SCHEDULE 1A****DELIBERATE INFECTION - SPECIFIED DISEASES<sup>33</sup>**

## Section 21A(1)

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

**SCHEDULE 1B****GENOTYPES SUSCEPTIBLE TO DISEASE<sup>34</sup>**

## Section 27A

**1 Power to specify animal genotypes**

The Department may by order specify genotypes of any species of animal designated by the order (a 'designated species') which, in its opinion, are more susceptible than other genotypes of that species —

- (a) to infection by a disease specified in the order, or by a specified form of such a disease, or
- (b) to becoming carriers of that disease or form of disease.

**2 Identification of genetically susceptible animals**

(1) The Department may by regulations make provision requiring the keeper of an animal of a designated species —

- (a) to allow an inspector to take a sample from it, for the purpose of establishing its genotype;
  - (b) to allow an inspector to administer or otherwise attach to it an electronic identification device; and
  - (c) where the genotype of the animal has been established (whether or not as a result of the exercise of powers conferred by this Schedule) to keep a record of its genotype.
- (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 or her;
  - (c) make provision with respect to the testing of samples;
  - (d) require the issuing and keeping of certificates recording the genotypes of animals of a designated species.

### **3 Restrictions on breeding from genetically susceptible animals**

- (1) This paragraph applies where it appears to the Department that —
- (a) an animal of a designated species is of a genotype specified in an order under paragraph 1, and
  - (b) allowing the animal to be used for breeding would not be justified.
- (2) The Department shall give notice to its keeper (“a restriction notice”) that the restrictions and requirements imposed by sub-paragraph (4) apply in relation to the animal.
- (3) A restriction notice —
- (a) may be made so as to apply to more than one animal, and
  - (b) may describe the animals to which it applies in such a way as the Department considers appropriate.
- (4) A person to whom a restriction notice is given —
- (a) must not —
    - (i) use an animal to which the notice applies, or its semen, eggs or embryos, for purposes of or connected with breeding, or
    - (ii) cause or permit such an animal or such semen, eggs or embryos to be used by another person for those purposes;
  - (b) must arrange for any semen, egg or embryo which has at any time been taken from an animal to which the notice applies, and which is in his or her possession or under his or her control, to be destroyed;

- (c) must arrange for each animal to which the notice applies —
  - (i) 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
  - (ii) to be slaughtered before the end of the period of 7 months beginning with that date.

#### 4 Appeals

(1) A person to whom a restriction notice has been given may appeal against the notice to a person appointed by the Department for the purpose of dealing with appeals under this Part ('an assessor').

(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, unless the Department, in the particular case, extends the period of 21 days on the ground that there are exceptional circumstances justifying the extension.

(3) If the restriction notice applies to more than one animal, the appeal may be limited to the animals specified by the appellant.

- (4) If the assessor allows the appeal, in whole or in part, he or she may —
  - (a) revoke the notice,
  - (b) revoke the notice so far as it applies to one or more animals specified by him or her, or
  - (c) direct that a further test be carried out in relation to animals specified by him or her.

(5) A direction under sub-paragraph (4)(c) may require —

- (a) a further sample to be taken, or
- (b) the further test to be carried out by a different testing laboratory.

(6) The Department may make regulations supplementing the provisions of this paragraph.

(7) The regulations may, in particular, make provision —

- (a) as to the procedure to be followed on an appeal,
- (b) extending the period mentioned in paragraph 3(4)(c)(i) where an appeal is brought against a restriction notice,
- (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 notice under sub-paragraph (4)(c), and
- (d) as to the recovery of any such costs.

(8) 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 Department's powers of enforcement

(1) This paragraph applies if the Department 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 or her by paragraph 3(4).

(2) But it does not apply in relation to any animal —

- (a) which is the subject of an appeal under paragraph 4 which has not been disposed of, or
- (b) which, as the result of a successful appeal, is no longer subject to the restriction notice.

(3) The Department may take such reasonable steps as it considers appropriate to secure that the failure is remedied.

(4) In particular, the Department may cause to be castrated (or as appropriate sterilised) or slaughtered any animal —

- (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 paragraph 3(4)(c).

(5) The Department may make regulations supplementing the provisions of this paragraph.

## 6 Offences

(1) A person to whom a restriction notice is given commits an offence against this Act (whether or not the notice is the subject of an appeal) if —

- (a) he or she sells (or otherwise transfers to another person) an animal to which the notice applies, or any of its semen, eggs or embryos;
- (b) he or she fails, without reasonable excuse (proof of which lies on him or her) to comply with any of the restrictions or requirements imposed by paragraph 3(4).

