

THE ANIMALS (MISCELLANEOUS PROVISIONS) ORDER OF 1927.
DATED APRIL 4, 1927.

1927, No. 290.

(4426.)

The Minister of Agriculture and Fisheries, by virtue and in exercise of the powers vested in him under the Diseases of Animals Acts, 1894 to 1925, and of every other power enabling him in this behalf, hereby orders as follows:—

Interpretation.

1. In this Order—

“Animal” means cattle, sheep, goats, all other ruminating animals, and swine; horses, asses, mules, dogs, and other canine animals;

“Inspector” includes Veterinary Inspector;

“Local Authority” means a Local Authority for the purposes of the Act of 1894;

“The Act of 1894” means the Diseases of Animals Act, 1894(a);

“The Minister” and “The Ministry” mean respectively the Minister and the Ministry of Agriculture and Fisheries.

Other terms have, where the context so permits, the same meaning as in the Act of 1894.

Power of Minister to issue Licences in Exceptional Circumstances.

2.—(1) Where by an Order of the Minister any matter or thing is, or shall be, prohibited either absolutely or conditionally, or is required to be done by any person, it shall be lawful for the Minister by Licence sealed by the Minister or signed by an Inspector or other Officer of the Ministry, to authorise such matter or thing or exempt such person from the requirement subject to such conditions, if any, as may be prescribed in the Licence, and such Licence shall be a lawful authority or excuse for any matter or thing which it purports to authorise or excuse, notwithstanding anything contained in the Order.

(2) The Minister may by licence subject to such conditions, if any, as he may prescribe therein, exempt from all or any of the provisions of any Order made by him any premises in his occupation or under his control, and any animals or things for the time being on such premises.

Power of Ministry's Inspectors.

3. Any power conferred upon a Local Authority or an Inspector of a Local Authority by any Order made by the

Minister whether before or after the date of this Order, may, unless otherwise expressly provided in the Order, be exercised by the Minister or an Inspector of the Ministry respectively.

Power to require special disinfection of slaughterhouses in particular cases, with a view to prevent the spread of disease.

4.—(1) Where an Inspector considers it necessary or expedient for the purpose of preventing the spread of disease, he may serve a notice on the owner, lessee or occupier of any slaughterhouse requiring him to cleanse and disinfect such slaughterhouse at the expense of such owner, lessee or occupier, at such time or times and in such manner as may be prescribed in the notice.

(2) If any person fails to cleanse and disinfect any slaughterhouse in accordance with the requirements of a notice served upon him hereunder, it shall be lawful for the Minister or a Local Authority, without prejudice to the recovery of any penalty, to cause such slaughterhouse to be cleansed and disinfected, and the owner, lessee and occupier thereof shall give all reasonable facilities for that purpose. The Minister or the Local Authority, as the case may be, may recover from such person summarily as a civil debt the expenses of such cleansing and disinfection.

(3) In this Article—

“Disease” means anthrax, cattle-plague, contagious pleuro-pneumonia of cattle, foot-and-mouth disease, sheep-pox, sheep-scab or swine fever.

“Slaughterhouse” means any premises where animals are habitually slaughtered.

Effect of Revocation of Orders and Regulations.

5.—(1) Where an Order of the Minister made after the commencement hereof revokes and re-enacts, with or without modification, any provisions of a former Order, references in any other Order to the provisions so revoked shall, unless the contrary intention appears, be construed as references to the provisions so re-enacted.

(2) Where an Order of the Minister made after the commencement of this Order revokes any other Order or any Regulation made by a Local Authority, then, unless the contrary intention appears, the revocation shall not—

- (i) revive anything not in force or existing at the time at which the revocation takes effect; or
- (ii) affect the previous operation of any Order or Regulation so revoked or anything duly done or suffered under any Order or Regulation so revoked; or
- (iii) affect any right, privilege, obligation, or liability acquired, accrued, or incurred under any Order or Regulation so revoked; or

(iv) affect any penalty, forfeiture, or punishment incurred in respect of any offence committed against any Order or Regulation so revoked; or

(v) affect any investigation, legal proceeding, or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment as aforesaid;

and any such investigation, legal proceeding, or remedy may be instituted, continued, or enforced, and any such penalty, forfeiture, or punishment may be imposed, as if the revoking Order had not been made.

Construction of Orders where Boundaries of Districts are altered.

6. Where an Order of the Minister is declared to be applicable to any county, city, borough, burgh, or other district, and the boundary thereof is altered by Act, Order or other instrument, then subject to the terms of the Act, Order or other instrument the Order of the Minister shall thenceforth apply to the county, city, borough, burgh or other district as extended or restricted by such alteration of boundary.

Publication of Orders of the Minister by Local Authority.

