CHAPTER 32.

An Act to amend the Contagious Diseases (Animals) Act, 1878. [25th June 1886.]

A.D. 1886.

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

Short title, construction, and citation of Acts.

1.—(1.) This Act may be cited as the Contagious Diseases (Animals) Act, 1886, and, so far as is consistent with the tenor thereof, shall be construed as one with the Contagious Diseases (Animals) Act, 1878, (in this Act referred to as "the principal Act,") and shall apply to Scotland and Ireland with the modifications and subject to the provisions contained in Parts III. and IV. respectively of the principal Act.

41 & 42 Vict. c. 74.

47 & 48 Vict. c. 13. 47 & 48 Vict. c. 47.

(2.) The Contagious Diseases (Animals) Acts, 1878 and 1884, the Contagious Diseases (Animals) Transfer of Parts of Districts Act, 1884, and this Act, may be together cited as the Contagious Diseases (Animals) Acts, 1878 to 1886.

Provisions as to infected circle.

2.—(1.) Where the Privy Council by general order declare that this section shall apply in the case of any disease, then, upon any place becoming, in pursuance of a declaration made and signed by an inspector of a local authority, a place infected with such disease, the whole space lying within a distance of half a mile from any part of such infected place shall become and be a circle infected with such disease: Provided that the Privy Council may, if they think fit, by special order, limit the application of any such general order to infected places in any particular district or districts.

(2.) Where, under or in pursuance of the principal Act or this Act, the place in respect of which an infected circle has been constituted in pursuance of this section ceases to be an infected place, such infected circle shall cease to exist.

A.D. 1886.

(3.) The Privy Council may from time to time make such general and special orders as they think fit for giving public notice of the existence of, and for contracting the limits of, and dissolving infected circles, and for prohibiting or regulating the movement of animals in, into, and out of infected circles, or for any of those purposes, or for authorising a local authority to make regulations for those purposes or any of them, subject to such conditions, if any, as the Privy Council think fit to prescribe.

(4.) Where two or more circles infected with the same disease adjoin or overlap each other, the whole of such infected circles shall, if the Privy Council so order, be deemed for the purpose of the movement of animals under any orders or regulations made in pursuance of this section to be one infected circle.

Amendment of 41 & 42 Vict c. 74. ss. 17, 23, for contracting limits of infected place.

3. The Privy Council shall have power, in pursuance of sections seventeen and twenty-three of the principal Act, from time to time, if they think fit, by order to contract or otherwise alter, as well as to extend, the limits of places infected with the diseases in those sections respectively mentioned; and the said sections shall be construed accordingly.

Amendment of ss. 20, 26, as to declaration of freedom from infection.

4.—(1.) A local authority before making an order under subsection one of section twenty or subsection one of section twenty-six of the principal Act declaring any place to be free from pleuro-pneumonia or foot-and-mouth disease, shall with a view to the making of such order obtain the assistance and advice of a veterinary inspector, or of a person qualified according to the said Act to be such.

(2.) Subsection two of section twenty, and subsection two of section twenty-six, of the principal Act are hereby repealed, and in lieu thereof be it enacted as follows:

Where the Privy Council or a local authority have declared a place to be infected with pleuro-pneumonia or foot-and-mouth disease, the Privy Council may at any time, if they think fit, by order declare that place to be free from such disease.

Amendment of s. 22, as to inquiry respecting foot-and-mouth disease.

5. The Privy Council may by order direct that a local authority, in making an inquiry, under subsection five of section twenty-two of the principal Act, into the correctness of an inspector's declaration respecting the existence of foot-and-mouth disease in any place, shall obtain the assistance and advice of a veterinary inspector, or of a person qualified according to the said Act to be such.

Repeal of s. 29, and provision as to slaughter of animals.

