

LAWS OF SEYCHELLES

CHAPTER 9

ANIMALS (DISEASES AND IMPORTS) ACT

Act 19 of 1981

[29th December, 1981]

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PART I - PRELIMINARY

1. This Act may be cited as the Animals (Diseases and Imports) Act.
2. In this Act, unless the context otherwise requires –

“animal” means –

- (a) any kind of mammal, except man;
- (b) any kind of four footed beast which is not a mammal;
- (c) any kind of bird or bird’s egg;
- (d) reptiles and other cold blooded creatures not falling within paragraph (a) or (b), but excluding fish;
- (e) arthropods including insects, arachnids and myriopods, but excluding crustaceans;

“animal product” means anything originating or made (whether in whole or in part) from an animal or from a carcase;

“Animal Quarantine Station” means a place appointed as a quarantine station under section 15;

“carcase” means the dead body of an animal includes part of a carcase, and the meat (excluding tinned meat or tinned meat preparations), bones, hide and skin (excluding leather and cured or processed hide and skin) hooves, horns, offal, or other part of an animal separately or otherwise, or any portion of those parts;

“cattle” means bulls, cows, oxen, heifers and calves;

“fodder” means grass, hay, or any other substance used for food of animals, but excluding concentrated stock feeds;

“infected area” means an area declared an infected area under section 5;

“Inspector” means a person who is an Inspector in terms of section 6;

“in transit”, in relation to an animal, means pausing briefly in Seychelles during a passage from a place outside Seychelles to another place outside Seychelles;

“litter” means straw or any other substance used for bedding or otherwise for or about animals;

“notifiable disease” means a disease specified in Schedule 1;

“poultry” means domestic fowl, turkeys, geese, ducks, quails or pigeons and includes their eggs;

“stock” means cattle, sheep, goats, horses, mules, donkeys, swine, rabbits, bees or any other domesticated or captive animal prescribed as stock by the Minister by Notice in the gazette;

“vessel” includes any kind of water craft;

“Veterinary Officer” means a Veterinary officer in the employment of the Government and includes the Chief Veterinary Officer

PART II – NOTIFIABLE DISEASES

3.(1) The diseases specified in Schedule 1 shall be notifiable diseases for the purposes of this Act.

(2) The Minister may by Order published in the Gazette amend Schedule 1.

4.(1) A person having in his possession or charge an animal affected or suspected by him of being affected with a notifiable disease shall –

(a) keep that animal tied up or in an enclosed place, and separated from other animals not affected or suspected of being affected; and

(b) immediately give notice that fact to an Inspector.

(2) For the purpose of sub-section (1) an animal lawfully on a property with the agreement of the owner or occupier is deemed to be in possession or charge of the owner or occupier of that property.

(3) A person or officer, not being a Veterinary Officer, who –

- (a) is notified that an animal is affected with a notifiable disease; or
- (b) otherwise becomes aware that an animal is affected with a notifiable disease; or
- (c) learns or become aware of any wide-spread disease among animals or of suspicious deaths among animals,

shall immediately notify the nearest Veterinary Officer.

(4) A Veterinary Officer notified in terms of subsection (3) shall give such directions and take such steps as may be necessary for the purpose of investigating the existence and nature of that disease; and on being satisfied that a notifiable disease exists he shall –

- (a) make a report to the Chief Veterinary Officer, and
- (b) cause all owners of animals in the neighbourhood to be notified of the outbreak of that notifiable disease.

(5) A person who contravenes subsection (1) is guilty of an offence.

5.(1) The Minister may, by notice in the Gazette –

- (a) declare an area to be an infected area; and
- (b) for the purpose of preventing a notifiable disease or the spread of a notifiable disease, prohibit the movement of all animals or of a particular animal or class of animal from, to, through or within an infected area or another specified area.

