



# **ANIMAL HEALTH (AMENDMENT) BILL 2008**

## **EXPLANATORY NOTES**

*These notes are circulated for the information of Members with the approval of the Member in charge of the Bill, Mr P A Gawne, MHK*

### **General Note**

This Bill is promoted by the Department for Agriculture, Fisheries and Forestry and is intended to amend the Animal Health Act 1996 (“the 1996 Act”). The amendments to the 1996 Act provide additional powers to tackle foot-and-mouth disease and other animal diseases. The changes supplement existing powers under the 1996 Act to test and slaughter animals and to take other measures to control the spread of disease.

### **CLAUSE 1**

Provides the Department with powers to publicise and issue guidance on biosecurity measures to prevent the spread of foot-and-mouth and other animal diseases. Any guidance is to be subject to consultation with such persons and organisations who appear to be representative of those having an interest in the measures. Contravention of any publicised measures on the part of persons involved or associated with the handling of livestock will not itself give rise to any civil or criminal liability, but will be admissible in court proceedings.

### **CLAUSE 2**

Inserts a new section 18A in the 1996 Act, enabling the Department by order to declare a specified area of the Island, or even the whole of the Island, as a controlled area for the purposes of disease prevention, even though there has not yet been an outbreak of disease there. (This supplements the powers of section 18, which are limited to infected areas.) The order may include provisions as to the movement of animals into, within or out of the controlled area, the isolation of animals, and the removal of carcasses, litter, dung or anything else which may have been in contact with animals. It may also close public rights of way in the area.

### **CLAUSE 3**

Inserts new sections 21A and 21B into the 1996 Act. New section 21A creates a new offence of deliberately doing anything to infect or is intended to infect an animal with certain diseases and sets the penalties. Section 21B gives the court power to disqualify a person convicted with the offence from keeping or dealing in animals for such period as it sees fit. After one year (and each subsequent period of one year) the person may apply to have the disqualification lifted or its duration reduced. The diseases to which this new offence applies are listed in new Schedule 1A to the 1996 Act, inserted by clause 3(2).

### **CLAUSE 4**

Inserts a new section 24A into the 1996 Act, enabling the Department may cause to be slaughtered animals infected or suspected of being infected with an epidemic disease, or which have been in contact with or exposed to such a disease, and animals which need to be slaughtered to prevent the spread of such a disease (whether or not they are affected or suspected of being infected, have been in contact with infected animals or have been exposed to or vaccinated against disease). "Epidemic disease" is defined as a disease which is occurring at a higher rate than normal and is specified in an order made by the Department.

### **CLAUSE 5**

Inserts a new section 27A and Schedule 1B into the 1996 Act. Schedule 1B empowers the Department by order to designate a species and to specify genotypes of that species which in its opinion are more susceptible than other genotypes to infection by, or being carriers of, a disease specified in the order. The Department may make regulations requiring animals of that species to be tested by an inspector and to be identified with an electronic device.

The Department is given power, if it considers that an animal of a specified genotype should not be used for breeding purposes, by a "restriction notice" to the animal's keeper prohibit the use of that animal, its semen, eggs or embryos for breeding or connected purposes, require the destruction of any of its semen, eggs or embryos and require it to be either sterilised or slaughtered.

Provision is made for appeals against a restriction notice to be heard by an independent assessor appointed by the Department. The assessor may revoke the restriction notice or direct that a further test in relation to the animal be carried out.

Where a requirement of a restriction notice is not complied with, the Department may take steps to remedy the failure to comply, eg. arranging for the slaughter or castration or sterilisation of the animal. Non compliance is also made an offence, as are selling an animal subject to a restriction notice or its semen, eggs or embryos, and obstructing an inspector. Inspectors and constables are given powers of entry (see further clause 6). The Department may make regulations providing for the payment of compensation for loss suffered as a result of the exercise of powers under this Schedule.

## **CLAUSE 6**

Inserts sections 38A, 38B and 38C into the 1996 Act, relating to powers of entry to land and premises. Section 38A gives an inspector a power of entry for the purpose of ascertaining whether any power to cause animals to be slaughtered should be exercised, doing anything in the exercise of that power, and ascertaining whether any requirement as to the marking or movement of animals has been complied with. Section 38B gives a veterinary inspector a power of entry for the purpose of ascertaining whether animals are carrying antibodies or are infected with disease, or whether any causative agent of disease is present. This power applies initially to foot-and-mouth disease, but may be extended to other diseases by order.

Section 38C inserts a new Schedule 1C in the 1996 Act, making additional provision for the enforcement of powers of entry under the Act (including those under clause 5 above and under sections 38A and 38B). It enables an inspector or other authorised person to obtain a justice's warrant to gain entry, and to take with him other persons and equipment as necessary. Refusal of admission and obstruction of authorised persons are made offences.

## **CLAUSE 7**

Clause 7 gives the Bill its short title, and provides for the Act to come into force on a day or days appointed by order of the Department.