6. Section twenty-nine of the principal Act is hereby repealed without prejudice to any order made thereunder before the passing of this Act, and in lieu thereof be it enacted as follows:

The Privy Council may from time to time make such orders as they think fit, subject and according to the provisions of the principal Act, for directing or authorising, in case of the existence or suspected existence of any disease other than cattle plague, and under such conditions as the Privy Council think fit to prescribe, the slaughter of animals by local authorities, either generally or in particular instances and in all or any of such cases the payment of compensation for the same by local authorities out of the local rate; and such orders may direct or authorise the slaughter both of animals actually affected with disease, and also of animals suspected of disease, or being or having been in the same field, shed, or other place, or in the same herd or flock, or otherwise in contact, with animals affected with disease, or being or having been otherwise exposed to the infection thereof.

Provision as to delegation by local authority of power to make regulations.

7. The Privy Council, in any order made by them under section thirty-two of the principal Act, or under this Act, for authorising a local authority to make regulations, may provide that the power to make such regulations for any purpose or purposes specified in that behalf in the order shall be exercised only by the said local authority or their executive committee, and shall not be deputed to any other committee nor to a sub-committee; and the third and sixth paragraphs of the Sixth Schedule to the principal Act shall have effect subject to any such provisions as aforesaid.

Amendment of s. 32, for extending definition of animals.

8. The power of the Privy Council to make orders under section thirty-two of the principal Act shall extend to the making of orders for the following purpose; that is to say:

For extending, for all or any of the purposes of the principal Act, or any Act amending the same, the definition of animals in that Act, so that the same shall for those purposes or any of them comprise any kind of four-footed beasts, in addition to the animals mentioned in the said Act;

and this purpose shall be deemed to be included among the purposes mentioned in the said section thirty-two.

Transfer to Local Government Board of powers of Privy Council under s. 34.

9. (1.) The powers vested in the Privy Council of making general or special orders under section thirty-four of the principal Act, for the purposes in that section mentioned, are hereby transferred to and shall henceforth be exerciseable by the Local Government Board; every such order shall have effect as if enacted in this section, and shall be published in such manner as the Local Government Board may direct, and the said Board may from time to time alter or revoke any such order.

A.D. 1886.

(2.) For the purposes of the said section and this section, and of any order in force thereunder, the expression local authority, unless the context otherwise requires, in the metropolis has the same meanings as in the principal Act, and elsewhere has the same meanings as in the Public Health Act, 1875.

38 & 39 Vict. c. 55.

(3.) Any expenses incurred by a local authority in the metropolis in pursuance of section thirty-four of the principal Act, as amended by this section, shall be defrayed out of the local rate applicable to their expenses under the principal Act; and any expenses so incurred by any other local authority shall be defrayed as if they were incurred in the execution of the Public Health Act, 1875, and in the case of a rural sanitary authority shall be deemed to be general expenses.

(4.) The local authority and their officers, for the purpose of enforcing the said orders and any regulations made thereunder, shall have the same right to be admitted to any premises as the local authority, within the meaning of the Public Health Act, 1875, and their officers have, under section one hundred and two of that Act, for the purpose of examining as to the existence of any nuisance thereon; and if such admission is refused the like proceedings may be taken, with the like incidents and consequences as to orders for admission, penalties, costs, expenses, and otherwise, as in the case of a refusal to admit to premises for any of the purposes of the said section one hundred and two, and as if the local authority mentioned in the said Act included a local authority in the metropolis as defined in this section.

Provided that nothing in this section shall authorise any person, except with the permission of the local authority under the principal Act, to enter any cowshed or other place in which an animal affected with any disease is kept, and which is situate in a place declared to be infected with such disease.

(5.) The like penalties for offences against orders or regulations made for the purposes of section thirty-four of the principal Act as amended by this section may be imposed by the Local Government Board or local authority making the same, and such offences may be prosecuted and penalties recovered in a summary manner, and subject to the like provisions, as if such orders or regulations were byelaws of a local authority under the Public Health Act, 1875, and as if the local authority mentioned in that Act included a local authority in the metropolis as defined in this section.

A.D. 1886.

