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**AGRICULTURE (MISCELLANEOUS PROVISIONS)
ACT 2003**

Chapter 2

Arrangement of sections

1. Amendment of Agricultural Marketing Act 1934.
2. Amendment of Animal Health Act 1996.
3. Amendment of Cruelty to Animals Act 1997.
4. Short title.



Signed in Tynwald: 18th February 2003
Received Royal Assent: 18th February 2003
Announced to Tynwald: 18th February 2003
Passed: 18th February 2003

AN ACT

to amend provisions relating to offences under the Agricultural Marketing Act 1934, the Animal Health Act 1996 and the Cruelty to Animals Act 1997; and for connected purposes.

WE, your Majesty's most dutiful and loyal subjects, the Council and Keys of the said Isle, do humbly beseech your Majesty that it may be enacted, and be it enacted, by the Queen's Most Excellent Majesty, by and with the advice and consent of the Council and Keys in Tynwald assembled, and by the authority of the same, as follows (that is to say):—

1. Amendment of Agricultural Marketing Act 1934.

(1) After section 30 of the Agricultural Marketing Act 1934¹ insert

—
"30A. Offence to sell, etc. agricultural products imported without an agricultural import licence.

(1) Subject to the following provisions of this section, a person who, in the course of a business carried on by him, sells, offers or exposes for sale, has in his possession for the purpose of sale, or displays to the public —

- (a) any agricultural product which has been imported without an agricultural import licence; or
- (b) anything which is made wholly or partly from any agricultural product referred to in paragraph (a),

shall be guilty of an offence.

(2) For the purposes of any proceedings under this section, where it is proved that the agricultural product in question was found on —

¹ XIV p.245

- (a) any premises; or
- (b) any vehicle,

on or from which agricultural products are sold by the person alleged to have committed the offence, it shall be presumed, unless he satisfies the court to the contrary, that he had the product in his possession for the purpose of sale.

(3) A person shall not be guilty of an offence under subsection (1) with respect to a restricted article if the court is satisfied —

- (a) that at the time when it first came into his possession he made such enquiries (if any) as in the circumstances were reasonable in order to ascertain whether it was a restricted article, and
- (b) that, at the time the alleged offence was committed, he had no reason to believe that it was a restricted article.

(4) In this section —

"display to the public" means display to the public generally or any section of it, and (in either case) whether in return for money or otherwise.

"restricted article" means anything falling within subsection (1)(a) or (b);

"sale" includes references to barter and exchange".

(2) For section 31 of the Agricultural Marketing Act 1934 substitute —

"31. Proceedings.

(1) Notwithstanding section 75 of the Summary Jurisdiction Act 1989², summary proceedings for an offence under 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.

² 1989 c.15

(3) 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.

(4) Every notice under this Act or under any order or regulation made under this Act must be in writing.

(5) Section 41(2) of the Interpretation Act 1976³ (method of service of documents) shall apply in respect of the service of documents under this Act."

(3) In Schedule 1 to the Statute Law Revision Act 1989⁴ [c.6], paragraph 8(4) is repealed.

2. Amendment of Animal Health Act 1996.

(1) After section 28 of the Animal Health Act 1996⁵ insert —

"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;

³ 1976 c.20

⁴ 1989 c.6

⁵ 1996 c.22

- (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 section 28 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."

(2) After section 52 of the Animal Health Act 1996 insert —

"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."

(3) In section 28 of the Animal Health Act 1996, after subsection (3) add —

"(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, £2,500, or to both."

3. Amendment of Cruelty to Animals Act 1997.

In section 1 of the Cruelty to Animals Act 1997⁶ —

- (a) in paragraph (c), for the words from the beginning to "done —" substitute "by intentionally or unreasonably doing or omitting any act, or causing or procuring any act or omission —";
- (b) in paragraphs (b), (d), (h) and (k), after "causes" insert "or procures".

4. Short title.

This Act may be cited as the Agriculture (Miscellaneous Provisions) Act 2003.

⁶ 1997 c.5