

NO. 36

ANIMALS (CONTROL OF IMPORTATION) ACT, 1952

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NO. 36

ANIMALS (CONTROL OF IMPORTATION) ACT, 1952¹

AN ACT to provide for the control of the importation of animals and for related matters.

1. Application of Act

The Minister may, by legislative instrument,

- (a) extend the application of this Act to a kind of animal or disease which is not included in the definition of the word "animal" or the word "disease" in section 12;
- (b) declare that this Act shall not apply in respect of a kind of animal or disease which appears in the definition of the word "animal" or the word "disease" in section 12.

2. Prohibiting importation

The Minister may, for the purposes of preventing the introduction of disease into the Republic, by executive instrument, prohibit the importation of an animal or of a specified kind of animal brought from a specified country or a specified part of that country or generally.

1. This Act was enacted as the Animals (Control of Importation) Ordinance, No. 30 of 1952. It was assented to on the 17th day of July, 1952 and came into force on 19th July, 1952.

3. Seizure of unlawfully imported animals

A veterinary inspector may, with the consent of the Director of Veterinary Services, cause to be seized an animal imported in contravention of this Act.

4. Authority to slaughter imported animals

A veterinary inspector may cause to be slaughtered an imported animal which is infected or is suspected of being infected with a disease, or an imported animal which has been in contact with a diseased animal or has been otherwise exposed to the infection or contagion of a disease.

5. Disposal of carcass of slaughtered animal

(1) Where an imported animal is slaughtered under this Act, its carcass shall be buried or sold or otherwise disposed of under the conditions that a veterinary inspector thinks fit.

(2) The proceeds of the sale shall, less the expenses incurred in the sale, be paid to the importer of the animal.

(3) In the case of an animal which has been imported in contravention of this Act the carcass belongs to the Government and, if sold, the proceeds of the sale shall, less the expenses incurred in the sale, be paid into the Consolidated Fund.

6. Indemnity and compensation

(1) An action does not lie against the Government or an officer of the Government for an act done in good faith under this Act and compensation is not payable to a person for an act done under this Act unless the Minister otherwise directs.

(2) Where it appears to the Minister to be right, just or equitable that pecuniary compensation should be paid to an importer who has sustained loss by reason of measures which had been taken in pursuance of this Act, the Minister may, subject to article 178 of the Constitution, authorise payment out of the Consolidated Fund to the importer of a sum of money, and in the manner that the Minister thinks fit.

(3) Compensation shall not be paid in respect of an animal slaughtered under this Act if the animal had been imported in contravention of a provision of this Act.

7. Fees

The Minister may, by legislative instrument, prescribe the fees to be charged in respect of the examination of imported animals, and the fees may vary in respect of different kind of animals.

8. Payment of other expenses

The Government may recover from the importer of an animal the expenses incurred in the keep and treatment of the animal pending the examination.

9. Recovery of fees

Subject to clauses (3), (4) and (5) of article 88 of the Constitution, a veterinary inspector authorised in that behalf by the Director of Veterinary Services may sue on behalf of

the Government for the recovery of fees due in respect of the examination of an animal and of the expenses provided by section 8.

10. Sale of animal to meet the moneys due

Where the importer of an animal in respect of which an examination has been conducted has, after demand made, refused or neglected to pay the prescribed fee and any other expenses and to remove the animal, the Director of Veterinary Services may cause the animal to be sold by public auction, and shall, after deducting the moneys due in respect of the fee and any other expenses, pay the balance to the importer of the animal.

11. Regulations

(1) The Minister may, by legislative instrument, make Regulations for the proper implementation of the provisions of this Act.

(2) The Regulations contained in the Schedule remain in force until varied or revoked by Regulations made under subsection (1).

12. Interpretation

In this Act, unless the context otherwise requires,

"**Animal**" means cattle, sheep, goats and any other ruminating domestic animals, horses, mules, asses, swines, dogs, cat monkey, rabbits, captive wild mammals, ostrich and poultry comprising domestic fowls, turkeys, ducks, geese, pigeons, guinea fowls and the eggs of that poultry;

"**cattle**" means bulls, cows, oxen, heifers and calves;

"**diseases**" means anthrax, blackquarter, cattle plague (rinderpest), contagious bovine pleuro-pneumonia, contagious pleuro-pneumonia of goats, dourine, east coast fever, epizootic lymphangitis, foot and mouth disease, fowl pest, fowl typhoid, African horse sickness, glanders, haemorrhage septicaemia, malignant catarrh, mange (including scab), pox rabies, swine erysipelas, swine fever, trypanosomiasis, tuberculosis, uncertain lymphangitis and undulant fever of goats;

"**import**" with its grammatical variations and cognate expressions means to bring, or cause to be brought into Ghana;

"**importer**" includes the owner or any other person for the time being possessed of or beneficially interested in, an animal at or from the time of the importation of the animal until the animal is duly delivered out of the charge of a veterinary inspector and also any other person who signs a document relating to an imported animal required by this Act to be signed by an importer;

"**Minister**" means the Minister responsible for Agriculture;

"**Veterinary inspector**" includes an officer of the Veterinary Service not below the rank of senior veterinary assistant, and in the absence of that officer at a place of importation, an officer of the Health Service not below the rank of sanitary superintendent, and, in the absence from that place of an officer of both those classes of officer, a person authorised by the Director of Veterinary Service to perform the functions of a veterinary inspector under this Act.

13. Repeal

*Omitted*²

2. The section provided for the repeal of the. *Animals (Control of Importation) Ordinance, Cap.*
204 and the *Importation of Livestock Ordinance, Cap. 205.*