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CHAPTER 253

ANIMALS (DISEASES AND IMPORTATION)

An Act to control the importation of animals, birds, reptiles and insects and to regulate the treatment and disposal of animals which are suffering or are suspected to be suffering from any disease; and for related matters.

1949-38.
1973-21.
L.N. 168/
1967.
1995/8.
2004/88.

[15th November, 1951] Commence-
ment.

PART I

Preliminary

1. This Act may be cited as the *Animals (Diseases and Importation) Act*. Short title.

2. For the purposes of this Act,

Interpreta-
tion.

"animal" includes cattle, horses, mules, asses, sheep, swine, goats, dogs, cats and all animals of whatsoever kind, whether similar to the foregoing or not;

"bird" does not include poultry;

"carcass" means the carcass of any animal, and includes any part of the carcass or of the meat, bones, hide, skin, hoofs, horns, offal or other part of an animal;

"cattle" includes bulls, cows, oxen, heifers and calves;

"communicable animal disease" means *actino-mycosis* (lumpy jaw); anthrax; Bang's disease (contagious abortion, *brucellosis*); contagious pleuro-pneumonia; canine distemper, dourine, equine

s.2A

2004/88. distemper, equine infectious anaemia (swamp fever), epizootic
Lymphangitis, equine *encephalomyelitis*, foot and mouth disease,
1995/8. glanders (farcy), Highly Pathogenic Avian Influenza, hog
cholera (swine fever), John's disease, Newcastle disease,
psittacosis (ornithosis), pullorum disease, rabies, rinderpest,
surra, tuberculosis (Bovine and Avian), *amblyomma variegatum*,
heart-water, dermatophilosis and such other diseases as the
Minister may from time to time, by order made under section 11,
declare to be a disease within the meaning of this Act;

"defined port" means a port as defined by any regulation made under
section 14;

"diseased" means affected with disease;

"fodder" means grass, hay or any other substance commonly used for
the food of animals;

"infected area" means an area declared as such under sections 5 and 6;

"infected place" means a place declared as such under section 5;

"litter" means straw or any other substance commonly used as the
bedding for or otherwise used for or about animals;

"Minister" means the Minister responsible for Agriculture;

L.N. 168/
1967. "poultry" means domestic fowls, turkeys, geese, ducks, guinea fowls
and pigeons;

"suspected" means suspected of being diseased.

Appoint-
ment of
inspectors.
1973-21. **2A.** (1) The Minister may, by instrument in writing, appoint such
persons for such periods as he thinks fit to be inspectors for the
purposes of this Act.

(2) Persons appointed under subsection (1) shall be paid such
remuneration as the Minister determines out of moneys voted for the
purpose by Parliament.

3. It shall be the duty of the Senior Veterinary Officer and every Veterinary Officer to carry out this Act and any regulations, and for such purpose every Veterinary Officer shall have, subject to the directions, either general or particular, of the Senior Veterinary Officer, all the rights, powers and duties given to the Senior Veterinary Officer under this Act.

Duties of Veterinary Officers.

3A. Where the Minister appoints any person to be an inspector of animals for the purposes of this Act, such inspector shall have all the rights, powers and duties of a Veterinary Officer under this Act.

Duties of inspectors of animals.

PART II

Control of Diseased or Suspected Animals

4. (1) Every person having in his possession or under his charge any diseased animal shall

Segregation and notification of diseased animals etc.

- (a) as far as practicable, keep that animal separate from animals not so diseased; and
- (b) with all practicable speed give notice of the fact of the animal being so diseased to the Senior Veterinary Officer or to the person in charge of the nearest police station.

(2) The person to whom notice under subsection (1) is given, if not the Senior Veterinary Officer, shall forthwith give information thereof to the Senior Veterinary Officer.

