

## CHAPTER 7.17

# ANIMALS (DISEASES AND IMPORTATION) ACT

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## CHAPTER 7.17

### ANIMALS (DISEASES AND IMPORTATION) ACT

(Acts 20 of 1955, 13 of 1958 and 15 of 1994 and S.I. 6/1961 and 29/1991)

AN ACT to control the importation of animals, birds, reptiles and insects, and to regulate the treatment and disposal of animals which are suffering or are suspected to be suffering from any disease, and for other matters related thereto or connected therewith.

Commencement [14 April 1956]

#### PART 1 PRELIMINARY

##### 1. SHORT TITLE

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

##### 2. INTERPRETATION

In this Act—

“**animal**” means any bovine, canine, equine, feline, goat, guinea pig, monkey, rabbit, sheep and swine and any bird (including poultry), fish, insect (including bees and any member of the class Insecta and of the class Arachnida), reptile and any other animal whatsoever, whether similar to the foregoing or not;

“**animal carcass**” means the carcass of any animal and includes the meat of the animal and such of its offal as is intended for consumption by humans or animals;

“**animal parts**” means the bones and bonemeal, untanned hides and skins flashings, hooves, horns, claws, hair, bristles, wool, feathers, offal, blood, whether fresh or dehydrated, meat scraps of an animal or any other parts of an animal other than the meat or offal for consumption by humans or animals, which have been separated from the carcass;

“**country**” includes territory;

“**fish**” includes crustacea and turtle;

“**fodder**” means grass, hay or any other like substance commonly used as animal feed;

“**inspector**” means an inspector designated by the Minister under section 3;

“**litter**” means straw or any other substance commonly used as bedding for, or otherwise used for or about animals and includes any such substance when used as packing materials;

“**Member State**” means a Member State for the time being of the Caribbean Common Market as established by the Annex to the Treaty establishing the Caribbean Community, done at Chaguaramas, 4 July 1973;

“**Minister**” means the Minister responsible for Agriculture;

“**port of entry**” means a prescribed port of entry and includes an airport of entry;

“**poultry**” means domestic fowl, turkey, goose, duck, guinea fowl, pheasant, pigeon or quail;

“**prescribed disease**” means—

- (a) any of the diseases specified in the Schedule;
- (b) any other disease prescribed for the purposes of this Act;
- (c) any other disease which the Minister or the Veterinary Authority with the approval of the Minister, directs in writing to be a prescribed disease and notice of which is published in the Gazette and in a newspaper as soon as practicable after the direction has been given;

“**prescribed port area**” means the area of any port of entry, the limits of which are prescribed;

“**suspected animal**” means animal suspected of suffering from a prescribed disease;

“**Regulations**” means the Regulations made under this Act;

“**Veterinary Authority**” means—

- (a) the Chief Veterinary Officer designated by the Minister for purpose of this Act;
- (b) in relation to any other Member State, the Authority appointed to administer the legislation of that State enacted for purposes corresponding to the purposes of this Act;

**“veterinary biological product”** means any substance commonly known as hormones, vaccines, sera, toxins, anti-toxins, antigens and micro-organisms living or killed, or any other biological substance which is intended solely for use in the practice of veterinary medicine, and includes semen of animals for use in artificial insemination.

*(Substituted by Act 15 of 1994)*

### **3. VETERINARY AUTHORITY AND INSPECTORS**

- (1) The Minister shall in writing designate the Chief Veterinary Officer as the Veterinary Authority for the purpose of this Act.
- (2) It shall be the duty of the Veterinary Authority to administer this Act and the Regulations.
- (3) The Veterinary Authority shall, on application in writing by an exporter of any animal, animal carcass, animal parts, veterinary biological product, fodder or litter, which is to be exported from Saint Lucia and on the payment of the prescribed fee (if any), provide the exporter with such certificate relating to the health, or to any period of quarantine in Saint Lucia, of any animal or relating to the carcass, animal parts, veterinary biological product, fodder or litter, as is required by the law of the country of importation thereof, to be provided by the Veterinary Authority.
- (4) For the purpose of providing any certificate mentioned in subsection (3), the Veterinary Authority may direct that any animal, animal carcass, animal parts, veterinary biological product, fodder or litter shall be examined or inspected by an inspector.
- (5) Subject to this Act and the Regulations, the Veterinary Authority shall provide any documentation or information, as may reasonably be requested by the Veterinary Authority of