7. When an Order of the Minister is sent, under sub-section four of section forty-nine of the Act of 1894, by the Minister to a Local Authority for publication, the Order shall be published by that Local Authority, either by advertisement or by notice in a newspaper circulating in the District of that Local Authority, or by means of handbills, containing a copy of or an abstract from such Order of the Minister either distributed to persons affected by the Order or affixed to places where Local Notices are usually exhibited in the District of that Local Authority, or in such other manner as the Local Authority consider best fitted to insure publicity for the same.

Regulations of Local Authority.

8.—(1) Every Regulation made by a Local Authority under any Order of the Minister shall be published by advertisement in a newspaper circulating in the District of the Local Authority, or in such other manner as the Local Authority consider best fitted to insure publicity for the same.

(2) A Local Authority may by Regulation revoke or alter any former Regulation made by them; Provided, however, that where in the case of alteration, the Regulation to be altered has been confirmed by the Minister before becoming operative, the alteration of the Regulation shall likewise not be operative until it has been so confirmed.

(3) A Local Authority shall forthwith send to the Ministry two copies of every Regulation made by them under any Order

of the Minister and where the Regulation affects movement of animals into, out of, or within the District of the Local Authority, two copies of the Regulation shall be sent to the Headquarters of every railway company having a station within the District of the Local Authority and to the Secretary, Railway Clearing House, Seymour Street, Euston Square, London, N.W. 1.

(4) If the Minister is satisfied on inquiry, with respect to any Regulation made by a Local Authority, that the same is for any reason objectionable, and directs the revocation thereof, the same shall thereupon cease to operate.

Printed Documents and Forms.

9. Except where it is otherwise provided in any Order of the Minister a Local Authority shall provide and supply, without charge, printed copies of documents or forms requisite under the Act of 1894 or any Order of the Minister.

Notice to Ministry as to Inspectors of Local Authorities.

10. Whenever a Veterinary Inspector or any other Inspector is appointed under section thirty-five of the Act of 1894, or ceases to be an Inspector, and whenever there is any change in the name or address or district of any such Inspector, the Local Authority shall forthwith report the same to the Ministry.

Exceptional Qualification of Veterinary Inspector.

11. The following is hereby approved as the qualification of a veterinary practitioner (not being a member of the Royal College of Veterinary Surgeons, or, in Scotland, not holding the Veterinary Certificate of the Highland and Agricultural Society of Scotland) to be a Veterinary Inspector of a Local Authority in Great Britain, namely—that he is registered as an Existing Practitioner under section fifteen of the Veterinary Surgeons Act, 1881, (a) or that previous to the tenth day of May, eighteen hundred and eighty-three, he was employed by that Local Authority as an Inspector or Veterinary Adviser under the Contagious Diseases (Animals) Act, 1869. (b)

Information to be given as to Diseased or Suspected Animals or Animals in contact therewith.

12.—(1) Every person who has or has had in his possession or under his charge an animal affected with or suspected of disease, or any animal which has been in contact, or in the same stable, building, shed, field, or other place, with an animal so affected or suspected, or which has otherwise been exposed to the risk of contagion or infection, and every person who as auctioneer or otherwise has sold or offered for sale any such animal shall, if so required in writing by the Ministry or the

(a) 44-5 V. c. 62.

(b) 32-3 V. c. 70.

Local Authority, or an Inspector of the Ministry or of the Local Authority, give the Ministry or the Local Authority, or the Inspector, as the case may be, all such information as he possesses as to the animal and its movement and as to the persons in whose possession or under whose charge it is or has been, and any person who refuses to give such information or gives false information shall according to and in respect of his own acts and defaults be deemed guilty of an offence against the Act of 1894: Provided that any information given under this Article shall not be available as evidence against the person giving the same in any prosecution under the Act of 1894 except in respect of an offence under this Article.

(2) In this Article the expression "disease" includes any disease which by an Order of the Minister is declared to be a disease for the purposes of the Act of 1894, or any of its provisions, either generally or in their application to a District or part of a District.

Ascertainment of Value for Compensation in England and Wales.

13.—(1) Where under the Act of 1894 or any Order it is necessary that the value of an animal should be ascertained in England or Wales for the purpose of compensation payable by the Minister, the value shall, subject to the provisions of any such Order, be ascertained as follows:—

- (i) If within fourteen days after the receipt of notice in writing from an Inspector or Officer of the Ministry of the valuation of the animal the owner of the animal or his agent does not give a counter-notice in writing stating in effect that he disputes the valuation made on behalf of the Minister, the compensation shall be paid on that valuation.
- (ii) If the owner, or his agent gives such a counter-notice then the question of the value of the animal shall by virtue of this Order stand referred to the arbitration of a single arbitrator, and the provisions of the Arbitration Act, 1889, (a) shall apply to the reference and arbitration, as if the same were pursuant to a submission, except in so far as that Act is inconsistent with the provisions of this Article.
- (iii) An arbitrator may be appointed by an agreement in writing signed by an Inspector or Officer of the Ministry and by the owner of the animal or his agent.
- (iv) In case no such agreement is entered into within fourteen days after the service of the counter-notice by the owner or his agent, either party may, having given notice to the other party of the place and time of his intended application, apply to a court of summary

(a) 52-3 V. c. 49.

jurisdiction to appoint an arbitrator and such court may accordingly appoint an arbitrator, as if such court were a court or judge within the meaning of the Arbitration Act, 1889.