5. (1) Where the Senior Veterinary Officer suspects that any disease exists in any stable, pen, shed, field, pasture or other similar place, he shall forthwith sign a notice to that effect and such notice shall contain a declaration that such place, the limits whereof shall be therein specified, is an infected place and a copy of such notice shall be served upon the occupier of such place. ^{Infected places.}

(2) Upon the service of such notice, the place therein specified shall be an infected place subject to confirmation or otherwise by the Minister under subsection (4):

Provided that the Senior Veterinary Officer may, at any time within seven days of such service and before such confirmation or otherwise, withdraw such notice and thereupon such place shall cease to be an infected place.

(3) The Senior Veterinary Officer shall send a copy of such notice to the Chief Agricultural Officer who shall with all practicable speed forward the same to the Minister.

(4) Upon receipt of a copy of such notice, the Minister shall forthwith consider the same and, if satisfied that such course is expedient or necessary, shall by order declare the place specified in such notice to be an infected place and also by order declare that any area containing, adjoining or surrounding such place is an area infected with disease and such order shall specify the limits of such infected area.

(5) Where the Minister is not satisfied that such course is expedient or necessary, he shall by order revoke the notice of the Senior Veterinary Officer and thereupon, as from the time specified in that behalf by such order, the stable, pen, shed, field, pasture or other place shall cease to be an infected place.

6. The Minister, whenever it appears necessary or expedient to do so by reason of the existence of any disease, may by order declare any area in the Island to be infected with disease, and such order shall specify the limits of such infected area. ^{Infected areas.}

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Defined port
excluded.

7. No defined port or part thereof shall be declared to be an infected place or an infected area.

Slaughter of
diseased
or suspected
animals.

8. (1) The Senior Veterinary Officer may cause any diseased or suspected animal or any animal which had been in the same stable, pen, shed, field, pasture or other similar place or in the same herd or flock as, or in contact with, any diseased or suspected animal, whether or not any such place has been declared to be an infected place or is within an infected area, to be slaughtered in order to prevent the spread of the disease, and for such purpose the Senior Veterinary Officer may give all such directions as he may consider necessary.

(2) The Senior Veterinary Officer may, for the purpose of observation and treatment, take possession of and retain any animal liable to be slaughtered under this section but subject to payment of compensation as in the case of actual slaughter.

Disposal of
animals.

9. Any animal slaughtered under this Act or which dies as the result of disease shall be destroyed, buried or otherwise disposed of, as soon as possible in accordance with regulations and in accordance with the orders, either general or particular, of the Senior Veterinary Officer, and for such purposes the Senior Veterinary Officer may use any suitable ground in the possession or occupation of the owner of the animal.

Compensa-
tion.

10. (1) The Minister may in his discretion award for the compulsory slaughter of any animal under this Act compensation which shall be payable out of moneys to be provided for the purpose by Parliament.

(2) The amount of any such compensation shall not exceed the value of the animal immediately before slaughter and compensation may be reduced or refused where the owner or the person having charge of the animal has, in the opinion of the Minister, been guilty, in relation to the animal, of an offence against this Act.

(3) No compensation shall be payable in respect of any animal compulsorily slaughtered when in a quarantine depot, if, in the opinion of the Senior Veterinary Officer, such animal was diseased at the time of importation.

11. The Minister may, from time to time, by order add any particular disease to, or remove any particular disease from, the definition of disease contained in section 2, and as from the date of any such order such particular disease shall be, or shall cease to be, as the case may be, a disease within the meaning of this Act.

Order
amending
definition of
disease.

12. (1) The Minister may make regulations generally for the control and treatment of diseased or suspected animals and for the prevention and spread of disease.

Regulations.

