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CHAPTER 246

ANIMAL CONTAGIOUS DISEASES

An Act for the prevention and control of contagious and infectious diseases in animals.

*43 of 1962
G.N. 7(39)/1964
E.L.A.O., 1974*

[Assent 23rd May, 1962]

[Commencement 19th January, 1963]

PART I PRELIMINARY

1. This Act may be cited as the Animal Contagious Diseases Act. Short title.

2. In this Act, unless the context otherwise requires — Interpretation.

“contagious” means communicable by close contact or inoculation;

“foreign animals” means animals not already introduced into The Bahamas, outside of quarantine stations;

“infectious” means communicable in any manner;

“infectious or contagious disease” includes in addition to other diseases generally so designated glanders, farcy, *maladie du coit*, pleuro-pneumonia *contagiosa*, foot and mouth disease, rinderpest, anthrax, Texas fever, hog cholera, swine plague, mange, scab, rabies, tuberculosis, actinomycosis and various ovina;

“infected place” means a place declared to be infected under the provisions of section 14 or 15 of this Act;

“inspector” means an inspector appointed under section 3 of this Act;

“Minister” means the Minister responsible for Animal Diseases; *E.L.A.O., 1974.*

“other officer” means an officer appointed under the provisions of section 3 of this Act;

“regulations” means the regulations made under the authority of section 33 of this Act;

“vehicle” means a means of conveyance provided with wheels, tracks or runners used for the carriage of persons, animals or goods on land;

“vessel” means ship, boat, barge, lighter and water craft of every kind however propelled.

PART II OFFICERS AND THEIR DUTIES

Appointment of officers.
E.L.A.O., 1974.

3. The Governor-General, acting in accordance with the advice of the Public Service Commission, may appoint such inspectors and other officers as are necessary to carry out the provisions of this Act.

Inspector’s power of entry.

4. An inspector, other officer or peace officer may, at any time, for the purpose of carrying into effect any of the provisions of this Act or the regulations, enter any vessel, aircraft, vehicle or thing used for the carrying of animals, but shall if required, state in writing the grounds on which he has so entered.

Seizure of animals.

5. Where an animal infected or labouring under any infectious or contagious disease, or suspected of being so affected is in any place, or in any vessel, aircraft, vehicle or thing used for the carriage of animals, any inspector, other officer or peace officer may seize the animal and report the seizure to the Minister or to any magistrate having jurisdiction in the island or district in which the place is situated or in which the vessel, aircraft, vehicle or thing is at the time of the seizure.

Apprehension of offenders.

6. (1) Where a person is seen or found committing or is reasonably suspected of being engaged in or committing an offence against this Act, an inspector or a peace officer may, without warrant, stop and detain him; and if the name and address are not known to the inspector or peace officer and such person fails to give them to the inspector or peace officer, the inspector or peace officer may, without warrant, apprehend him; and the inspector or peace officer may, whether so stopping or detaining or apprehending the person or not, stop, detain and examine any animal, vessel, aircraft, vehicle or thing to which the

offence or suspected offence relates, and require the same to be forthwith taken back to any place wherefrom it was unlawfully removed, and execute and enforce that requisition.

(2) If any person obstructs or impedes or assists to obstruct or impede an inspector or peace officer in the execution of this Act or of any Order or of any regulation, the inspector or peace officer may without warrant apprehend the offender.

(3) A person apprehended under this section shall be taken with all practicable speed before a magistrate and shall not be detained without a warrant longer than is necessary for that purpose.

(4) An inspector shall forthwith make a report in writing to the Minister and a peace officer shall forthwith make a report in writing to his superior officer of every case in which he stops or detains any person, animal, vessel; aircraft, vehicle or thing under this section and of any proceedings consequent thereon.

(5) Nothing in this section shall take away or abridge any power or authority that a peace officer would have had if this section had not been enacted.

7. Any inspector or peace officer may require that any animal or thing removed out of an infected place in violation of the provisions of this Act be forthwith taken back within the limits of that place, and may enforce and execute such requisition at the expense of the owner of such animal or thing.

Wrongful
removal.

PART III

DISEASED ANIMALS AND INFECTED PLACES

8. (1) Every owner of animals and every breeder of or dealer in animals, and every one bringing animals into The Bahamas shall, on perceiving the appearance of infectious or contagious disease among the animals owned by him or under his special care, give immediate notice to the Minister and to the nearest veterinary inspector of the Department of Agriculture of the facts discovered by him as aforesaid.

Notice of disease
to be given.

Notice to be given by veterinary surgeon.

(2) Any veterinary surgeon practising in The Bahamas shall, immediately on ascertaining that an animal is labouring under an infectious or contagious disease, give similar notice to the Minister and to the nearest veterinary inspector.

Penalty for neglect.

