

CHAPTER 18

THE ANIMALS (DISEASES AND IMPORTATION) ACT

Arrangement of Sections

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ANIMALS (DISEASES AND IMPORTATION)

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PART I

Preliminary

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

2. In this Act— Interpretation.

"animal" includes cattle, buffaloes, 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, steers, heifers and calves;

"port" means a port of entry as defined by the Animals (International Movement and Disease) Act; Cap. 19.

"disease" means anthrax, brucellosis, contagious bovine pleuro-pneumonia, equine encephalomyelitis, equine infectious anaemia, epizootic abortions, epizootic lymphangitis, foot and mouth disease, glanders and farcy, haemorrhagic septicaemia, infectious laryngotracheitis, mange ovine (commonly called sheep scab), melitensis infection (commonly called Malta fever), Newcastle disease (commonly called fowl pest or fowl plague), paralytic rabies (bat transmitted), psittacosis, rabies, rinderpest, sarcoptic mange in horses, streptothricosis (commonly called mange), swine erysipelas, swine fever (commonly called hog cholera), tuberculosis, trypanosomiasis (including dourine, mal de caderas, surra and trypanosoma vivax infection), variola ovina, variola vaccinia 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;

"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 or 6;

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

"insect" includes member of the class *Insecta* and of the class *Arachnida*;

"inspector" means an inspector appointed under section 3;

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

"owner" includes the person in possession or charge of any animal;

"poultry" means domestic fowls, turkeys, geese, ducks, guinea fowls and pigeons;

"suspected" means suspected of being diseased.

Appointment of inspector.

3. (1) The Public Service Commission may appoint an inspector and such assistant inspectors as may be necessary for the purposes of this Act.

(2) It shall be the duty of the inspector and assistant inspectors to carry out the provisions of this Act and of any regulations made thereunder and for such purpose every assistant inspector shall have, subject to the directions either general or particular of the inspector, all the rights, powers, and duties, given to the inspector under this Act.

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 such 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 inspector 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 inspector, shall forthwith give information thereof to the inspector.

5. (1) Where the inspector suspects that any disease exists in any stable, shed, pen, 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. 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 the provisions of subsection (4):

Provided that the inspector 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 inspector shall with all practicable speed send copies of such notice to the Minister and where any such notice has been withdrawn the inspector shall forthwith inform the Minister to that effect.

(4) Upon receipt by the Minister of the copies of such notice the Minister shall, unless such notice has been withdrawn, forthwith consider the matter and—

(a) 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 may 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; or

(b) if not so satisfied, shall by order revoke the notice of the inspector, and thereupon as from the time specified in that behalf by such order such place shall cease to be an infected place.

Infected areas.

6. (1) The Minister, whenever it appears necessary or expedient so to do by reason of the existence of any disease, may by order declare any area in Antigua and Barbuda to be infected with disease, and such order shall specify the limits of such infected area.

(2) The Minister may in his absolute discretion, by order, prohibit during such time as may be specified in such order—

(a) the use in any manner whatever of any public road or railway through an infected area or of any part of such public road or railway; or

(b) the use, except in compliance with such conditions as may be specified in such order, of any such public road or railway or of any part of such public road or railway.

“Port” exempted.

7. No 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 inspector may cause any diseased or suspected animal, or any animal which had been in the same stable, shed, pen, 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 inspector may give all such directions as he may consider necessary.

(2) The inspector 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.

9. Any animal slaughtered under the provisions of 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 made under this Act and in accordance with the orders, either general or particular, of the inspector; and for such purposes the inspector may use any suitable ground in the possession or occupation of the owner of the animal. **Disposal of animals.**

10. (1) The Minister may in his discretion award, **compensation.** for the compulsory slaughter of any animal under the provisions of this Act, compensation which shall be payable out of the general revenue of Antigua and Barbuda. 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 has, in the opinion of the Minister, been guilty in relation to the animal, of an offence against this Act.

(2) No compensation shall be payable in respect of any animal compulsorily slaughtered when in a quarantine depot if, in the opinion of the inspector, 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 Regulations.** for the control and treatment of diseased or suspected animals and for the prevention and spread of disease.

(2) Regulations made under subsection (1) may, without prejudice to the generality of such power, make provision with regard to—

(a) the exception, adaptation and modification of the provisions of this Act in relation to any animals suffering from any particular disease;

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(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 notice 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 removed from an infected place or 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, cleansing and disinfecting, of carcasses, fodder, litter, dung and other things likely to spread disease;

(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 may be made under this section, and the persons by whom they are to be paid, and the manner in which they may be recovered;

(k) the penalties for the breach of any such regulations.