another Member State and which appears to be necessary in preventing the introduction of any prescribed disease into that Member State, or the spread therein of any such disease, as a consequence of the movement of any animal, animal carcass, animal parts, veterinary biological products, fodder or litter, dung or other similar thing from Saint Lucia to that Member State or which relates to the provision of the safe and humane movement of animals between Saint Lucia and that Member State.

- (6) The Minister may designate such person employed in the Ministry of Agriculture as he or she thinks fit as inspectors for the purposes of this Act; and it is the duty of the inspectors to carry out the provisions of this Act and the Regulations.

*(Substituted by Act 15 of 1994)*

## **PART 2**

### **CONTROL OF DISEASED OR SUSPECTED ANIMALS**

#### **4. SEGREGATION AND NOTIFICATION OF DISEASED ANIMALS, ETC**

- (1) Every person having in his or her possession or under his or her charge any animal suffering from a prescribed disease shall—
- (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 Veterinary Authority, shall give information thereof to the inspector.

*(Amended by Act 15 of 1994)*

#### **5. INFECTED PLACES**

- (1) Where the Veterinary Authority suspects that any prescribed disease exists in any stable, shed, pen, field, pasture, or other similar place, he or she shall 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.

- (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).

However, the Veterinary Authority may, at any time within 7 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 Veterinary Authority shall with all practicable speed send copies of such notice to the Minister, and where any such notice has been withdrawn the Veterinary Authority shall 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, 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 a prescribed 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 Veterinary Authority, and thereupon as from the time specified in that behalf by such order such place shall cease to be an infected place.

*(Amended by Act 15 of 1994)*

## **6. INFECTED AREAS**

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 Saint Lucia to be infected with a prescribed disease, and such order shall specify the limits of such infected area.

## **7. DEFINED PORT**

No defined port, or part thereof, shall be declared to be an infected place or an infected area.

## 8. SLAUGHTER OF DISEASED OR SUSPECTED ANIMALS

- (1) The Veterinary Authority may cause any animal suffering from a prescribed disease 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 animal suffering from a prescribed disease 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 Veterinary Authority may give all such directions as he or she may consider necessary.
- (2) The Veterinary Authority 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.

*(Amended by Act 15 of 1994)*

## 9. DISPOSAL OF ANIMALS

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 Veterinary Authority; and for such purposes the Veterinary Authority may use any suitable ground in the possession or occupation of the owner of the animal. *(Amended by Act 15 of 1994)*

## 10. CONTROL OF ANIMAL SUFFERING FROM A PRESCRIBED DISEASE

- (1) The owner or occupier of any Place declared to be an infected place under section 5(4) shall—
  - (a) prevent access of any other animal to any part of the place, which has been exposed to infestation by any other animal infested with a prescribed disease or suspected of being so infested; and
  - (b) detain on the place any animal infested with a prescribed disease or suspected of being so infested, and detain any

other animal which has been in the same shed, stable, building, yard or field with any such animal.

- (2) A person shall not in relation to any animal suffering from a prescribed disease or suspected animal—
  - (a) expose any such animal in any market, fair, sale, yard or in any other place where animals are exposed for sale;
  - (b) place any such animal in any place adjacent to any market, fair, sale, yard or other place at which animals are exposed for sale;
  - (c) carry, lead or drive or cause to be carried, led or driven, on any highway, road or thoroughfare, any such animal exposed for sale;
  - (d) place, keep or graze, or permit to be placed, kept or grazed any such animal, on the sides of any public road, or on any land adjoining a public road which is unfenced or insufficiently fenced; or
  - (e) allow any such animal to stray on to a public road or on the sides thereof or to be on any land not enclosed or in any field or place which is insufficiently fenced.
- (3) Any person who contravenes the provisions of subsection (1) or (2) commits an offence.
- (4) In addition to any penalty imposed against any person convicted of an offence against this section, every animal found in any place in contravention of the provisions of this section may be moved by or at the directions of the Veterinary Authority to some convenient place and there detained and isolated.

