

This Act is Current to July 5, 2017

ANIMAL DISEASE CONTROL ACT
[RSBC 1996] CHAPTER 14

Contents

- 1 Definitions
- 2 Provincial veterinarian
- 3 Inspectors
- 4 Duties of inspectors
- 5 Owners of diseased animals to give notice and take precautions
- 6 Inspector to notify owner
- 7 Diseased animals to be kept apart by owner
- 8 Quarantine
- 9 Premises to be disinfected
- 10 Permission to move animal exposed to disease
- 11 Powers of inspector
- 12 Duty to report tuberculosis or brucellosis
- 13 Identification tags before testing
- 14 Animals subject to retest
- 15 Pasteurization of milk of isolated or quarantined animal
- 16 Offence to inject tuberculin to prevent reaction
- 17 Minister to inquire into alleged outbreak of disease
- 18 Certificate of inspector as evidence
- 18.1 Licences required
- 18.2 Suspension, cancellation or refusal to renew licences
- 19 Offence and penalty
- 20 Power to make regulations
- 21 Enumeration of power not exclusive
- 22 Expenses

Definitions

1 In this Act:

"animal" means a species of animal prescribed for the purposes of this Act;

"aquatic animal" means, at all the stages in its development or life cycle, a species of

- (a) fish,
- (b) aquatic vertebrate, or
- (c) aquatic invertebrate;

"auctioneer" means a person who acts as an auctioneer at a sale of livestock by

auction at a public sale yard or another place;

"contagious" means communicable by close contact or inoculation;

"diseased" means infected with an infectious or contagious disease;

"farmer" means a person

(a) who is principally occupied in producing agricultural products on a farm that is adequate in all respects for the feeding and keeping of the number of livestock on it at any time, and

(b) whose transactions in livestock are restricted to those that arise solely from the person's occupation described in paragraph (a);

"game" means game as defined in the *Game Farm Act* that is being raised for agricultural purposes under a licence issued under that Act;

"hide" means the untanned skin of livestock;

"hide dealer" means a person who buys or sells hides or possesses hides for sale;

"infectious" means communicable in any manner;

"infectious or contagious disease" means tuberculosis, brucellosis, swine plague, caseous lymphadenitis, equine encephalomyelitis, foot rot in sheep, distemper in fur bearers and any disease or endoparasite or ectoparasite that the Lieutenant Governor in Council declares to be an infectious or contagious disease for the purpose of this Act;

"livestock" means cattle, horses and game and includes other animals designated by the regulations as livestock for the purposes of all or part of this Act or the regulations;

"livestock dealer" includes a person who, whether on the person's own behalf or as agent for another, and whether on a commission basis or otherwise,

(a) buys or offers to buy livestock, or

(b) sells or offers to sell, or possesses for sale any livestock or livestock carcasses or portions,

but does not include a resident of British Columbia or Alberta who is a farmer;

"meat" means the whole or part of a carcass of livestock but does not include the hide;

"operator" means a person, group of persons or organization engaged in the business of operating public sales;

"public sale" means a sale or offering for sale of livestock at

(a) a public sale yard, or

(b) another place designated by the minister;

"public sale yard" means a place of business where livestock are sold, offered for sale or kept for sale;

"slaughter" means the killing of livestock for any purpose and includes the butchering and dressing of a carcass;

"slaughterhouse" means a building or place where livestock are slaughtered or held for slaughter.

Provincial veterinarian

- 2** (1) The minister may, under the *Public Service Act*, appoint as the Provincial veterinarian an individual who is authorized under the *Veterinarians Act* to practise veterinary medicine.
- (2) The duties of the Provincial veterinarian include the administration, under the control of the minister, of this Act and the regulations.

Inspectors

- 3** (1) There must be in the ministry an adequate staff of inspectors with the powers and duties under the *Milk Industry Act* and this Act as may be assigned to them by the minister.
- (2) The minister may designate persons as inspectors for the purposes of this Act.
- (3) A designation under subsection (2) may be in general terms or for a particular case or time.

Duties of inspectors

- 4** (1) An inspector under this Act must perform the duties directed by the minister.
- (2) An inspector has power to enter water, onto any land, water, structure or premises or into a vehicle or vessel in the performance of a duty under this Act.