9. Every owner of animals who neglects to comply with section 8 of this Act shall forfeit his claim to compensation for any animals slaughtered in accordance with the provisions of this Act, and no such compensation shall be granted to him.

Slaughtering diseased animals.

10. The Minister may, from time to time, cause to be slaughtered animals suffering from infectious or contagious diseases or suspected of being so affected, and animals that are or have been in contact with or in close proximity to a diseased animal, or an animal suspected of being affected by infectious or contagious disease.

Compensation to owners.

11. (1) Subject to the provisions of this section the Minister may in his discretion order compensation to be paid to the owners of animals slaughtered under the provisions of this Act.

(2) The compensation payable under this section for an animal slaughtered under the provisions of this Act shall not exceed the market value that animal, in the opinion of the Minister or some person appointed by the Minister, would have had immediately before slaughter if it had not been subject to slaughter under the provisions of this Act except that such compensation shall not exceed —

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(a) in the case of horses, one thousand dollars for purebred animals and three hundred dollars for other animals; and

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(b) in the case of cattle, three hundred dollars for purebred animals and twenty-five dollars for other animals, and if the sale of the carcass is unlawful an additional amount for purebred and other animals equal to the value the carcass would have if the sale were lawful, such value to be determined by the Minister or by some person appointed by the Minister for that purpose.

(3) Compensation shall not be paid under this section whenever the owner or the person having charge of the

animal has been convicted of an offence under this Act in relation to such animal, or whenever the animal being a foreign one was in the judgment of the Minister diseased at the time of entering The Bahamas.

(4) Whenever the Minister in his discretion has ordered the payment of compensation under the provisions of subsection (1) of this section, such compensation may be withheld in whole or in part if as a result of information received by him he is of the opinion that the owner of the animal or the person having charge of the animal has been guilty of negligence in the care of the animal and the disease can be directly attributed to the poor care of the animal.

12. Notwithstanding anything in this Act, the Minister may —

Experimental treatment.

- (a) reserve for experimental treatment any animal ordered to be slaughtered under this Act; and
- (b) authorise any of his officers or servants to make *post mortem* examinations of animals that have died, or are supposed to have died, from infectious or contagious disease; and to dig up carcasses of such animals for the purpose of investigation.

13. The Minister may, from time to time by Order, prohibit the importation or the introduction into The Bahamas, or any part thereof, or into any particular ports thereof, of animals, or of flesh, hides, hoofs, horns, or other parts of animals or of animals' semen or of hay, straw, fodder or other articles, either generally or from any place named in the Order, for such period as he deems to be necessary.

Minister may prohibit importation.
E.L.A.O., 1974.

14. Whenever an inspector finds or suspects infectious or contagious disease of animals to exist, he shall forthwith make a declaration thereof under his hand, and shall deliver a copy of such declaration to the occupier of the place where the disease is found; and thereupon the same, with all lands and buildings contiguous thereto in the same occupation, shall be deemed to be an infected place until otherwise determined by the Minister.

Notice to owners of infected places.

15. (1) Whenever an inspector makes such a declaration of the existence or suspected existence of infectious or contagious disease of animals, he shall, with all practicable speed, send a copy thereof to the Minister.

Report to Minister.

(2) If it appears that infectious or contagious disease exists, the Minister may so determine and declare, and may by Order prescribe the limits of the infected place.

Where no infectious disease.

(3) If it appears that such disease did not exist, the Minister may so determine and declare, and thereupon the place, comprised in the inspector's declaration, or affected thereby, shall cease to be deemed an infected place.

Notice to occupant.

16. Whenever, under this Act, an inspector makes a declaration that constitutes a place an infected place, he may also, if the circumstances of the case appear to him so to require, deliver a notice under his hand of such declaration to the occupiers of all lands and buildings adjoining thereto, or any part thereof respectively which lies within one mile of the boundaries of the infected place in any direction; and thereupon the provisions of this Act with respect to infected places shall apply to and shall have effect in respect of such lands and buildings as if the same were actually within the limits of the infected place.

Area of infected locality may be extended or curtailed.

17. The Minister may, from time to time, by Order, extend or curtail the limits of an infected place beyond the boundaries of the place where infectious or contagious disease is declared or found to exist.

How area described.

18. The area of an infected place may, in any case, be described by reference to a map or plan deposited at some specified place, or by reference to townships, settlements, farms or otherwise.

Declaring a place free from disease.

19. The Minister may, at any time, upon the report of an inspector, by Order, declare any place to be free from infectious or contagious disease; and thereupon, and from the time specified in that behalf in the Order, the place shall cease to be deemed an infected place.

Order of Minister to supersede that of local authority.

20. An Order of the Minister relative to an infected place shall supersede any order of a local authority inconsistent with it.

Transit.

21. Unless such movement is prohibited by the Minister, the provisions of this Act with respect to infected places, shall not restrict the moving of any person, animal or thing on highways through an infected place, if such person, animal or thing is not detained within the infected place.