(2) Any other person commits an offence against this Act if he or she uses any semen, egg or embryo which he or she knows, or has reasonable cause to believe, has been taken from an animal which is the subject of a restriction notice.

(3) A person commits an offence against this Act if, without reasonable excuse (proof of which lies on him or her), he or she fails to comply with any provision of regulations made under paragraph 2.

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

## 7 Power of entry

An inspector or a constable may at all reasonable times enter any premises for the purpose of —

- (a) carrying out any function he or she has under or in pursuance of this Schedule, or
- (b) ascertaining whether any such function should be exercised.

## 8 Compensation

The Department shall as soon as is practicable make regulations providing for the payment by it of compensation in circumstances to be specified in the regulations in respect of loss suffered or costs incurred as a result of the exercise of a power conferred by or under this Schedule.

## 9 Interpretation

In this Schedule —

“**designated species**” means a species of animal designated by an order under paragraph 1;

“**keeper**”, in relation to an animal, includes an owner of the animal;

“**premises**” includes any land, building or other place;

“**restriction notice**” means a notice given under paragraph 3.

# SCHEDULE 1C

## POWERS OF ENTRY: SUPPLEMENTARY PROVISIONS<sup>35</sup>

### Section 38C

## 1 Application

(1) This Schedule applies in relation to a power of entry conferred by —

- (a) section 13 (treatment after exposure to infection);
- (b) section 38A (slaughter, marking and movement);
- (c) section 38B (tests and samples);
- (d) paragraph 7 of Schedule 1B (breeding from genetically susceptible species).

(2) In this Schedule —

“**authorised person**” means, in relation to entry under or for purposes of —

- (a) section 13 or 38A, an inspector;
- (b) section 38B, a veterinary inspector;
- (c) paragraph 7 of Schedule 1B, an inspector or a constable;

“**premises**” includes any land, building or other place;

“**relevant purpose**” means any purpose for which the power of entry in question may be exercised.

## 2 Production of authority

A person acting under a power referred to in paragraph 1(1) must, if required, show evidence of his or her authority to do so.

## 3 Issue of warrant

- (1) If a justice is satisfied on sworn complaint in writing —
  - (a) that there are reasonable grounds for an authorised person to enter premises for a relevant purpose specified in the complaint, and
  - (b) that at least one of the conditions specified in sub-paragraph (3) is satisfied,  
the justice may issue a warrant authorising an authorised person to enter premises, if necessary using reasonable force, for the relevant purpose.
- (2) The complaint must —
  - (a) be in writing and substantiated on oath, and
  - (b) include —
    - (i) a statement as to whether any representations have been made by the occupier of the land or premises to an authorised person concerning the purpose for which the warrant is sought;
    - (ii) a summary of any such representations.
- (3) The conditions referred to in sub-paragraph (1)(b) are that —
  - (a) the occupier of the premises —
    - (i) has been informed of the decision to seek entry to the premises and of the reasons for that decision;
    - (ii) has failed to allow entry to the premises on being requested to do so by an authorised person; and
    - (iii) has been informed of the decision to apply for the warrant;
  - (b) 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
  - (c) 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.

#### 4 Execution of warrant

(1) A warrant issued under paragraph 3 remains in force for one month starting with the date of its issue, which date shall be clearly visible on the warrant.

(2) A warrant issued under paragraph 3 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.

(3) If an authorised person enters any unoccupied premises he or she must leave them as effectively secured against entry as he or she found them.

(4) If an authorised person enters any premises by virtue of a warrant issued under paragraph 3 he or she must at the time of entry —

- (a) serve a copy of the warrant on the occupier of the premises, or
- (b) if the occupier is not on the premises, leave a copy of the warrant in a conspicuous place on the premises.

(5) In relation to any premises to which entry is obtained by virtue of a warrant under paragraph 3 the Department 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 or her.

#### 5 Supplementary powers in relation to entry

(1) This paragraph applies to an authorised person who enters premises —

- (a) by virtue of a power referred to in paragraph 1(1), or
- (b) under a warrant issued under paragraph 3.

(2) The authorised person may take with him or her —

- (a) such other persons as the authorised person thinks necessary to give him or her such assistance as he or she thinks necessary;
- (b) such equipment as he or she thinks necessary.

(3) An authorised person may require any person on the premises to whom this sub-paragraph applies to give him or her such assistance as he or she may reasonably require for the relevant purpose.