(v) The arbitrator shall make his award in writing ready for delivery within thirty days after the date of his appointment.

(vi) If on the arbitration a higher valuation is awarded than the valuation specified in the notice given by the Inspector or Officer of the Ministry, then the Minister shall pay the costs of the reference and award and all costs incurred by the owner with respect to the arbitration, but otherwise the costs of the reference and award and all costs incurred by the Minister with respect to the arbitration may be deducted by the Minister from the sum payable to the owner as compensation under the award. The arbitrator may tax or settle the amount of costs to be paid or deducted by the Minister under this Article.

(2) Where the compensation is payable by a Local Authority, the provisions of this Article shall apply to the ascertainment of the value of the animal for compensation, and shall be read and have effect as if the Local Authority were mentioned therein instead of the Minister and the Ministry.

Ascertainment of Value for Compensation in Scotland.

14.—(1) Where under the Act of 1894, or any Order, it is necessary that the value of an animal should be ascertained in Scotland for the purpose of compensation payable by the Minister, the value shall, subject to the provisions of any such Order, be ascertained as follows :—

(i) If within fourteen days after the receipt of notice in writing from an Inspector or Officer of the Ministry of the valuation of the animal the owner of the animal or his agent does not give a counter-notice in writing stating in effect that he disputes the valuation made on behalf of the Minister, the compensation shall be paid on that valuation.

(ii) If the owner or his agent gives such a counter-notice, then the question of the value of the animal shall be determined by a valuer who shall be appointed as follows :

(iii) Such valuer may be appointed by an agreement in writing signed by an Inspector or Officer of the Ministry and by the owner of the animal or his agent.

(iv) In case no such agreement is entered into within fourteen days after the service of the counter-notice by the owner or his agent, either party may, having given notice to the other party of the place and time of his intended application, apply to the sheriff-substitute to

appoint a valuer, and the sheriff-substitute may accordingly appoint a valuer for the purpose of determining the value of the animal.

(v) The valuer shall make his valuation in writing ready for delivery within thirty days after the date of his appointment, and his valuation shall be final and binding on the Minister and the owner.

(vi) If a higher valuation is determined by the valuer than the valuation specified in the notice given by the Inspector or Officer of the Ministry, then the Minister shall pay the costs and expenses of the valuation and all costs incurred by the owner with respect to the valuation, but otherwise the costs and expenses of the valuation and all costs incurred by the Minister in relation thereto may be deducted by the Minister from the sum payable to the owner as compensation in accordance with the valuation of the valuer, who may tax or settle the amount of costs to be paid or deducted by the Minister under this Article.

(2) Where the compensation is payable by a Local Authority the provisions of this Article shall apply to the ascertainment of the value of the animal for compensation, and shall be read and have effect, as if the Local Authority were mentioned therein instead of the Minister and the Ministry.

Cremation of Diseased and Suspected Carcasses.

15. Any carcass required by any Order of the Minister to be disposed of by the Local Authority may, notwithstanding anything in the Order prescribing the mode of disposal, be destroyed by the Local Authority by exposure to a high temperature upon the farm or premises upon which the carcass is or upon the nearest available premises suitable for the purpose, but the carcass shall not be taken into the District of another Local Authority without the previous consent of that Local Authority.

Digging up of Carcasses.

16. It shall not be lawful for any person except under and in accordance with the provisions of any licence of the Minister or the permission in writing of an Inspector of the Ministry to dig up, or cause to be dug up, the carcass of any animal that has been buried.

Revocation.

17. The Order No. 5741, dated 1st February, 1898, (a) the Order of the Minister No. 1234, dated 5th January, 1923, (b) and the Diseases of Animals (Arbitration) Order of 1924, (c) are hereby revoked.

(a) Printed in Lond. Gaz., February 1, 1898 (not in S.R. & O. series).

(b) S.R. & O. 1923, No. 15 (printed Lond. Gaz., January 9, 1923, not in S.R. & O. series).

(c) S.R. & O. 1924 (No. 120) p. 61.

Animals (Landing from Ireland, Channel Islands and 85
Isle of Man).

Commencement.

18. This Order shall come into operation on the first day of June, nineteen hundred and twenty-seven.

Short Title.

19. This Order may be cited as the Animals (Miscellaneous Provisions) Order of 1927.

In witness whereof the Official Seal of the Minister of Agriculture and Fisheries is hereunto affixed this fourth day of April, nineteen hundred and twenty-seven.

(L.S.)

F. L. C. Floud,
Secretary.