

# **Animals (Contagious Diseases) Act [Cap 160]**

**LAWS OF FIJI**

**CHAPTER 160**

**ANIMALS (CONTAGIOUS DISEASES)**

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*Act No. 21 of 1975,  
Legal Notice No. 3 of 1980, 115 of 1984*

**AN ACT TO REPEAL AND REPLACE THE ANIMALS (CONTAGIOUS DISEASES)  
ORDINANCE**

[3 October 1975]

*Short title*

1. This Act may be cited as the Animals (Contagious Diseases) Act.

*Interpretation*

2. In this Act, unless the context otherwise requires-

"animal" means any living stage of any member of the animal kingdom except human beings, and, in the case of any mammal, bird, or reptile, includes the egg or semen or the carcass thereof;

"animal product" means any part of an animal (whether alive or dead) including the carcass, flesh, wool, hair, skin, hide, bones, horns, hooves, feathers and other portions of the carcass and any product that is wholly or partly derived from an animal or any part of an animal, being a part of an animal product that has not been treated or sterilized to a stage where it is rendered free from any disease, and from carrying any disease;

"contact animal" means any animal not actually diseased or suspected of being affected with a disease, forming or which during the preceding three months formed part of a lot containing any diseased animal or which was during the preceding three months in contact with any diseased animal;

"destroy" means entirely to consume by fire or to bury at a depth of not less than four feet underground;

"disease" means any disease for the time being specified in any Schedule;

"diseased animal" means any animal actually suffering from or affected with any disease or suspected of being affected with a disease;

"drive" means drive, conduct or convey, whether by land, water or air;

"fittings" means any stall, stable, sheep-pen, milking shed, cage, kennel, hatchery or other premises used for keeping or confining any animal or any halter, brush, clothes, bucket, or other article or thing which has been in contact with any diseased or infected animal or animal product;

"fodder" means any hay, straw, grass, green crop, root, fruit or vegetable seed, whether fresh, dried, preserved or processed, grain, corn or litter and includes any other thing used for animal food or found with or about any animal and also includes animal manure;

"inspector" means any inspector appointed under this Act and includes any assistant inspector;

"owner" means any owner or part owner of an animal, carcass, fittings or fodder, and any overseer or agent of such owner, and any master of any vessel conveying an animal, and any consignee of an animal, and any person in charge of any animal, animal product, fittings or fodder.

## *Regulations*

3. The Minister may from time to time make regulations for the purpose of providing for-

- (a) the application of all or any part of this Act to any particular animal, animal product, fittings or fodder;
- (b) the taking of such steps as he may deem expedient to prevent the spread of any disease and to eradicate or control any disease;
- (c) the placing of any animal or animal product in isolation for such period and in such place or building and within such limits as he may deem expedient for the control or eradication of any disease;
- (d) the subjection of any animal, animal product, fittings or fodder to any examination, test, isolation, cleansing, disinfection, vaccination or inoculation or any other remedial measure which he may deem necessary to prevent the spread of disease within or from an infected area;
- (e) the seizure and destruction of any diseased animal, animal product, fittings, fodder or other thing within an infected area used in connection with or associated with any diseased or infected animal;
- (f) the declaration of any place, land or premises to be an infected area and the declaration of any infected area to be no longer infected;
- (g) the prohibition or regulation of the conveyance or movement into, within or from Fiji of any diseased or infected animal, animal product, fittings or fodder without the written authority of an inspector;
- (h) the requirement, at the risk of the owner, for the mustering or assembling of any animals or group of animals for examination, testing, vaccination or inoculation to prevent the spread of disease;
- (i) the enforcement of the cleansing, draining or disinfection of any stable, shed, milking shed, yard or area used for the accommodation or holding of any animal or storage of any animal product, fodder or fittings;
- (j) the prescription for or the regulation of the examination, cleansing or disinfection of infected areas, premises, vehicles, vessels or fittings;
- (k) the prohibition of the exhumation of any diseased or infected carcass or animal products or fodder;
- (l) the prescription of diseases of animals and the methods to control or eradicate such disease;
- (m) the control or prohibition of the practice of artificial insemination of animals and the distribution and sale of the semen of animals or any living germinal cell of any animal and the registration of premises where any practice or procedure associated with the artificial insemination of animals takes place and the licensing of operators to perform or practise any procedure associated with artificial insemination of animals;
- (n) the requirement for any owner of any animal, animal products, fittings or fodder to keep records of the purchase, sale or disposal of any animal, animal product, carcass, fittings or fodder;
- (o) the declaration of an animal disease emergency in the event of any disease specified in the First Schedule being present or suspected of being present in Fiji;
- (p) the prescription of the steps to be taken and the restrictions to be imposed in the event of a declaration of an animal disease emergency;
- (q) the declaration of disease eradication areas;