PART III

General

13. (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 made thereunder, any police officer may without warrant stop and detain him, and if his name and address are not known to the police officer and he fails to give them to the satisfaction of the police officer, such police officer may without warrant arrest him and may, whether he has so stopped, detained or arrested 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 require it to be forthwith taken back to or into any place or district wherefrom or whereout it was unlawfully removed, and execute and enforce that requisition. **Powers of arrest.**

(2) If any person obstructs or impedes a police officer in the execution of this Act or of any regulations made thereunder, or assists in any such obstruction or impeding, the police officer may without warrant arrest the offender.

(3) A person arrested under this section shall not be detained without warrant longer than is necessary for the purpose of being taken before a Magistrate, and the provisions of the Police Act, in relation to the granting of bail shall apply to any such person. **Cap. 330.**

14. The inspector shall have all the powers given to a police officer under section 13 and may at any time enter— **Powers of inspector.**

(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 the provisions of this Act or of any regulations made thereunder; or

(iv) that this Act or any regulations made thereunder have not been or are 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 regulations made thereunder have not been or are not being complied with.

Offences.

15. Any person who, without lawful authority or excuse, the proof whereof shall lie on him—

(a) when required by this Act, or by any regulations or order made thereunder, to keep any animal separate as far as practicable, or to give any notice of disease with all practicable speed, fails so to do; or

(b) contravenes or fails to comply with any of the provisions of this Act, or of any regulations or order made thereunder; or

(c) contravenes or fails to comply with any directions given by the inspector under section 8; or

(d) refuses to the inspector, acting in execution of this Act or of any regulations made thereunder, admission to any pen, building, land, place, vehicle, vessel or boat, which such inspector 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 inspector or any police officer in the execution of his duty, or assists in any such obstructing or impeding; or

(e) throws or places or causes to be thrown or placed into or in any river, stream, creek, gut, pond, well, drain or other water or watercourse, 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

(f) takes, or allows to be taken, unless otherwise required by this Act or by any regulations or order made

thereunder, or allows to stray, any diseased animal in or upon any common, public road, or public place; or

(g) digs up, or causes or allows to be dug up the buried carcass or 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

(h) 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 than in accordance with this Act or with any regulations or order made thereunder; or

(i) allows any animal to stray into or out of any infected place or infected area.

shall be guilty of an offence against this Act.

16. Any person guilty of an offence against this Act shall, save where otherwise expressly provided, be liable for each such offence on summary conviction to a fine not exceeding three thousand dollars or to imprisonment for any term not exceeding three months, or to both such fine and imprisonment. **General penalty.**

17. (1) Where the owner is charged with an offence against this Act, or against any regulations or order made thereunder, relative to disease or to any illness of the animal, he shall be presumed to have known of the existence of the disease or illness unless and until he shows to the satisfaction of the court that he had no knowledge thereof and could not with reasonable diligence have obtained the knowledge. **Evidence and presumptions.**

(2) Where a person is charged with an offence against this Act, or against any regulations or order made thereunder, in not having duly cleansed or disinfected any place, vessel, or thing, belonging to him or in his charge and a presumption against him on the part of the prosecution is raised it shall lie on him to prove the due cleansing and disinfection thereof.

(3) The certificate of the inspector to the effect that any animal is or was affected with a disease specified in the cer-

tificate shall for the purposes of this Act, or of any regulations or order made thereunder be conclusive evidence in all courts of justice of the matter certified.

Transport through infected places and areas.

18. Except as specifically provided in any regulations or order under this Act, nothing in this Act, or in any regulations made thereunder shall restrict or prohibit the transport of any person, animal or thing, by public road or by railway 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.

19. The Minister may by order apply, subject to such exceptions, adaptations and modifications as may be therein set out, the provisions of this Act, and of any regulations or order made thereunder, to poultry.

Saving.

20. Nothing in this Act shall apply to bees.

Repeal and saving of subsidiary legislation.

1611913.
411930.
211937.
311943.

21. The Diseases of Animals Ordinance, **1913**, the Diseases of Animals (Amendment) Ordinance, **1930**, the Diseases of Animals (Amendment) Ordinance **1937** and the Diseases of Animals (Amendment) Ordinance **1943**, are hereby repealed:

Provided that any rules, regulations, orders, orders in council and proclamations made under or by virtue of any of the Ordinances hereby repealed and in force immediately before the coming into operation of this Act shall be deemed to have been made under this Act and shall continue in force and may be amended or varied until other provisions shall be made by virtue of this Act.