(2) In an infected area –

- (a) no animals shall be removed from or into the area, or from place to place to place within the area, without the written permission of the Chief Veterinary Officer;
- (b) no animal shall be moved from the area unless previously treated in the manner directed by the Chief Veterinary Officer;
- (c) all animals shall be herded as far as possible from roads;
- (d) the Chief Veterinary Officer may require the owner or person in charge of an animal to isolate that animal from other animals within the area, or to remove that animal from the area;
- (e) no person shall leave the area unless he complies with such reasonable precautions for preventing the spread of a notifiable disease as may be required by the Inspector in charge of the area; and

(f) the carcass of animals infected with a notifiable

disease shall be disposed of in accordance with any general or specified instructions issued by an Inspector.

(3) The Minister may by regulations make further provisions for the control of animals or persons in infected areas.

(4) A person who contravenes any provision of, or made under, subsection (1), (2) or (3) is guilty of an offence.

PART III – INSPECTORS ETC

6.(1) For the purposes of this Act the Minister may by notice in the Gazette appoint such number of Inspector as he may consider necessary.

(2) Every Veterinary Officer in the employment of the Government shall be an Inspector for the purposes of this Act.

7. An Inspector may for the purpose of inspecting for, detecting or diagnosing a notifiable disease –

- (a) clinically examine an animal, carcass or animal product;
- (b) cause a specimen to be taken from an animal, carcass or animal product; or
- (c) apply or cause to be applied to an animal, carcass or animal product any test which he may consider necessary.

8. For the purpose of this Act, an Inspector may apply or cause to be applied an identification mark to an animal, carcass, animal product, container, premises, equipment, vehicle or aircraft.

9.(1) For the purpose of this Act, where an Inspector or a police officer has reasonable grounds for doing so he may enter any land, premises, vehicle, vessel or aircraft and may take with him such persons and things as he considers necessary for those purposes and may –

- (a) search for animals, carcasses or animal products;
- (b) exercise powers of inspection and testing under section 7;
- (c) find out whether that land, premises, vehicles, vessels or aircraft has been cleansed and disinfected in accordance with this Act or any statutory instrument, direction, prohibition or condition made or imposed under this Act; or
- (d) do any other thing authorized under this Act.

(2) The owner or occupier of land, premises, a vehicle, vessel or aircraft which is entered under sub-section (1) shall render such reasonable assistance as may be required of him by the Inspector or police officer.

(3) A person who contravenes subsection (2) is guilty of an offence.

10. An Inspector or police officer may without warrant, stop, detain and search any person where he has reasonable grounds to suspect that the person is contravening this Act.

11.(1) An Inspector or police officer may seize any animal, carcase or animal product, in respect of which he has reason to suspect that an offence under this Act is being or has been committed, and may remove that animal, carcase or animal product to a place selected by an Inspector, and there detain that animal, carcase or animal product subject to this section.

(2) An animal, carcase or animal product seized under sub-section (1) shall be detained subject to the directions of the Chief Veterinary Officer pending the conclusion of any proceedings in respect of the offence concerned.

(3) If the person who is alleged to have committed the offence is unknown or cannot be found, the animal, carcase or animal product shall be forfeited to the Government.

12.(1) No person shall prevent, hinder or obstruct an Inspector or police officer in the performance of his functions under this Act.

(2) A person who contravenes subsection (1) is guilty of an offence.

13.(1) No action shall lie against the Government, an Inspector, a police officer or any other public officer for any act done or ordered to be done in good faith in pursuance of this Act.

(2) Subject to section 21, no compensation shall be payable to any person for any act done under this Act

PART IV – IMPORT AND QUARANTINE

14.(1) Subject to subsections 2 and 3, no person shall import an animal, carcase, egg or semen.

- (2)(a) Stock, poultry, or the carcase, egg or semen of stock or poultry;
- (b) a dog or cat, or the semen of a dog or cat;
- (c) other animals on a temporary basis in exceptional circumstances,

may be imported under and in accordance with a licence issued by the Chief Veterinary Officer.

(3) No animal or substance being imported under a license under subsection (2) shall be deemed to be imported until the Chief Veterinary Officer has certified that all the conditions of that licence have been complied with.