*(Inserted by Act 15 of 1994)*

## **11. COMPENSATION**

- (1) The Minister may in his or her discretion award, for the compulsory slaughter of any animal under the provisions of this Act, compensation which shall be payable out of general revenue. 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 or the person having charge of the animal, in the opinion of the

Minister, committed, in relation to the animal, 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 Veterinary Authority, such animal was diseased at the time of importation.

*(Amended by Act 15 of 1994)*

## 12. AMENDMENT OF SCHEDULE BY REGULATIONS

The Minister may, by regulations vary or amend the Schedule to this Act or substitute a new schedule. *(Substituted by Act 15 of 1994)*

## 13. REGULATIONS

- (1) The Minister may make regulations generally for the control and treatment of animal suffering from a prescribed disease or suspected animals and for the prevention and spread of disease. *(Amended by Act 15 of 1994)*
- (2) Regulations made under subsection (1) may, without prejudice to the generality of such power, make provision with regard to—
  - (a) the adaptation and modification of the provisions of this Act in relation to any animals suffering from any particular disease;
  - (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 notices 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;
- (i) the cleansing, disinfecting, and examination, of places used by, and vehicles used for the transport of, animals; or
- (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.

### **PART 3**

#### **REGULATION OF IMPORTATION OF ANIMALS AND OTHER THINGS**

#### **14. RESTRICTIONS ON IMPORTATION OF ANIMALS, ANIMAL CARCASSES AND OTHER THINGS**

- (1) No animal, animal carcass, animal parts, veterinary biological products, fodder or litter shall be imported into Saint Lucia, unless imported from a prescribed country or any part thereof and in accordance with an import permit issued by the Veterinary Authority.
- (2) Any person who wishes to import into Saint Lucia any animal or any of the things mentioned in subsection (1) shall apply to the Veterinary Authority in the prescribed manner.
- (3) On receipt of an application made in accordance with subsection (2), the Veterinary Authority may, subject to such terms and conditions as he or she thinks fit to impose, issue to

the applicant an import permit which shall be in the prescribed form.

*(Substituted by Act 15 of 1994)*

#### **15. PENALTIES FOR IMPORTATION OF ANIMALS, ANIMAL CARCASSES AND OTHER THINGS WITHOUT A PERMIT**

- (1) A person importing any animal, animal carcass, animal parts, veterinary biological products, fodder or litter into Saint Lucia commits an offence who—
  - (a) has not obtained, in respect thereof, an import permit issued under section 14, or
  - (b) contravenes or fails to comply with any term or condition contained in the import permit issued in respect thereof under section 14.
- (2) Any animal, animal carcass, animal parts, veterinary biological products, fodder or litter in respect of which an offence under subsection (1) is alleged to have been committed may be seized by an inspector and, on conviction of any persons who may be charged with the offence, shall be forfeited to the Crown and may be detained, destroyed or otherwise disposed of as the Minister shall direct without liability in the Crown for any such detention, destruction or disposal.

*(Substituted by Act 15 of 1994)*

#### **16. REGULATIONS CONCERNING IMPORTATION OF ANIMALS**

- (1) The Minister may, for the purposes of this Act, make regulations prescribing the conditions under which, and the countries or parts of countries, from which animal carcasses, animals, animal parts, veterinary biological products, fodder, litter, dung and other similar things may be imported into Saint Lucia.
- (2) Without prejudice to the generality of subsection (1), the Regulations may, in particular, make provision—
  - (a) prescribing the ports of entry where animals and the things mentioned in that subsection which are to be imported into Saint Lucia may be landed;

