

Return of expenditure  
incurred and  
prosecutions taken  
under the Animal  
Health Act 1981 and  
incidences of disease  
in imported animals  
for the year 2010

Presented to Parliament pursuant to Section 80 of the Animal Health Act 1981



Llywodraeth Cynulliad Cymru  
Welsh Assembly Government



Animal Health  
Block C  
Government Buildings  
Whittington Road  
Worcester  
WR5 2LQ  
Telephone 01905 763355  
Website: [www.defra.gov.uk/animalhealth](http://www.defra.gov.uk/animalhealth)

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# ANNUAL RETURN

## ANNUAL RETURN MADE UNDER SECTION 80 OF THE ANIMAL HEALTH ACT 1981

This statutory return is required to be made and laid before Parliament in accordance with Section 80 of the Animal Health Act 1981 and includes only data relating to England and Wales.

The Scottish Government Rural Directorate will compile a separate report.

The Report covers prosecutions and other enforcement action taken under the Animal Health Act 1981 and other animal health and welfare legislation.

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# TABLE 1

## FORMAL ENFORCEMENT ACTIONS<sup>1</sup> UNDER THE ANIMAL HEALTH ACT 1981 AND OTHER ANIMAL HEALTH AND WELFARE LEGISLATION BY LOCAL AUTHORITIES IN 2010<sup>2</sup>

Policy area:	Home Office cautions issued <sup>3</sup> :	Prosecutions: initiated <sup>3</sup> :	Convictions achieved <sup>3</sup> :
Animal By-Products	9	40	19
Biosecurity (including Animal Gatherings)	0	1	0
Cattle Identification, Movement and Records	6	57	9
Sheep and Goat Identification, Movement and Records	1	1	0
Pig Identification, Movement and Records	0	7	2
Disease Control and Standing Regime Controls	14	11	2
Welfare on Farm (including Medicine Records)	0	3	0
Welfare during Transport	13	15	4
Welfare at Markets (and other places of sale)	0	1	1

### NOTES

- 1 See Annex 1 for a full explanation of the various enforcement sanctions. Table 4 lists other enforcement actions.
- 2 This return is compiled from information supplied to Animal Health by local authorities using Defra form AH134 and the Animal Health and Welfare Management and Enforcement System (AMES). These figures include formal actions taken under legislation relevant to animal health and welfare identified against policy areas.
- 3 Where partial information has been received, data has been allocated against the most appropriate policy area. An individual may have multiple sanctions recorded against them.

## TABLE 2

### COMPENSATION PAID FOR ANIMALS SLAUGHTERED TO PREVENT THE SPREAD OF ANIMAL DISEASES IN 2010

Type of disease	Amount (£):
Bovine Spongiform Encephalopathy <sup>1</sup>	16,186
Bovine Offspring Cull (BOC) <sup>1</sup>	10,208
Cohort Cull <sup>1</sup>	189,183
Scrapie <sup>1</sup>	90
Compulsory Scrapie Flocks Scheme <sup>2</sup>	69,057
Bovine Tuberculosis	41,388,702
Equine Infectious Anaemia	3
Avian Influenza <sup>3</sup>	Nil
Foot and Mouth Disease <sup>3</sup>	Nil
<b>TOTAL GROSS COMPENSATION</b>	<b>41,673,429</b>
<b>Less receipts from salvage of carcasses:</b>	
Bovine Tuberculosis	6,091,451
<b>TOTAL NET COMPENSATION PAID</b>	<b>35,581,978</b>

#### NOTES

All figures have been rounded up to the nearest pound (£).

- 1 This compensation is paid under Regulations made under the European Communities Act.
- 2 Compensation paid under this Scheme was first included in this report in 2006. This compensation is paid under Regulations made under the European Communities Act.
- 3 There were no outbreaks declared in 2010.