22. Whenever, under this Act, a place has been constituted an infected place, no live animal, nor the flesh, head, hide, skin, hair, wool or offal of any animal or any part thereof, nor the carcass nor any remains of any animal, nor any dung of animals nor any hay, straw, litter or other thing commonly used for and about animals, shall be removed out of the infected place without a licence signed by an inspector, until the said place has been released by Order of the Minister.

Removal from infected places.

23. (1) Every person carrying animals for hire or reward to or in The Bahamas shall thoroughly cleanse and disinfect in such manner as the Minister, from time to time, directs all vessels, aircraft, vehicles, or things used by such persons for the carrying of animals.

(2) The Minister may cause any such vessel, aircraft, vehicle or thing to be detained in such place as seems meet until it is so cleansed and disinfected.

Vessels, etc., to be cleansed.

24. When the person using a vessel, aircraft, vehicle or thing for the carrying of animals, fails to cause the same to be so cleansed and disinfected within such time after being notified so to do as the Minister directs, the Minister may cause the same to be cleansed and disinfected at the expense of such person.

The Minister may cause cleansing to be done.

25. All yards, stables, sheds or other premises used by any person for the accommodation of animals shall be maintained in a clean, comfortable and sanitary condition, and shall be subject at all times to inspection by inspectors acting under the authority of the Minister, and the Minister may, when he deems such action necessary, order the cleansing and disinfection in a satisfactory manner of the said yards, stables, sheds or other premises.

Premises to be in sanitary condition.

26. In the event of any person refusing or neglecting to carry out the orders of the Minister given through an inspector in regard to such cleansing or disinfection, or in the event of such person neglecting to maintain his yards, stables, sheds or other premises for the use of animals, in a clean, comfortable and sanitary condition, an inspector may condemn the said premises as unfit for use; whereupon the said premises shall not be used for the accommodation of animals until such time as the orders of the Minister in regard thereto have been satisfactorily carried out.

Refusal to comply with orders of the Minister.

PART IV
OFFENCES AND PENALTIES

Neglect to give notice.

27. Every person who —

(a) neglects to give notice as required by this Act of any facts discovered or perceived by him indicating the appearance or the existence of infectious or contagious disease among animals owned by him or under his special care, or who conceals the existence of infectious or contagious disease among animals;

Keeping diseased animals.

(b) turns out, keeps, or grazes in any place any animal, knowing it to be infected with or labouring under any infectious or contagious disease or to have been exposed to infection or contagion;

(c) brings or attempts to bring into any place, any animal known by him to be infected with or labouring under any infectious or contagious disease;

Selling or putting off such animals.

(d) sells or disposes of, or puts off, or offers or exposes for sale, or attempts to dispose of or put off any animal infected with or labouring under any infectious or contagious disease, or the meat, skin, hide, horns, hoofs or other parts of an animal infected with or labouring under any infectious or contagious disease at the time of its death whether such person is the owner of the animal, or of such meat, skin, hide, horns, hoofs or other parts of such animal or not;

Throwing carcasses onto places on land, into the sea or other waters.

(e) throws or places, or causes or suffers to be thrown or placed on land, in any stream, canal, navigable or other waters, or in the territorial waters of The Bahamas, the carcass of an animal that has died of disease or has been slaughtered as diseased, or as suspected of disease;

Digging up any such carcasses when buried.

(f) without lawful authority, or excuse, digs up or causes or allows to be dug up the buried carcass of an animal that has died or is suspected of having died from infectious or contagious disease, or that has been slaughtered as diseased or as suspected of disease;

- (g) moves, or causes or allows to be moved any animal, hide, skins, hair, wool, horn, hoof, offal, carcass, meat, dung, hay, straw, litter or other thing in violation of the provisions of this Act with respect of infected places;
- (h) fails to comply with the requirements of any order made under the authority of this Act or the regulations in respect of the cleansing and disinfecting of vessels, aircraft, vehicles or things used by such person for the carrying of animals,

Unlawful removal of any animal.

shall be guilty of an offence under this Act and shall be liable on summary conviction to a penalty not exceeding one hundred dollars.

5 of 1987, Sch.

28. (1) Every person who refuses to admit any inspector, other officer or a peace officer into any place, or any vessel, aircraft, vehicle or thing used for the carriage of animals or who obstructs or impedes the execution of any Order made under the provisions of this Act or the regulations, shall be guilty of an offence under this Act and shall be liable on summary conviction to a penalty not exceeding one hundred dollars.

Offences.

5 of 1987, Sch.

(2) An inspector or peace officer may, without a warrant, apprehend any person who offends against subsection (1) of this section and take him forthwith before a magistrate to be dealt with according to law.

Apprehension of offender.