Owners of diseased animals to give notice and take precautions

- 5** (1) A person in possession or in charge of an animal that appears to be diseased
- (a) must promptly notify the nearest inspector or the minister,
 - (b) must not dispose of the animal, and
 - (c) must keep the animal separate from other animals not diseased until an inspector determines that the animal is free from disease.
- (2) On receipt of a notice under subsection (1) (a), an inspector must promptly inspect the animal, and if the disease appears to exist, the inspector must give the person in possession or in charge of the animal the necessary instructions.

Inspector to notify owner

- 6** (1) If it appears to an inspector that an animal is diseased, the inspector
- (a) must at once notify the owner or person in charge of the animal, and
 - (b) may order that the owner or person keep the animal safely in quarantine where it will not be brought into contact with or be in danger of transmitting the disease to other animals until the case is fully disposed of under this Act, or for periods as may be authorized by regulation.
- (2) Subsection (1) (b) does not apply if the owner of the diseased animal consents in writing to the destruction of the diseased animal, in which event the inspector must cause the diseased animal to be destroyed at once.

(3) If it appears to the minister that there is danger of the disease being communicated through other animals on the farm or other place where the diseased animal is found or kept, the minister may authorize an inspector to quarantine the farm or other place for a period and subject to any conditions authorized by regulation.

Diseased animals to be kept apart by owner

- 7** (1) After the owner or person in charge of an animal has received notice from an inspector that the animal is diseased or has been subject to contagion or infection, the owner or person must not, without written permission signed by an inspector,
- (a) permit or cause the animal to be turned out, transported, driven or led through or kept in a place where it may be brought into contact with or be in danger of transmitting disease to other animals, or
 - (b) dispose of it.
- (2) Despite subsection (1), the permission of the inspector may be given by sending it by electronic means to an address provided by the owner or person.

Quarantine

- 8** An inspector may at once seize and detain a diseased animal and, until notice is given to the owner, cause the animal to be kept at the expense of the owner in a place where it will not be brought into contact with or be in danger of transmitting the disease to other animals.

Premises to be disinfected

- 9** Land, water and premises where disease exists must be thoroughly cleansed and disinfected and alterations must be made as ordered by the inspector, by and at the expense of the owner or occupier, in a manner satisfactory to the inspector, subject to an appeal to the minister.

Permission to move animal exposed to disease

- 10** (1) If an owner or person in charge of an animal knows that the animal has been kept in the same stable, pasture or other place with a diseased animal or otherwise exposed to an infectious or contagious disease, the owner or person must not turn out, lead, drive or transport the animal or permit the animal to be turned out, led, driven or transported in, on or through a place, road or highway without first obtaining written permission from an inspector.
- (2) Despite subsection (1), the permission of the inspector may be given by sending it by electronic means to an address provided by the owner or person.

Powers of inspector

- 11** An inspector may at any time inspect an animal or subject it to tests or retests for disease at the times the inspector considers necessary, and for that purpose may order animals to be collected and detained or isolated.

Duty to report tuberculosis or brucellosis

- 12** (1) A person with knowledge or notice that an animal is affected with tuberculosis or brucellosis, or has reacted to the tuberculin test or a brucellosis test, must immediately

report the knowledge or notice to the nearest inspector or to the minister.

(2) If the test has been made by the person or on the person's instructions, the person must promptly forward the samples taken on the test, properly labelled, to a laboratory designated by an inspector.

Identification tags before testing

- 13** Animals, before being subjected to a tuberculin test or to a brucellosis test, must be suitably ear tagged or identified to the satisfaction of an inspector.

Animals subject to retest

- 14** The owner or person in charge of an animal that has been subjected to a test for brucellosis or tuberculosis and designated by an inspector for retest must isolate the animal as directed by the inspector.

Pasteurization of milk of isolated or quarantined animal

- 15** (1) Milk from an animal isolated under section 14 must not be sold for human consumption unless it has been pasteurized in accordance with the *Milk Industry Act*.
- (2) A person must not sell, or offer for sale, milk from an animal in quarantine unless the milk has been pasteurized in accordance with the *Milk Industry Act*.

Offence to inject tuberculin to prevent reaction

- 16** A person who injects any substance into an animal for the purpose of preventing reaction to the application of a test for disease, for each animal so treated, commits an offence under this Act.

Minister to inquire into alleged outbreak of disease

- 17** The minister may direct an inspector or suitable person
- (a) to examine an alleged outbreak of disease,
 - (b) to cause scientific investigation to be made to determine the nature and source of the outbreak as considered necessary, and
 - (c) if the investigation shows reasonable ground for so doing, to take those measures for suppression or limitation of the outbreak as provided under this Act.