(4) Sub-paragraph (3) applies to —

- (a) the occupier of the premises;
- (b) a person appearing to the authorised person to have charge of animals on the premises;
- (c) a person appearing to the authorised person to be under the direction or control of a person mentioned in paragraph (a) or (b).



- (5) 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 or she reasonably thinks may be needed as evidence in any proceedings under or by virtue of this Act.

## 6 Offences

- (1) A person commits an offence against this Act if without lawful authority or excuse (proof of which shall lie on him or her) he or she —
- (a) refuses admission to any premises to —
    - (i) an authorised person exercising a power referred to in paragraph 1(1), or
    - (ii) a person referred to in paragraph 5(2)(a), or
  - (b) obstructs or impedes an authorised person or person referred to in paragraph 5(2)(a) in acting for a relevant purpose, or
  - (c) assists in any such obstruction or impeding.
- (2) A person commits an offence against this Act if he or she is required to give assistance under paragraph 5(3) and fails to give it.

**SCHEDULE 2****SPECIFIC MATTERS WITH RESPECT TO WHICH PROVISION  
MAY BE MADE IN ORDERS UNDER SECTION 29**

## Section 29(2)

1. The dimensions and layout of accommodation for animals on any land, the materials to be used in constructing any such accommodation and the facilities by way of lighting, heating, cooling, ventilation, drainage, water supply and otherwise to be provided in connection with any such accommodation.<sup>36</sup>
2. In the case of animals carried by land, sea or air, (whether for export or internal transit) the dimensions and layout of containers in which they may be carried and the facilities by way of lighting, heating, cooling, ventilation, drainage, food supply, water supply and otherwise to be provided during the journey and during any period in which they are detained.<sup>37</sup>
3. For prohibiting the export of animals without such certificate or licence as may be prescribed by the order, and as to the circumstances in which, and conditions on which, a certificate or licence may be obtained.<sup>38</sup>
4. For requiring persons proposing to export animals to furnish information about the origin of the animals, the intended ultimate destination of the animals, the arrangements for conveying them to that destination and any other matters which may be specified in the order.<sup>39</sup>
5. For requiring persons carrying animals, whether by land, sea or air, to keep on the vehicle, vessel or aircraft a humane killer of such description as may be specified and for requiring such persons to ensure that there is a person on the vehicle, vessel or aircraft who has received such instruction in the use of the humane killer as may be prescribed.<sup>40</sup>
6. For the separation of horned animals and polled animals whether on any land or elsewhere and when in course of carriage by land, sea or air.
7. For ensuring —
  - (a) the feeding of animals;<sup>41</sup>
  - (b) the provision of balanced diets;and for prohibiting or regulating the use of any specified substance as food for animals and the sale and supply of any substance intended for use as food for animals.<sup>42</sup>
8. For prohibiting the bleeding of animals and the mutilation of animals in any manner specified in the order, and for prohibiting or regulating the use of any method of marking or restraining animals or interfering with the capacity of animals to smell, see, hear, emit sound or exercise any other faculty.<sup>43</sup>

9. For providing that persons who contravene specified provisions of the order shall be guilty of an offence under this Act.

**SCHEDULE 3****REPEALS**

## Section 61

[Sch 3 repeals the following Acts wholly —

Isle of Man Diseases of Animals (Prevention) Act 1948

Improvement of Livestock Act 1949

Isle of Man Diseases of Animals (Prevention) Act 1953

Diseases of Animals (Prevention) Act 1969

Diseases of Animals (Prevention) Act 1971

Diseases of Animals (Prevention) (Amendment) Act 1975

Rabies Act 1975

Rabies (Amendment) Act 1979

Horned Animals Act 1979

Welfare of Animals Act 1981

Horse Welfare (Amendment) Act 1988

and the following Acts in part —

European Communities (Isle of Man) Act 1973

Treasury Act 1985

Fines Act 1986

Summary Jurisdiction Act 1989

Civil Service Act 1990.]

## ENDNOTES

### Table of Legislation History

Legislation	Year and No	Commencement

### Table of Renumbered Provisions

Original	Current

### Table of Endnote References

<sup>1</sup> Subs (1) amended by SD155/10 Sch 3.

<sup>2</sup> S 4A inserted by Animal Health (Amendment) Act 2009 s 1(1).

<sup>3</sup> Subs (2) amended by Animal Health (Amendment) Act 2009 s 6(3).

<sup>4</sup> Subs (3) substituted by Animal Health (Amendment) Act 2009 s 6(3).

<sup>5</sup> S 18A inserted by Animal Health (Amendment) Act 2009 s 2(1).

<sup>6</sup> Subs (2) amended by Animal Health (Amendment) Act 2009 s 2(2).