(3) A person apprehended under this section shall be taken with all practicable speed before a magistrate and shall not be detained without a warrant longer than is necessary for that purpose.

29. Any person who fails to comply with the provisions of this Act or the regulations for which failure no specific penalty is provided shall be liable on summary conviction to a penalty not exceeding one hundred dollars.

Penalty.

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30. (1) Where an animal, animals' semen, hay, straw, fodder or other articles are imported or introduced into The Bahamas contrary to the provisions of any Order or regulation made in pursuance of this Act, such animal, animals' semen, hay, straw, fodder or other article shall be forfeited to the Minister and may be forthwith destroyed or disposed of as the Minister or any person authorised by him in that behalf directs.

Penalty for unlawful importation of animals, etc.

(2) Every person who imports or introduces, or attempts to import or introduce, any animal, animals semen, hay, straw, fodder or other articles into The Bahamas, contrary to the provisions of any such Order or regulation, shall be liable on summary conviction to a penalty not exceeding two hundred and fifty dollars for every animal so imported or introduced, or attempted to be imported or introduced by him, and a penalty not exceeding one hundred dollars for any other offence under this subsection.

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Liability of officers of companies.

31. (1) Where a person convicted of an offence under this Act is a company or other body (whether corporate or incorporate) the president, chairman, and every director and every officer concerned in the management of the company or other body shall be guilty of the like offence unless he proves that the act constituting the offence took place without his knowledge or consent.

Place of trial.

(2) Every offence against this Act, the regulations or against any Order and every cause of complaint under this Act, may be prosecuted and tried either by a magistrate having jurisdiction in the place in which such offence or cause of complaint was committed or arose, or by a magistrate having jurisdiction in the place in which the person charged or complained of happens to be.

Conviction within certain period.

32. A person shall not be convicted of any offence under this Act unless the offence was wholly or partly committed within one year before the charge or information was laid.

PART V MISCELLANEOUS

Regulations.

33. The Minister may, from time to time, make regulations for any of the following purposes, that is to say —

Quarantine.

- (a) for subjecting animals to quarantine, or for causing the same to be destroyed upon their arrival in The Bahamas or for destroying any hay, straw, fodder, animals' semen or other articles whereby it appears to him that infection or contagion may be conveyed, and generally for

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- regulating the importation or introduction into The Bahamas of animals in such manner as to prevent the introduction of any infectious or contagious disease into The Bahamas;
- (b) for the keeping separate, treatment and disposal of, and dealing generally with animals affected with infectious or contagious diseases, or suspected of being so affected or that have been in contact with animals so affected, or suspected of being so affected, and for the prevention of the spread of infectious or contagious diseases; Separation.
- (c) for segregating and confining animals within certain limits, for establishing districts of inspection or of quarantine and for prohibiting or regulating the removal to or from such parts or places in The Bahamas as may be designated in such regulations, of animals or of meats, skins, hides, horns, hoofs or other parts of any animals, or of hay, straw, fodder, animals' semen or other articles likely to propagate infection; District of quarantine.
- (d) for purifying any place, vessel, aircraft, vehicle or thing and for directing how any animals dying in a diseased state, or any animals, parts of animals, or other things seized under the provisions of this Act, are to be destroyed or otherwise disposed of; Purification.
- (e) for causing notice to be given of the appearance of any disease among animals; Notice of disease.
- (f) for requiring notice of the appearance of any such disease among animals; Requiring notice.
- (g) for prohibiting or regulating the holding of markets, fairs, exhibitions or sales of animals; Prohibiting markets.
- (h) for declaring any place, vessel, aircraft, vehicle or thing in which animals are exposed for sale or are placed for the purpose of transit, to be infected, and for declaring the same to be no longer infected; Declaring market etc., infected.
- (i) for the slaughtering of animals as provided for by this Act; Slaughtering animals.
- (j) for requiring proof of the fact that animals imported into or passing through The Bahamas have not, at the time of their embarkation, been brought from any place or locality where any contagious or infectious disease is, at the said time, in existence; Proof as to animals imported.

Certain
exceptions.

- (k) for exempting certain contagious and infectious diseases from the operation of certain specified sections of this Act, and for dealing with the said diseases as may seem necessary and advisable;
- (l) for the purpose of defining the limits of any port or place within The Bahamas at which animals may be landed;

Preventing
removal of
animals.

- (m) for preventing the removal, without a licence signed by an inspector or other officer appointed pursuant to section 3 of live animals, or the hide, skin, hair, offal of any animals or any Part thereof, the semen of any animal, the carcass or any remains of any animal, any dung of animals, and any hay, straw, litter or other thing commonly used for or about animals, out of an infected place;

- (n) generally for carrying out the objects of this Act.

Expenses.

34. All expenses approved by the Minister and incurred in administering this Act shall be paid out of the Consolidated Fund by warrant in the usual manner.