Certificate of inspector as evidence

- 18** A certificate purporting to be signed by an inspector stating
- (a) that an animal is diseased, or
 - (b) the facts or the result of a test for disease or vaccination or other treatment of an animal
- is, for the purposes of this Act, proof of the matter certified, in the absence of evidence to the contrary at a hearing or before a court, without proof of the inspector's signature or appointment.

Licences required

18.1 (1) Unless the person is licensed under this Act to do so and is bonded if required under the regulations, a person must not carry on business as

- (a) an auctioneer,
- (b) a hide dealer,
- (c) a livestock dealer, or
- (d) an operator.

(2) A person must not maintain or operate a public sale yard unless licensed under this Act to do so and bonded if required under the regulations.

(3) A person must not slaughter livestock for food for animals or for human consumption unless the person is licensed under this Act to operate a slaughterhouse and is bonded if required under the regulations.

Suspension, cancellation or refusal to renew licences

18.2 (1) A licence may be suspended or cancelled, or its renewal refused, if the licensee

- (a) knowingly gave false information on an application for the licence, or
- (b) contravened this Act or the regulations, or a term or condition of the licence.

(2) Notice of the suspension or cancellation of a licence must be served personally on the licensee or sent by registered mail to the licensee's last known address.

(3) A notice sent by registered mail to the licensee's last known address is conclusively deemed to be served on the person to whom it is addressed on

- (a) the 14th day after the notice was deposited with Canada Post, or
- (b) the date on which the notice was actually received by the person, whether by mail or otherwise,

whichever is earlier.

(4) A suspension or cancellation of a licence, or a refusal to grant or renew a licence, may be appealed in the manner and within the time established under the regulations and, on appeal, the appellate body established under the regulations may

- (a) make an order confirming, reversing or varying the order, decision or determination under appeal,
- (b) refer the matter back with or without directions to the body that made the order, decision or determination under appeal, or
- (c) make another order it considers appropriate in the circumstances.

Offence and penalty

19 (1) A person who does any of the following commits an offence:

- (a) refuses entry to an inspector authorized under section 4, or impedes or obstructs an inspector in the performance of the inspector's duty under this Act;
- (b) breaks, or causes to be broken, a quarantine or isolation imposed under this Act;
- (c) fails to comply with this Act or a regulation or a lawful order of an

inspector.

(2) A person who commits an offence under subsection (1) is liable on conviction for a first offence to a penalty of not less than \$25 or more than \$200, and for a second offence and subsequent offences to a penalty of not less than \$50 or more than \$500.

(2.1) A person commits an offence and is liable on conviction to a fine not exceeding \$2 000 if the person

- (a) slaughters livestock, unless the person has a licence to operate a slaughterhouse or slaughters cattle in a place other than a slaughterhouse,
- (b) maintains or operates a public sale yard while not licensed under this Act to do so,
- (c) carries on business as an auctioneer, a hide dealer, a livestock dealer or an operator, without a licence, or
- (d) removes the hide from livestock, unless the person is the owner or a person authorized by the owner or is an inspector.

(3) If a person has been convicted of the offence of impeding or obstructing an inspector in making a test under this Act, the Provincial Court may, in addition to any other penalty, direct that the person immediately produce the animal for testing by an inspector at the place the court directs.

(4) On proof to its satisfaction that the animal has shown a positive reaction to a brucellosis test, the court may order, in addition to any other penalty, that the animal be disposed of for immediate slaughter as directed by an inspector, in which case no compensation is payable to the owner of the animal.

(5) If a person fails to comply with a direction of the court, the person is liable as for a second offence under this section and punishable accordingly.

Power to make regulations

20 (1) The Lieutenant Governor in Council may make regulations referred to in section 41 of the *Interpretation Act*.