(6.) Whereas under the powers of the principal Act the Privy Council have made an Order known as the Dairies, Cowsheds, and Milkshops Order of 1885, and certain authorities have made regulations under that Order, or having effect in pursuance thereof; and it is expedient by reason of the foregoing provisions of this section to make provision respecting such order and regulations: Be it therefore enacted as follows:—

(*a.*) The Dairies, Cowsheds, and Milkshops Order of 1885, and any regulations thereunder, or having effect in pursuance thereof, made by any local authority under the principal Act, other than the local authority of a county, shall be deemed to have been made respectively by the Local Government Board and by a local authority under this section; and any such regulations made by the local authority of a county, within the meaning of the principal Act, shall, so far as they extend to the district of any local authority as defined in this section, be deemed to have been made by such local authority.

(*b.*) So much of any register kept by the local authority of any county under the said order as relates to the district of any local authority as defined in this section, or a copy thereof, shall, as soon as may be after the passing of this Act, be delivered to the local authority by the local authority of the county.

(7.) In the application of this section to Scotland, the expression "Local Government Board" shall mean the Board of Supervision for relief of the Poor and for Public Health; the expression "local authority" shall mean the local authority under the Public Health (Scotland) Act, 1867; the expressions "Public Health Act, 1875," and "section one hundred and two of the said Act" shall mean respectively the Public Health (Scotland) Act, 1867, and section seventeen of the said Act; the expression "bye-laws of a local authority" shall mean rules and regulations made by a local authority under the Public Health (Scotland) Act, 1867; and generally the board of supervision and the local authority under the Public Health (Scotland) Act, 1867, shall have all the powers of the Privy Council, and the local authority under section thirty-four of the Contagious Diseases (Animals) Act, 1878, with regard to the regulation of dairies, cowsheds, and milkshops: Provided always, that no general or special order made by the board of supervision under this section shall be binding until it has been confirmed by the Secretary for Scotland, subject

30 & 31 Vict. c. 101.

A.D. 1886.

to such conditions (if any) as the Secretary for Scotland shall think fit.

(8.) In the application of this section to Ireland, the Local Government Board for Ireland shall be substituted for the Local Government Board; the expression "local authority" shall mean an urban or rural sanitary authority within the meaning of the Public Health (Ireland) Act, 1878, and that Act and section one hundred and eighteen thereof shall respectively be substituted for the Public Health Act, 1875, and for section one hundred and two of the said last-mentioned Act, and the Dairies, Cowsheds, and Milkshops Order of 1879 shall be substituted for the Dairies, Cowsheds, and Milkshops Order of 1885.

41 & 42 Vict. c. 52.

Amendment of s. 39, as to providing sheds, &c.

10. Section thirty-nine of the principal Act shall extend to enable a local authority to provide, erect, and fit up wharves, stations, lairs, sheds, and other places for the landing, reception, keeping, sale, slaughter, or disposal of animals not being foreign, and of carcases, fodder, litter, dung, and other things of and relating to such animals, in like manner as if they were foreign animals; and the said section shall be construed accordingly.

Recovery from shipowner of expenses incurred by local authority under s. 53.

11. Where a local authority has incurred any expenses under section fifty-three of the principal Act on account of the burial or destruction of the carcase of any animal which, or the carcase of which, was thrown or washed from any vessel, the owner of such vessel shall be liable to repay such expenses to the said local authority; and the said local authority may recover such expenses, with costs, in the same manner as salvage is recoverable.

Amendment of s. 59, as to returns to Parliament.

12. So much of section fifty-nine of the principal Act as requires a return to be made and laid before both Houses of Parliament setting forth every Order of Council made since the date of the last return, and every previous Order of Council required to be published in the London Gazette, and in force, is hereby repealed.

Amendment of Third and Fourth Schedules.

13. Nothing in the Third or Fourth Schedule to the principal Act, which said schedules contain rules having effect in relation to places and areas infected with pleuro-pneumonia and foot-and-mouth disease respectively, shall be deemed in any way to limit the power of the Privy Council to make orders for prohibiting or regulating the movement of cattle or animals in a place infected with either of those diseases.

LONDON: Printed by EYRE and SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1886.