- (b) prescribing in respect of such ports of entry the limits of the areas which may be used in connection with animals and the things mentioned in subsection (1) which are to be imported into Saint Lucia;
- (c) prohibiting, restricting, or regulating the movement into, within or out of a prescribed port area, of animals which are to be imported into Saint Lucia;
- (d) providing for the cleansing and disinfecting, and the subjecting to quarantine, of vessels and aircraft used for the transportation, of animals to Saint Lucia;
- (e) prescribing and regulating the examination, inspection, seizure and detention of any animal or thing mentioned in subsection (1) prior or subsequent to its landing in Saint Lucia;
- (f) prescribing the documentation to be provided in connection with the importation into or landing in Saint Lucia of any animal or thing mentioned in subsection (1), including the certificate to be issued by the Veterinary Authority of the country from which such animals or things are to be exported;
- (g) prescribing and regulating the testing of any veterinary biological product which is to be, or may be, imported in Saint Lucia;
- (h) prescribing the times at which and conditions under which animals may be slaughtered in a prescribed port area;
- (i) prohibiting or regulating the movement of any of the things, other than animals, mentioned in subsection (1) and any utensil used in connection therewith into, within or out of a prescribed port area and regulating the disposal of any such thing or utensil;
- (j) requiring and regulating the mode of cleaning and disinfecting in a prescribed port area of any items whatsoever, including the hands or feet, the wearing apparel or articles in the possession of any persons arriving in Saint Lucia on any vessel or aircraft being used for the transportation of animals or from any country in which there is an outbreak of a prescribed or any other infectious or contagious disease affecting animals;

- (k) prescribing the marking of any animals imported into Saint Lucia by tagging or in any other manner, whether as a condition of landing or otherwise; and
- (l) providing for the application to animals imported into Saint Lucia of any test for any prescribed or other infectious or contagious disease or of any treatment or vaccination or inoculation for any such disease.

*(Substituted for Act 15 of 1994)*

#### **17. POWER OF MINISTER BY ORDER TO PROHIBIT ANIMALS**

- (1) Despite the provisions of any Regulations, the Minister whenever he or she considers it necessary in order to prevent the introduction of any prescribed disease in Saint Lucia or the spread of any such disease therein may, by order, prohibit the landing in Saint Lucia of such animals, animal carcasses, animal parts, veterinary biological products, fodder, litter, dung or other similar things as he or she shall specify in the order, which have been or may be brought to Saint Lucia from such country or any such part of any country, as he or she shall specify in the order.
- (2) The Minister shall, as soon as practicable after making an order under subsection (1), send notice of the prohibition and, as soon as practicable after the removal of the prohibition, send notice thereof, to the Veterinary Authority in every other Member State.

*(Substituted by Act 15 of 1994)*

#### **18. REGULATION OF IMPORTATION MEAT ITS BY-PRODUCTS**

The Minister may prescribe the conditions under which, and countries from which cooked meats, cooked canned meats and by-products of cooked meat may be imported into Saint Lucia. *(Substituted by Act 15 of 1994)*

#### **19. REGULATION OF IMPORTATION OF ANIMAL EQUIPMENT**

The Minister may make regulations prohibiting or regulating the importation in Saint Lucia of any equipment, container or utensil which has been used in connection with any animal, animal carcass,

animal parts, fodder or litter, dung or similar thing and which is capable of transmitting any prescribed or other infectious or contagious disease affecting animals. (*Inserted by Act 15 of 1994*)

## **20. REGULATION OF ANIMAL MOVEMENT IN INTEREST OF THEIR SAFETY**

- (1) The Minister may, for the purpose of the safe and humane movement of animals between Saint Lucia and another country, prescribe the conditions under which such animals may be moved by vessel or by aircraft, into Saint Lucia from another country, and from Saint Lucia to another country, and in particular, the Regulations may make provision—
  - (a) for ensuring for such animals a proper supply of water and feed and proper ventilation during their transportation from Saint Lucia or upon their landing in Saint Lucia, as the case may be; and
  - (b) for protecting such animals from unnecessary suffering on being loaded or unloaded in Saint Lucia and during their transportation from Saint Lucia.
- (2) The Minister whenever he or she deems it necessary for the safe and humane treatment of animals which are to be moved from Saint Lucia to another country, may, by order, prohibit, or require the postponement for such period as he or she shall specify in the order of—
  - (a) the movement from Saint Lucia of such animal as he or she shall specify in the order; or
  - (b) the transportation from Saint Lucia of any animals on such vessel or aircraft as he or she shall specify in the order.