(2) Without limiting subsection (1), the Lieutenant Governor in Council may make regulations as follows:

- (a) declaring diseases of animals to be infectious or contagious diseases;
- (b) prescribing a species of animal by its biological or familiar name for the purposes of the definition of "animal" in section 1;
- (c) providing for the inspection of animals for disease and for the quarantine or isolation of animals appearing to be diseased;
- (d) providing for appeals to the minister from directions, decisions and orders of inspectors;
- (e) providing for measures to be taken for the suppression or limitation of outbreaks of disease in animals;
- (f) providing for tests for disease of animals and for the vaccination, inoculation or other treatment for immunization against disease;
- (g) providing that the cost of a test, vaccination, inoculation or other treatment of animals must be paid by their owner and for the collection of the cost in a

- court of competent jurisdiction as a debt due to the government;
- (h) providing for the slaughter, without compensation, of animals infected with brucellosis which have been removed from the farm or place where they are found or kept, in accordance with directions to be given by an inspector;
- (i) validating and implementing arrangements made between the minister and the Minister of Agriculture of Canada for the control and eradication of brucellosis, the terms of which arrangements, on their completion and publication, with all necessary directions for their implementation, in the Gazette, are deemed to be incorporated in this Act;
- (j) providing for the establishment of brucellosis control areas and brucellosis free areas, and for requirements applicable to all cattle kept or found in those areas and for the immediate slaughter, after a date to be set by order in council, of the animals in those areas that show a positive reaction to a recognized brucellosis test;
- (k) providing that inspectors under this Act may, at the request of the appropriate federal authority, be designated inspectors under the Health of Animals Division of the Department of Agriculture of Canada;
- (l) providing for the inspection for disease and testing of animals imported into British Columbia and for their segregation, isolation or quarantine if found to be diseased;
- (m) governing in respect of disease and sanitation of premises where animals are sold or offered for sale and of vehicles in which animals are transported, and of equipment in respect of those premises and of the sale and auction of animals;
- (n) governing the transportation of animals;
- (o) providing for the form of records to be kept in respect of sales of animals at a sale;
- (p) prohibiting or regulating the movement of animals into or within a designated area;
- (q) providing for the assembly by the owner of animals for inspection, testing, treatment, vaccination or immunization for disease, and, if the owner fails to assemble the animals on the direction of an inspector, that they be collected, removed, tested, treated, vaccinated and immunized as directed by an inspector at the cost of the owner, recoverable in a court of competent jurisdiction as a debt due to the government;
- (r) providing for the carrying out of general disease control programs by the ministry or by the ministry in cooperation with a federal or provincial authority;
- (s) providing for control of the slaughter of animals and of abattoirs and slaughterhouses;
- (t) designating a species of animal for the purposes of the definition of "livestock" in section 1;
- (u) establishing classes of public sales and public sale yards;
- (v) establishing standards for public sale yards;
- (w) respecting the issue, renewal, refusal to grant or renew, suspension and

cancellation of licences including

- (i) a body that may issue, or may refuse to issue or renew, a licence,
- (ii) the terms and conditions that may be included in a licence,
- (iii) the charging of fees for a licence by a body specified under subparagraph (i),
- (iv) the body that may suspend or cancel a licence,
- (v) the procedures for conducting a refusal to renew, suspension or cancellation proceeding,
- (vi) the body that may hear appeals if a licence has been refused, not renewed, suspended or cancelled or if the inclusion or exclusion of a term or condition in the licence is disputed,
- (vii) the procedures for conducting an appeal proceeding,
- (viii) the charging of fees by the body that may hear appeals, and
- (ix) any matter necessary or advisable to provide effectively for the issue, renewal, refusal to grant or renew, suspension or cancellation of licences;

(x) respecting the movement of livestock, meat and hides;

(y) concerning bonding for the purposes of section 18.1;

(z) concerning dealing in livestock or hides;

(z.1) respecting conditions under which livestock are admitted to, assembled, offered for sale, segregated or disposed of at public sales;

(z.2) providing for the inspection of any livestock, animal, poultry, bird or household pet and for their exclusion from a public sale;

(z.3) concerning the keeping of records and the submission of reports by operators, auctioneers and livestock dealers, and the availability of those reports for scrutiny by a person appointed by the minister;

(z.4) prohibiting the sale of a specified type of game at a public sale;

(z.5) respecting the slaughter of livestock;

(z.6) respecting the records to be kept and made available by a person slaughtering livestock or dealing in livestock, meat or hides;

(z.7) exempting persons or classes of persons from a requirement to hold a licence of a particular class under this Act.

(3) A body established under subsection (2) (w) (i) may retain any fees it collects under a regulation made under subsection (2) (w) (iii).

Enumeration of power not exclusive

21 The enumeration in this Act of a specific power given to an authority does not exclude or limit a power or authority otherwise in this Act conferred on that authority.

Expenses

22 All expenses incurred in the administration of this Act must, in the absence of an adequate appropriation of the Legislature available for the purpose, be paid from the consolidated revenue fund.