<sup>7</sup> S 21A inserted by Animal Health (Amendment) Act 2009 s 3(1).

<sup>8</sup> S 21B inserted by Animal Health (Amendment) Act 2009 s 3(1).

<sup>9</sup> S 24A inserted by Animal Health (Amendment) Act 2009 s 4(1).

<sup>10</sup> Subs (3) substituted by Animal Health (Amendment) Act 2009 s 4(2).

<sup>11</sup> Heading inserted by Animal Health (Amendment) Act 2009 s 5(1).

<sup>12</sup> S 27A inserted by Animal Health (Amendment) Act 2009 s 5(1).

<sup>13</sup> Heading amended by Agriculture and Fisheries (Miscellaneous Provisions) Act 1998 s 5.

<sup>14</sup> Subs (4) added by Agriculture (Miscellaneous Provisions) Act 2003 s 2.

<sup>15</sup> S 28A inserted by Agriculture (Miscellaneous Provisions) Act 2003 s 2.

<sup>16</sup> Subs (1) amended by Agriculture and Fisheries (Miscellaneous Provisions) Act 1998 s 5.

<sup>17</sup> Subs (2) amended by Agriculture and Fisheries (Miscellaneous Provisions) Act 1998 s 5.

<sup>18</sup> Subs (3) amended by Agriculture and Fisheries (Miscellaneous Provisions) Act 1998 s 5.

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- <sup>19</sup> Subs (4) amended by Agriculture and Fisheries (Miscellaneous Provisions) Act 1998 s 5.
- <sup>20</sup> Subs (5) amended by Agriculture and Fisheries (Miscellaneous Provisions) Act 1998 s 5.
- <sup>21</sup> Para (a) amended by Agriculture and Fisheries (Miscellaneous Provisions) Act 1998 s 5.
- <sup>22</sup> Subs (6) amended by Agriculture and Fisheries (Miscellaneous Provisions) Act 1998 s 5. Para (b) amended by Agriculture and Fisheries (Miscellaneous Provisions) Act 1998 s 5.
- <sup>23</sup> Subs (7) amended by Agriculture and Fisheries (Miscellaneous Provisions) Act 1998 s 5.
- <sup>24</sup> Para (d) added by Animal Health (Amendment) Act 2009 s 2(3).
- <sup>25</sup> Para (a) amended by SD0606/12.
- <sup>26</sup> S 38A inserted by Animal Health (Amendment) Act 2009 s 6(1).
- <sup>27</sup> S 38B inserted by Animal Health (Amendment) Act 2009 s 6(1).
- <sup>28</sup> S 38C inserted by Animal Health (Amendment) Act 2009 s 6(1).
- <sup>29</sup> S 52A inserted by Agriculture (Miscellaneous Provisions) Act 2003 s 2.
- <sup>30</sup> Definition of ‘causative agent’ inserted by Animal Health (Amendment) Act 2009 s 1(2).
- <sup>31</sup> Definition of “relevant Community instrument” inserted by Animal Health (Amendment) Act 2009 s 6(4) and amended by SD606/12.
- <sup>32</sup> ADO (whole Act) 18/11/1997 (SD601/97).
- <sup>33</sup> Sch 1A inserted by Animal Health (Amendment) Act 2009 s 3(2).
- <sup>34</sup> Sch 1B inserted by Animal Health (Amendment) Act 2009 s 5(2).
- <sup>35</sup> Sch 1C inserted by Animal Health (Amendment) Act 2009 s 6(2).
- <sup>36</sup> Para 1 amended by Agriculture and Fisheries (Miscellaneous Provisions) Act 1998 s 5.
- <sup>37</sup> Para 2 amended by Agriculture and Fisheries (Miscellaneous Provisions) Act 1998 s 5.
- <sup>38</sup> Para 3 amended by Agriculture and Fisheries (Miscellaneous Provisions) Act 1998 s 5.
- <sup>39</sup> Para 4 amended by Agriculture and Fisheries (Miscellaneous Provisions) Act 1998 s 5.
- <sup>40</sup> Para 5 amended by Agriculture and Fisheries (Miscellaneous Provisions) Act 1998 s 5.
- <sup>41</sup> Subpara (a) amended by Agriculture and Fisheries (Miscellaneous Provisions) Act 1998 s 5.
- <sup>42</sup> Para 7 amended by Agriculture and Fisheries (Miscellaneous Provisions) Act 1998 s 5.
- <sup>43</sup> Para 8 amended by Agriculture and Fisheries (Miscellaneous Provisions) Act 1998 s 5.