(*Inserted by Act 15 of 1994*)

## **21. QUARANTINE STATIONS**

- (1) The Minister may prescribe the stations which may be used for the quarantining of animals for the purpose of this Act and different stations may be prescribed for the quarantining of different categories of animals.

- (2) The Minister may not prescribe a station unless he or she is satisfied that the station meets international standards for the reception and quarantining of the animals to be received there and, in particular, that an inspector or a duly qualified veterinarian authorised for the purpose by the Minister is available to provide veterinary attention at the station daily.

*(Inserted by Act 15 of 1994)*

## **22. REQUIREMENT OF QUARANTINE AND THEREFROM**

- (1) Every animal which is imported into Saint Lucia shall, unless exempted by virtue of regulations, upon being landed be placed in quarantine for such period and subject to such other conditions as may be prescribed.
- (2) The Minister may make regulations in respect of the quarantining of animals that are subject to the requirement of being placed in quarantine under subsection (1) and without prejudice to the generality of such power, may by such regulations prescribe, in relation to such categories of animals as are specified therein, the period of time during which, and the conditions under which, such animals shall be kept in quarantine and he or she may prescribe different periods and different conditions for different categories of animals.
- (3) The Minister may prescribe the categories of animals which shall be exempted, and the conditions under which such animals shall be exempted, from the requirement of being placed in quarantine under subsection (1).
- (4) Although an animal to be imported into Saint Lucia is exempted from the requirement of being placed in quarantine under subsection (1), an inspector who has cause to suspect that—
  - (a) the animal may be suffering from a prescribed or other infectious or contagious disease;
  - (b) the animal may have been in contact during its transportation to Saint Lucia with any other animal which is or may be suffering from such a disease or with any other animal which is not so exempted from the requirement of being placed in quarantine; or
  - (c) the animal has otherwise been exposed to the risk of contracting such a disease;

may in his or her discretion direct that the animal shall, on being landed, be subject to the requirement of being placed in quarantine.

- (5) This section shall not be construed as restricting the power of the Veterinary Authority to impose as a condition in an import permit issued under section 14 in respect of any animal to be imported into Saint Lucia the requirement that the animal be placed in quarantine, and to give directions therein with respect to the period and conditions of quarantine of that animal.

*(Inserted by Act 15 of 1994)*

### **23. QUARANTINING OF THE ANIMALS**

- (1) An animal which is, by virtue of this Act, subject to requirement of being placed in quarantine shall, on being landed, be placed in such prescribed quarantine station as the inspector who inspects the animal prior to it being landed in Saint Lucia shall direct.
- (2) Any animal which, whilst in a quarantine station by virtue of subsection (1), develops any prescribed or other infectious or contagious disease or, in the opinion of the inspector, shows symptoms of any such disease, the spread of which would endanger animal health in Saint Lucia may with the approval of the Minister, be destroyed without payment of any compensation.

*(Inserted by Act 15 of 1994).*

## **PART 4 GENERAL**

### **24. POWERS OF APPREHENSION**

- (1) Where any person is found committing, or is reasonably suspected of being engaged in committing, an offence against this Act or against any regulations made thereunder, any constable or inspector may without warrant stop and detain him or her, and if his or her name and address are not known to the constable or inspector and he or she fails to give them to the satisfaction of the constable or inspector, such constable or

inspector may without warrant apprehend him or her and may, whether he or she has so stopped, detained or apprehended such person or not, 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 taken back to or into any place or district wherefrom or whereout it was unlawfully removed, and execute and enforce that requisition.

- (2) If any person obstructs or impedes a constable or inspector in the execution of this Act or of any regulation made thereunder, or assists in any such obstructing or impeding, the constable or inspector may without warrant arrest the offender.
- (3) A person apprehended 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 Criminal Code in relation to the granting of bail shall apply to any such person.

