

CHAPTER 37:02**PREVENTION OF RABIES****ARRANGEMENT OF SECTIONS****SECTION**

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An Act to provide for the Prevention of Rabies

Act 48, 1971.

of Commencement : 31st December, 1971]

1. This Act may be cited as the Prevention of Rabies Act. Short title
2. In this Act, unless the context otherwise requires Inter-pretation
 - "cat" includes any member of the family *Felidae*;
 - "Director" means the Director of Veterinary Services;
 - "disease" means rabies;
 - "diseased" means infected with rabies;
 - "dog" includes any animal of the family *Canidae*;
 - "rabies control area" means an area declared under section 3;
 - "stray animal" means any animal wandering at large in a public place;
 - "suspected" means any animal suspected of being infected with rabies;
 - "veterinary officer" means any public officer registered under the Veterinary Surgeons Act. Cap. 61:04
3. The Director may, by notice in the Gazette Power to declare rabies control area
 - (a) declare any area to be a rabies control area;
 - (b) extend, diminish or otherwise alter the limit of an area declared to be a rabies control area;
 - (c) declare any area to be free from rabies; and
 - (d) for the purpose of preventing rabies, prohibit the removal of animals from any district, place or area within Botswana which has been declared a rabies control area.

General provisions affecting rabies control area

4. (1) The following provisions shall, in the absence of other provisions made by regulations under this Act, apply to all rabies control areas

- (a) no animal shall be moved from, into or from place to place within, any such area without the written permission of the Director, or the veterinary officer in charge of such area;
- (b) ~~the Director, or the veterinary officer in charge of such area,~~ may require the owner or person in charge of any animal within such area to isolate such animal from other animals within the affected area;
- (c) no owner or person in charge of any animal shall leave any such area without having complied with such reasonable precautions for preventing the spread of rabies as may be required by the veterinary officer in charge of the area;
- (d) the carcasses of all animals infected with rabies shall forthwith be either buried at the depth of not less than 1,22m below the surface of the ground or burnt.

(2) Any person who fails to comply with subsection (1) shall be guilty of an offence and liable to a fine of R100 and to imprisonment for 6 months.

Power to seize, detain or destroy stray animals

5. Any veterinary officer, police officer of or above the rank of Inspector, or any person authorized by the Director may seize and detain, shoot or otherwise destroy any stray animal in a rabies control area or any animal within a rabies control area which is known or suspected of having been exposed to contact with an infected or suspected animal.

Animals seized to be impounded

6. (1) Every animal seized under section 5 shall be detained in such place as the Director shall appoint until the owner has claimed the same and has paid all expenses incurred by reason of such detention.

(2) Whenever any animal has been seized notice shall as soon as possible thereafter be given to the owner of such animal, if known.

(3) When an animal has remained under detention for fourteen clear days after notice has been given to the owner without the owner claiming it or in the case of an animal in respect of which the owner is not known after the lapse of the aforesaid period and after all reasonable steps have been taken to ascertain the owner, a veterinary officer may cause such animal to be sold or destroyed and no compensation shall be due to the owner in respect thereof.

Order on owner of cat, dog and certain other animals

7. Upon being satisfied on a complaint made to him that a cat, dog or any other animal which is susceptible to rabies and which is confined or kept as a pet is, in a rabies control area, not kept under proper control, any magistrate with jurisdiction in that area may

make an order directing the owner or person in charge of such cat, dog or susceptible wild animal to keep it under proper control and every person who fails to comply with such order shall be guilty of an offence and liable to a fine of R5 for every day during which such default continues.

8. (1) Every owner or person in charge of a suspected animal ~~shall forthwith cause the same to be destroyed or to be securely tied, confined and isolated and shall give notice of such destruction or isolation to a veterinary officer.~~ Duties of certain animals

(2) Any person who fails to comply with this section shall be guilty of an offence and liable to a fine of R200 and to imprisonment for 12 months.

9. Any veterinary officer or police officer of or above the rank of Inspector, who, having received reasonable information concerning or having reasonable ground for suspecting, the existence of rabies, shall forthwith cause such matter to be investigated and for such purpose may, notwithstanding that there has been no declaration of a rabies control area, cause any animal to be examined and any diseased or suspected animal to be destroyed or otherwise dealt with as he may think necessary. Powers of certain officers in respect of diseased or suspected animals

10. No action shall lie against the Government or any officer thereof or any person duly authorized by any such officer for any act done in good faith under this Act and no compensation shall be paid to any person for any act so done. Indemnity and compensation

11. In any rabies control area the Director may lay or authorize any other person to lay poison at any place or places in such area for the purpose of destroying stray animals or animals likely to be suffering from rabies. Power of Director to authorize the laying of poison

(2) Notwithstanding subsection (1), no poison shall be laid at any place unless —

- (a) sufficient notice has been given to persons living adjacent to such place that such poison shall be laid; and
- (b) reasonable steps have been taken to ensure that no person or animal under proper control is likely either to consume or be affected by such poison.

12. The Minister may make regulations to provide for the better carrying into effect of this Act and in particular, and without prejudice to the generality of the foregoing power, such regulations may provide for — Regulations

- (a) the prevention of the introduction and spread of rabies;
- (b) the isolation, inoculation, removal and slaughter of any diseased and suspected animals;
- (c) the burial and destruction of carcasses;
- (d) prescribing places for the importation of animals;

- (e) prohibiting or regulating the movement of animals;
- (f) prescribing quarantine for imported animals or diseased or suspected animals;
- (g) providing for the compulsory vaccination at annual or shorter intervals of dogs and cats over the apparent age of six months, the compulsory vaccination of dogs and cats irrespective of age in any rabies control area and the seizure, ~~detention and destruction of dogs and cats in respect of~~ which compulsory vaccination has been prescribed and which have not been so vaccinated;
- (h) prescribing conditions under which animals may be imported;
- (i) prescribing standards for any manufactured biological and chemical products used for the control of rabies; and
- (j) the recovery by Government or by any authority of expenses incurred in enforcing or otherwise in connexion with the carrying out of the regulations.