(4) An animal, carcase, egg or semen which has been or is about to be imported without a licence may be seized and detained by an Inspector who may direct that the animal, carcase, egg or semen shall be immediately re-exported by the person importing or attempting to import it.

(5) Where a direction for re-export under subsection (4) is contravened, an Inspector or police officer shall confiscate that animal, carcase, egg or semen.

(6) A person who contravenes –

(a) subsection (1)

(b) a condition of a licence issued under subsection (2); or

(c) a direction under subsection (4)

is guilty of an offence and any animal, carcase, egg or semen in respect of which that offence is committed may be seized by an Inspector or a police officer and, on conviction, shall be forfeited to the Government.

15. The Minister may, by notice in the Gazette, appoint Animal Quarantine Stations in such places as he may consider necessary.

16.(1) Every animal imported under a licence issued under section 14(2) shall be

(a) removed, as the Chief Veterinary Officer may direct, to an Animal Quarantine Station; and

(b) subject to any regulations made under this Act and to the conditions of the licence, kept in quarantine there in such manner and for such period as the Chief Veterinary Officer may direct.

(2) Notwithstanding the expiry of the period of quarantine directed by the Chief Veterinary Officer and subject to subsection (3), no person shall remove animal from an Animal Quarantine Station without the prior written authorization of the Chief Veterinary Officer, which may be subject to such conditions as may be specified.

(3) The release from quarantine of an animal shall depend on the results of re-inspection, of any diagnostic examination and of any tests which the Chief Veterinary Officer may consider necessary.

(4) The expenses of and incidental to keeping an animal in quarantine shall be borne by the person importing the animal.

(5) An animal shall be kept in an Animal Quarantine Station at the risk of the person importing the animal.

(6) If an animal kept in Animal Quarantine Station develops or, in the opinion of the Chief Veterinary Officer, shows symptoms of a notifiable disease, the animal may, with the approval of the Chief Veterinary Officer, be destroyed.

(7) No person shall enter an Animal Quarantine Station except with the permission of the Chief Veterinary Officer.

(8) A person who contravenes subsection (2), (4) or (7) or any conditions of an authorization under subsection (2) is guilty of an offence.

17.(1) No person shall remove fodder or litter from –

- (a) a vessel or aircraft in which it has been imported; or
- (b) an Animal Quarantine Station,

except to dispose of it as directed by the Chief Veterinary Officer.

(2) No person shall remove a kennel, crate or any animal clothing from –

- (a) a vessel or aircraft in which it has been imported; or
- (b) an Animal Quarantine Station,

unless –

- (i) the Chief Veterinary Officer has given permission for the removal; and
- (ii) the kennel, crate or animal clothing has been cleaned and disinfected as directed by the Chief Veterinary Officer.

(3) A person who contravenes subsection (1) or (2) or any direction given under those subsections is guilty of an offence.

PART V – VACCINES AND DRUGS

18.(1) Subject to section 19, no person shall import for use for an animal any vaccine, serum, toxin, antitoxin or antigen except under and in accordance with a licence issued by the Chief Veterinary Officer.

(2) Any substance specified in subsection (1) which has been or is about to be imported without a licence may be seized and detained by an Inspector who may direct that the substance shall be immediately re-exported by the person importing or attempting to import it.

(3) where a direction for re-export under sub-section (2) is contravened, an Inspector or a police officer shall confiscate that substance.

(4) A person who contravenes –

- (a) subsection (1);
- (b) a condition of a licence issued under subsection (1);
- (c) a direction under subsection (2),

is guilty of an offence and any vaccine, serum, toxin, Antitoxin or antigen in respect of which that offence is committed may be seized by an Inspector or a police officer and on conviction shall be forfeited to the Government.

19.(1) The Minister may by notice published in the Gazette specify a vaccine or drug as a prohibited vaccine or prohibited drug for the treatment of animal diseases in Seychelles.

(2) A person who knowingly supplies, sells, purchases, obtains or uses a prohibited vaccine or prohibited drug for the treatment of animal diseases is guilty of an offence.