- (2) Such regulations may make provision with regard to—
- (a) the adaptation and modification of the provisions of this Act in relation to any animals suffering from any particular disease;
 - (b) the notices to be given by persons in possession or in charge of diseased animals in the case of any particular disease or in the case of illness of any such animal, and the persons to whom such notices are to be given;
 - (c) the notification to the public of infected places or infected areas and the removal of anything into, within or out of such places or areas, and the cleansing or disinfecting of such places or areas;
 - (d) the movement of persons into, within or out of infected places or infected areas and the prevention of the spread of disease by persons in contact with diseased or suspected animals;
 - (e) the treatment, disinfecting, destruction, burial, disposal and digging up of anything in or removal from an infected place or an infected area;
 - (f) the movement, isolation, segregation, treatment, slaughter, destruction, disposal, burial, seizure, detention and exposure for sale of diseased or suspected animals;
 - (g) the removal, transport, treatment, isolation, examination, testing, cleansing, disinfecting, protection from suffering, exposure for sale, exhibition or marking of animals;
 - (h) the removal, transport, treatment, examination, cleans-

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ing and disinfecting of carcasses, fodder, litter, dung and other things;

- (i) the cleansing, disinfecting and examination of places used by, and vehicles used for the transport of, animals;
- (j) the fees and expenses incurred for any purpose for which regulations under this section may be made and the persons by whom they are to be paid and the manner in which they may be recovered.

PART III

Importation of Birds, Animals, etc.

Prohibition
of importa-
tion of birds,
etc.

13. (1) No bird, reptile or insect may be imported into the Island save under and in accordance with a licence granted by the Senior Veterinary Officer under section 15.

(2) Any person who—

- (a) imports into the Island any bird, reptile or insect, otherwise than under a licence in that behalf granted under section 15; or
- (b) contravenes or fails to comply with any of the provisions of any such licence,

shall be guilty of an offence.

(3) Any bird, reptile or insect in respect of which any such offence is alleged to have been committed may be seized and shall be forfeited to the Crown, if the person importing such bird, reptile or insect is convicted of an offence under this section.

Regulations
controlling
importation
of animals,
etc.

14. (1) The Minister may, for the purpose of preventing the introduction or spread of any disease into the Island, make regulations prohibiting, restricting, controlling or regulating the importation of animals or poultry, or any specific kind thereof, or of carcasses, fodder, litter, dung or other similar things.

(2) Such regulations may make provision for—

- (a) specifying and defining the ports at which animals or

poultry or carcasses, fodder, litter, dung or similar things may be landed;

- (b) controlling, prohibiting or regulating the movement of animal or poultry or of carcasses, fodder, litter, dung or similar things into, within or out of any defined port;
- (c) controlling the examination, cleansing, destruction, disposal, seizure and detention of any animal or poultry or of carcasses, fodder, litter, dung or other similar things in a port;
- (d) the fees and expenses incurred for any purposes for which regulations under this section may be made and the persons to whom they are to be paid and the manner in which they may be recovered.

15. (1) The Senior Veterinary Officer may grant to any person a licence to import any bird, reptile or insect into the Island and may, notwithstanding anything contained in any regulations made under section 14, for the purposes of any exhibition, performance or circus, grant a licence to import any particular animal into the Island.

Import licence for birds, etc.

(2) Any licence granted under this section may contain such terms and conditions as the Senior Veterinary Officer may think necessary.

(3) Every person desirous of applying for a licence shall make application in such form as the Senior Veterinary Officer may require.

16. The Minister may appoint quarantine depots in such places as he deems necessary and all animals, birds, reptiles or insects required to be quarantined under this Act or any regulations or any licence granted thereunder shall be placed within such depots in accordance with the orders of the Senior Veterinary Officer.

Quarantine depots.

17. All animals, birds, reptiles and insects imported into this Island shall, subject to any regulations or to the terms and conditions of any licence granted under this Act, be placed in

Imported animals, etc. to be quarantined.

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a quarantine depot for such time and under such conditions as may be specified in such regulations or in any such licence.

PART IV

General

Powers of
arrest.