# TABLE 3

## NUMBER OF IMPORTED ANIMALS AND BIRDS LANDED AND FOUND TO BE AFFECTED BY A NOTIFIABLE DISEASE IN 2010

Legislation	Type of animal	Number	Countries of origin	Ports of landing	Type of disease	Methods of disposal
The Animals and Animal Products (Import and Export) (England) Regulations 2006 (made under the European Communities Act 1972)	Horses	3	Netherlands	Dover	Equine Infectious Anaemia	Incineration

# TABLE 4

## TOTAL NUMBER OF OTHER ENFORCEMENT ACTIONS UNDERTAKEN AS RECORDED ON THE DEFRA ANIMAL HEALTH AND WELFARE MANAGEMENT AND ENFORCEMENT SYSTEM (AMES) BY LOCAL AUTHORITIES DURING 2010

Policy Area (as shown in Table 1)	Oral advice given	Written advice issued	Oral warning given	Local authority written warning	Referred to Animal Health for removal from movement by General Licence
Animal By-Products	776	298	111	105	0
Biosecurity (including Animal Gatherings)	629	99	194	30	0
Cattle Identification, Movement and Records	2,233	1,684	362	586	0
Sheep and Goat Identification, Movement and Records	3,109	853	499	187	0
Pig Identification, Movement and Records	902	355	53	94	0
Disease Control and Standing Regime Controls	1,561	726	270	683	1
Welfare on Farm	46	14	16	16	0
Welfare during Transport	742	149	191	185	0
Welfare at Markets (and other places of sale)	509	77	215	184	0
<b>Totals</b>	<b>10,507</b>	<b>4,255</b>	<b>1,911</b>	<b>2,070</b>	<b>1</b>

The information within this table is broken down by the different policy areas as entered on to AMES. Currently, 128 Local Authorities enter data on AMES in England & Wales.

Enforcement decisions are taken in accordance with the Cabinet Office Enforcement Concordat (see Annex 1). This places an emphasis upon fair, balanced and proportionate enforcement.

# ANNEX 1: Explanation of enforcement sanctions

The primary function of central and local government enforcement work is to protect the public, the environment and groups such as consumers and workers. At the same time, carrying out enforcement functions in an equitable, practical and consistent manner helps to promote a thriving national economy. It is important that enforcement officers take care to help businesses and others meet their legal obligations without unnecessary expense while taking firm action, including prosecution where appropriate, against those that flout the law or act irresponsibly.

Businesses should receive clear explanations from enforcers of what they need to do and by when. They should have opportunities to resolve differences before enforcement action is taken (unless immediate action is needed) and receive an explanation of their rights of appeal.

**Oral advice** – simply informing the regulated person what needs to be done or changed.

**Written advice** – the same sort of advice but more formal and in writing.

**Oral warning** – simply informing the regulated person that any future repetition of non-compliance may result in more stringent enforcement action being taken. This is often accompanied by advice as to how compliance can be achieved.

**Written warning** – where it is considered it can be proved the law has been broken, a written warning saying so and warning the regulated person as to his or her future conduct may be sent. Should the person re-offend, the issuing local authority may take into account a written warning when deciding the appropriate enforcement sanction.

**Imposition of conditions on operating** – this applies to licences etc. This may include a temporary revocation or restriction of licence or permit – e.g. an individual may be subject to a temporary removal from the General Licence provisions of the Disease Control Orders (England & Wales) requiring them to apply to the relevant authority for individual approval for each movement of livestock undertaken.

**Home Office simple caution** – when deciding whether a case should be prosecuted in the courts, Crown Prosecutors should consider both the public interest and alternatives to prosecution. Alternatives to prosecution for adult suspects include a simple caution under Home Office Circular 30/2005. An offender must admit his guilt before this type of caution can be administered. A simple caution may be taken into account when deciding what the public interest is in bringing future criminal proceedings should the person re-offend. In subsequent criminal proceedings, the caution may be used as evidence of bad character where appropriate, and may be taken into account by the Court when passing sentence.

**Initiate a criminal investigation** – carry out a criminal investigation. Various orders such as disqualification or forfeiture of goods may be available to the sentencing court in the event of conviction.



**HEAD OFFICE:**

Animal Health Corporate Centre, Block C,  
Government Buildings,  
Whittington Road, Worcester WR5 2LQ  
t +44(0)1905 763355 f +1905 768851  
e [corporate.centre@animalhealth.gsi.gov.uk](mailto:corporate.centre@animalhealth.gsi.gov.uk)

ANIMAL HEALTH IS AN EXECUTIVE AGENCY OF THE  
DEPARTMENT FOR ENVIRONMENT, FOOD AND RURAL AFFAIRS  
AND ALSO WORKS ON BEHALF OF THE SCOTTISH EXECUTIVE,  
WELSH ASSEMBLY GOVERNMENT/LLYWODRAETH CYNULLIAD  
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