*(Amended by Act 15 of 1994)*

## 25. POWERS OF INSPECTORS, OFFENCES

- (1) A constable or inspector may at any time enter—
  - (a) any pen, building, land, or place, where he or she has reasonable grounds for supposing—
    - (i) that disease exists, or has, within 56 days, existed,
    - (ii) that the carcass of any diseased or suspected animal is or has been kept or has been buried, destroyed or otherwise disposed of,
    - (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 regulation made thereunder has not been or is not being complied with;
  - (b) any vehicle, vessel, or boat, in which or in respect whereof he or she has reasonable grounds for believing that this Act or any regulation made thereunder has not been or is not being complied with.

- (2) A constable or inspector exercising any of the powers mentioned in subsection (1) shall, if required by the owner, occupier or other person in charge or control of the pen, building, land, place, vehicle, vessel, state in writing his or her reason for the exercise of such power.
- (3) Where the veterinary authority is satisfied that an offence against this Act has been committed on board any vessel in a prescribed port such vessel may be detained for such time as may be necessary to bring a charge relating to such offence before a court.
- (4) The veterinary authority shall deliver in writing to the master or captain of any vessel detained under the provisions of subsection (3) particulars of the offence for which it is detained as soon as possible after such detention.

*(Amended by Act 15 of 1994)*

## **26. OFFENCES**

A person commits an offence who, without lawful authority or excuse the proof whereof shall lie on him or her—

- (a) when required by this Act, or by any regulation made thereunder, to keep any animal separate as far as practicable, or to give any notice of disease with all practicable speed, fails to do so;
- (b) contravenes or fails to comply with any directions given by the inspector under section 8;
- (c) refuses to the inspector, acting in execution of this Act or of any regulation 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 or her from so entering or examining, or otherwise in any respect obstructs or impedes the inspector or any constable in the execution of his or her duty, or assists in any such obstructing or impeding;
- (d) throws or places or causes to be thrown or placed into or in any river, stream, drain, or other water, or into or in the sea within 3 miles of the shore, the carcass of an animal which has died of disease or has been slaughtered as diseased or suspected;

- (e) takes, or allows to be taken, unless otherwise required by this Act or by any regulations made thereunder, or allows to stray, any diseased animal in or upon any common, public road, or public place;
- (f) digs up, or causes or allows to be dug up, the buried carcass of 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;
- (g) 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 made thereunder;
- (h) allows any animal to stray into or out of any infected place or infected area;
- (i) being the master or captain or owner of a vessel, causes, requires or permits the landing of any animal, animal carcass, animal parts, veterinary biological product, fodder or litter or any equipment, container or utensil which has been used in connection with any animal or anything mentioned in this subsection; or
- (j) in any way contravenes or fails to comply with any requirement of this Act or the Regulations.

*(Amended by Acts 15 of 1994 and 13 of 1958)*

## **27. PENALTIES**

Any person who commits an offence against this Act, save where otherwise expressly provided, is liable for each such offence on summary conviction before a magistrate to a fine not exceeding \$5,000 or to imprisonment with hard labour for any term not exceeding 6 months. *(Amended by Acts 15 of 1994 and 13 of 1958)*

## **28. PENALTIES FOR REGULATORY OFFENCES**

Regulations made under the authority of this Act may contain provisions for imposing on persons offending against such regulations fines recoverable on summary conviction not exceeding \$5,000 or imprisonment for 6 months. *(Inserted by Act 13 of 1958, Amended by Act 15 of 1994)*

**29. EVIDENCE AND PRESUMPTIONS**

- (1) Where the owner or person in charge of any animal is charged with an offence against this Act, or against any regulations made thereunder, relative to disease or to any illness of the animal, he or she shall be presumed to have known of the existence of the disease or illness unless and until he or she shows to the satisfaction of the court that he or she had no knowledge thereof and could not with reasonable diligence have obtained that knowledge.
- (2) Where a person is charged with an offence against this Act, or against any regulations made thereunder, in not having duly cleansed or disinfected any place, vessel, or thing, belonging to him or her or in his or her charge and a presumption against him or her on the part of the prosecution is raised it shall lie on him or her to prove the due cleansing and disinfection thereof.
- (3) The certificate of a qualified Veterinary Surgeon to the effect that any animal is or was affected with a disease specified in the certificate shall for the purposes of this Act or of any regulations made thereunder be conclusive evidence in all courts of justice of the matter certified.