PART VI – COMPULSORY SLAUGHTER

20. The Chief Veterinary Officer may slaughter or cause to be slaughtered –

- (a) an animal affected or suspected of being affected with a notifiable disease; or
- (b) an animal which has been in contact with an animal affected by a notifiable disease or has been otherwise exposed to the infection of a notifiable disease.

21.(1) No compensation shall be paid in respect of any animal slaughtered under this Act unless it is stock.

(2) Subject to subsections (5) and (6), compensation for stock slaughtered under this Act may be paid to the owner of the stock by the Government as follows –

- (a) where the stock was affected with a notifiable disease, the lesser of –
 - (i) one half of its value immediately before it became so affected; or
 - (ii) one half of the maximum amount of compensation prescribed under subsection (4) for that type of stock;
- (b) where the stock was not affected with a notifiable disease but was suspected of being affected with a notifiable disease, the lesser of –
 - (a) its value immediately before it was slaughtered; or
 - (b) the maximum amount of compensation prescribed under subsection (4) for that type of stock.

(3) The value of stock slaughtered shall be determined in accordance with Schedule 2.

(4) The Minister may, by regulations, prescribe the maximum amount of compensation payable under this section in respect of different types of stock.

(5) Compensation in respect of stock slaughtered under this Act, may be wholly or partially withheld where the owner of the stock has contravened this Act or an order, notice, direction, prohibition or condition made or imposed under this Act.

(6) No compensation shall be payable in respect of an animal slaughtered under this Act if the animal –

- (a) was affected with disease when imported;
- (b) becomes affected while in an Animal Quarantine Station; or
- (c) was imported in contravention of this Act, or of an order, notice, direction, prohibition or condition made or imposed under this Act.

PART VII – REGULATIONS

***22.** The Minister may make regulations for the better carrying out of the objects and purposes of this Act, including, without prejudice to this generality, the following purposes –

- (a) the prevention of the introduction of and the prevention and control of notifiable disease including –
 - (i) the control of establishments connected with animals and animals products; and
 - (ii) The prohibition, restriction or regulation of access of persons to specified places;
- (b) the isolation, inoculation, removal and slaughter of animals affected with or suspected to be affected with or exposed to a notifiable disease;
- (c) the burial or destruction of carcasses;
- (d) prescribing –
 - (i) ports and places for the import or export of animals, carcasses, animal products, fodder or litter; or
 - (ii) conditions under which those imports may take place;
- (e) prescribing periods of quarantine or imported animals or animals affected with or suspected to be affected with or exposed to a notifiable disease;
- (f) controlling, prohibiting or regulating the movement of animals, carcasses, animal products, fodder or litter into, within, or out of any specified place;
- (g) controlling artificial insemination of animals;
- (h) prescribing –
 - (i) the disinfection of places and premises in which animals affected by a notifiable disease have been kept;

- (ii) the cleaning disinfection or disinfection of land, premises, a vehicle, vessel or aircraft in which an animal, carcase, animal product, fodder or litter has been placed, kept or carried;
- (iii) the disinfection, cleansing or treatment of animals which have been in contact with animals affected with a notifiable disease or which have been in an infected area;
- (iv) the examination, removal, transport, treatment, cleansing or disinfection of carcasses, fodder, litter, dung and other things connected with animals;
- (v) the disinfection of persons (and their clothing) coming into contact with or employed about animals affected with a notifiable disease, or suspected of being so affected or of being in an infected area;
- (vi) standards for or the prohibition of the manufacture of locally manufactured biological or chemical products used for the control of any animal disease;
- (vii) requiring persons in charge of vessels or aircraft arriving in Seychelles with animals to enter into sureties for compliance with this Act;
- (i) making provisions for animals in transit through Seychelles.

Note: Subsidiary legislation made under the Animals (Diseases and Importations) Act (Cap 131 of 1972 Edition) and in force on the commencement of this Act are continued in force.