18. (1) Where any person is found committing, or is reasonably suspected of being engaged in committing, an offence against this Act or against any regulation, any constable may without warrant stop and detain him, and if his name and address are not known to the constable and he fails to give them to the satisfaction of the constable, such constable may without warrant apprehend him and may, whether he has so stopped, detained or apprehended such person or not, stop, detain and examine any animal, bird, reptile, insect, vehicle, boat or other thing, to which the offence or suspected offence relates and may require it to be forthwith taken back to or into any place or district wherefrom or whereout it was unlawfully removed and may execute and enforce that requisition.

(2) Where any person obstructs or impedes a constable in the execution of this Act or of any regulation or assists in any such obstructing or impeding, the constable may without warrant arrest the offender.

Powers of
Senior
Veterinary
Officer.

19. The Senior Veterinary Officer shall have all the powers given to a constable under section 18 and may at any time enter—

(a) any pen, building, land or place, where he has reasonable grounds for supposing—

(i) that disease exists, or has within fifty-six days existed; or

(ii) that the carcass of any diseased or suspected animal is or has been kept or has been buried, destroyed or otherwise disposed of; or

(iii) that there is to be found therein any thing or any place in respect whereof any person has on any occasion failed to comply with this Act or any regulations; or

(iv) that this Act or any regulation has not been or is not being complied with;

- (b) any vehicle, vessel or boat in which or in respect whereof he has reasonable grounds for believing that this Act or any regulation has not been or is not being complied with.

20. Any person who—

Offences.

- (a) when required by this Act or by any regulation to keep any animal separate as far as practicable or to give any notice of disease with all practicable speed, fails to do so; or
- (b) contravenes or fails to comply with any directions given by the Senior Veterinary Officer under section 8; or
- (c) refuses to the Senior Veterinary Officer, acting in the execution of this Act or of any regulations, admission to any pen, building, land, place, vehicle, vessel or boat, which the Senior Veterinary Officer is entitled to enter or examine, or obstructs or impedes him from so entering or examining, or otherwise in any respect obstructs or impedes the Senior Veterinary Officer or any constable in the execution of his duty or assists in any such obstructing or impeding; or
- (d) throws or places or causes to be thrown or placed into or in any river, stream, drain or other water or into or in the sea within three miles of the shore the carcass of an animal which has died of disease or has been slaughtered as diseased or suspected; or
- (e) takes or allows to be taken, unless otherwise required by this Act or by any regulations, or allows to stray any diseased animal in or upon any common, public road or public place; or
- (f) digs up, or causes or allows to be dug up, the buried carcass of any animal which has been slaughtered under this Act as diseased or suspected or which has died or is suspected of having died from any disease; or
- (g) takes or moves, or allows to be taken or moved, any animal, carcass, fodder, litter, dung or other thing into or out of any infected place or infected area otherwise

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than in accordance with this Act or with any regulations;
or

(h) allows any animal to stray into or out of any infected place or infected area,

shall be guilty of an offence against this Act.

Penalties.

21. (1) Any person guilty of an offence against this Act shall be liable for each such offence on summary conviction before a magistrate to a fine of ninety-six dollars or to imprisonment for six months or to both such fine and imprisonment.

(2) Any person who acts in contravention of, or fails to comply with, any regulation, contravention of or failure to comply with which is not made an offence under any other provision of this Act, shall for each offence be liable on summary conviction before a magistrate to such maximum penalty not exceeding a fine of ninety-six dollars as may be prescribed by the regulations.

Regulations to be subject to negative resolution.

22. All regulations made under this Act shall be subject to negative resolution.

Transport through infected places and areas.

23. Subject to any specific provision in any regulations, nothing in this Act or in any regulations, shall restrict or prohibit the transport of any person, animal or thing by public road through an infected place or an infected area if such person, animal or thing is not detained within such place or area.

Power to apply Act to poultry.

24. The Minister may by order apply, subject to such exceptions, adaptations and modifications as may be therein set out, this Act and any regulations to poultry.

Saving with respect to bees.

25. Nothing in this Act shall apply to bees.