**30. TRANSPORT THROUGH INFECTED PLACES AND AREAS**

Subject to any specific provision in any regulations or order under this Act, this Act, and any regulations made under it, do not restrict or prohibit the transport of any person, animal or thing, by public road through an infected place or an infected area if such person, animal, or thing, is not detained within such place or area.

**31. POWER TO PROHIBIT USE OF ROADS BY ORDER**

- (1) The Governor General may, in his or her 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 through an infected area or of any part of such public road; or
  - (b) the use, except in compliance with such conditions as may be specified in such order, of any such public road or of any part of such public road.

- (2) Any person who contravenes or fails to comply with the provisions of any order made under subsection (1) commits an offence against this Act.

### 32. REGULATIONS

The Minister may make regulations—

- (a) prescribing anything which is required by this Act to be prescribed;
- (b) prescribing the fees which may be charged for any purpose under this Act and the Regulations; the persons by whom and to whom they are to be paid and the names in which they may be recovered;
- (c) generally, for the better carrying out of the provisions of this Act.

*(Substituted by Act 15 of 1994)*

## SCHEDULE

*(Substituted by Act 15 of 1994)*

### PRESCRIBED DISEASES

African Horse Sickness	Leukosis (Marek's Disease)
African Swine Fever	Lumpy Skin Disease
Amblyomma variegatum and other Amblyomma Species	Lyme Disease
American Foul Brood	Maedi – Visna
Acariasis of Bees	Malignant Catarrhal Fever
African Bee	Mango, Ovine (or Sheep Scab)
Avian Infectious Bronchitis	Myxomatosis
Atrophic Rhinitis	Newcastle Disease
Anthrax	New World Screwworm
Blue Tongue	Nosemosis of Bees
Bovine Leukosis	Para-tuberculosis (Johne's Disease)
Bovine Spongiform Encephalopathy	Peste Des Petits Ruminants
Bovine Viral Diarrhoea	Pox
Brucellosis	Psittacosis Ornithosis
Bubonic Plaque	Psuedo rabies (Anjesky's Disease)
Cafrine Arthritis Encephalitis	Pullorum Disease
Campylobacteriosis (Vibriosis)	Rabies
Chronic Respiratory Disease	Rift Valley Fever
	Rinderpest

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Revision Date: 31 Dec 2005

Contagious Bovine Pleuro-Pneumonia	Salmonellosis
Contagious Equine Metritis	Sarcoptic Mange in horses
Cowdriosis	Scabies
Dermatophilosis	Scrapie
Duck Viral Enterit	Shigellosis
Duck Hepatitis	Surra and Trypanesom Vivax Infection
Enzootic Bovine Leukosis	Swine Erysipelas
Epicoetic Abortion (Chlamydial)	Swine Fever (or Hog Cholera)
Epizootic Lymphanagitis	Swine Vesicular Disease
Equine Encephalomyclitis	Teschens Disease
Equine Infectious Anaemia	Theileriasis
Equine Influenza	Trichomoniasis
European Foul Brood	Trypanosomiasis (including Dourine or Mal de Coit), Mal de Caderas
Foot and Mouth Disease	Tuberculosis
Fowl Cholera	Tularaemia
Fowl Plaque (Avian Influenza)	Ulcerative Lymphangitis
Fowl Typhoid	Varroasis
Glanders (or Farcy)	Vesicular Stomatitis
Haemorrhagic Septicaemia	Viral Haemorrhagic Septecemia of fish
Herpes Virus Group	Viral Haemorrhagic Disease of rabbits
Infectious Bovine Rhinotrachoitis	Virus Pneumonia
Infectious Laryngotrachoitis	Yellow Fever.
Leptospirosis	