23. The Minister may prescribe by regulations –

- (a) fees for the issue of licences under this Act;
- (b) fees for the examination of animals carried out under this Act;
- (c) fees and charges for drugs or vaccines supplied by the Government for the treatment of animals;
- (d) fees and charges for keeping animals in quarantine (including feeding); or
- (e) fees and charges for or in connection with any services rendered under this Act.

PART VIII – PENALTIES ETC

24.(1) A person guilty of an offence against this Act is liable to imprisonment for 2 years and to a fine of R. 5,000.

(2) Where a person is convicted of an offence under this Act, the court may, in addition to or instead of imposing any other punishment, order that –

- (i) the animal, carcase or animal product in respect of which that offence was committed shall be forfeited to the Government;
- (ii) the person convicted or the owner of that animal, carcase or animal product, shall pay to the Government such sum as the court considers reasonable to cover the expenses of or connected with its removal to the place of detention, and in the case of an animal the cost of its maintenance during that detention, and unless that sum is paid within a reasonable time specified in the order, the animal, carcase or animal product shall be forfeited to the Government.

25.(1) Notwithstanding any other written law, an animal or thing forfeited or confiscated under this Act shall be disposed of in accordance with the instructions of the Minister.

(2) Where an animal or thing is disposed of in terms of this section, a person with any rights in that animal or thing shall not be entitled to an accounting or to compensation for its value.

SCHEDULE 1

Section 3

NOTIFIABLE DISEASES

General

Anthrax

Bluetongue

Brucellosis

Heartwater

Johnes Disease

Foot and Mouth Disease

Leptospirosis

Mange

Tuberculosis

Trypanosomiasis

Horses etc

African Horse Sickness

Epizootic and Ulcerative Lymphangitis

Glanders

Cattle etc.

Cattle Plague (Rinderpest)

Contagious Bovine Pleuro-Pneumonia

Contagious Epididymitis and Cervico-Vaginitis of Cattle

Bovine Virus Diarrhoea (Mucosal Disease)

Cutaneous Streptothricosis (Dermatophilus Infection)

Infectious Bovine Rhino tracheitis – Infectious Pustular Vulvovaginitis

Lumpy Skin Disease

Bovine Skin Disease

Theileriasis

Sheep etc.

Contagious Caprine Pleuro-Pneumonia

Nairobi Sheep Disease

Contagious Pustular Dermatitis

Pox of Sheep and goats

Sheep Scab

Scrapie

Swine etc

Swine Fever (Classical, African, and Hog Cholera)

Swine Vesicular Disease

Swine Erysipelas

Transmissible Gastro Enteritis in Swine

Poultry etc.

Anatipestifer infection (duck septicaemia)

Arizona Infection

Avian Influenza

Bicillary white diarrhea (Pullorum disease)

Contagious bronchitis (Infectious bronchitis)

Duck virus enteritis (duck plague)

Duck virus hepatitis

Eastern Equine encephalomyelitis

Fowl cholera (pasteurellosis)

Fowl pest in any of its forms including Newcastle disease and fowl plague

Fowl paralysis (Marek's disease)

Fowl Pox

Fowl typhoid

Goose influenza

Infectious avian encephalomyelitis

Infectious bursal disease (Gumboro disease)

Infectious laryngo – tracheitis

Leucosis

Mycoplaemosis

Ornithosis

Pneumo-encephalitis

Salmenellosis

Transmissible enteritis of turkeys

Tuberculosis and Vibrionic hepatitis

SCHEDULE 2

Section 21

VALUATION OF SLAUGHTERED STOCK

1. An officer appointed by the Minister shall give written notice to the owner or his agent of his valuation of the animal based on current market value taking into account any residual value of the carcase (if returned to the owner).
 2. Within 24 hours after the receipt of that notice the owner or his agent may give a written counternotice to the officer stating that he disputes the valuation and his reasons for so doing.
 3. If counter-notice is not given in terms of paragraph 2, compensation shall be paid on that valuation.
 4. If counter-notice is given in terms of paragraph 2, the value of the animal shall be determined after consideration of the first valuation and of the reasons in the counter-notice by a second officer appointed by the Minister, and his valuation shall be final.
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