- (r) the requirement for the registration of hatcheries and the regulation of standards of operation so as to prevent the spread of disease;
- (s) the prohibition or regulation of the movement of animals within Fiji which may in his opinion contribute to the spread of disease;
- (t) any other matters which may appear to the Minister necessary or desirable for the better carrying out of the provisions of this Act.

#### *Appointment of inspectors*

4. The Minister may appoint such inspectors and assistant inspectors as he may deem necessary with power to carry out and enforce the provisions of this Act:

Provided that assistant inspectors shall not exercise any powers under the provisions of this Act except when an animal disease emergency has been declared by the Minister in which event they shall be subject to such general or particular directions as may be given to them by an inspector.

#### *Powers of inspectors*

5.-(1) Inspectors may at any time enter into any vessel or on any land or into any building not being a dwelling house for the purpose of inspecting any animal, animal product, fittings or fodder.

(2) Any person who obstructs or binds any inspector in the performance of his duty shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$200.

(3) No inspector shall be personally liable for any injury, loss or damage occurring arising out of his exercise, in good faith and without negligence, of his functions under the provisions of this Act.

#### *Inspectors to possess rights, etc., of customs and health officers*

6. Every inspector exercising his functions under the provisions of this Act shall possess, so far as applicable, all the powers, rights, privileges and indemnities possessed by customs officers and health officers under any law for the time being in force.

#### *Destruction of diseased animals, etc.*

7.-(1) Subject to reasonable notice being given in writing, any inspector may order the destruction of any animal, animal product or carcass, if he is satisfied that it is diseased or infected and also any animal, animal product or carcass or fittings or fodder which has been in contact with any diseased or infected animal, animal product or carcass.

(2) When destruction of any animal, animal product, carcass, fittings or fodder results from the diagnosis of a disease specified in the First Schedule and an animal disease emergency has been declared, compensation shall be payable at a rate equal to the fair market value at the

time of the inspection leading to such destruction.

(3) When destruction of an animal results from the diagnosis of a disease specified in the Second Schedule, an inspector may direct that the animal be sent to a licensed butcher or for processing by a rendering plant into animal feedstuffs. No compensation shall be payable but the owner shall be entitled to the proceeds of such sale in lieu of compensation.

(4) When an animal is diagnosed as suffering from a disease specified in the Third Schedule, an inspector may direct the owner to isolate and hold such animal for such time as is necessary for its transportation to a registered slaughterhouse for slaughter or for sale to the Director of Agriculture at a rate equal to the fair market value as if the animal had not been diseased.

(5) Notwithstanding anything contained in the foregoing provisions of this section, no compensation shall be payable in respect of any animal other than horses, cattle, sheep, pigs, goats or poultry and no compensation shall be payable-

(a) in the case of any imported animal of any description or any age, if condemned within six months after importation; or

(b) in any case where an animal is insured against death or provisions are made to cover the event of destruction made on the recommendation of a registered veterinary surgeon; or

(c) in any case of any animal imported into Fiji illegally.

(6) Where no agreement as to the fair market value of any animal, animal product, fittings or fodder seized and destroyed by order of an inspector has been reached within thirty days of the date of such order, the compensation, if any, to be paid shall be decided by an arbitrator to be appointed by the Permanent Secretary for Primary Industries.

(7) All moneys payable in respect of compensation under the provisions of this Act shall be payable out of the Consolidated Fund or in the case of a disease referred to in the Fourth Schedule out of the Contagious Disease Compensation Fund.

*Owner to have right to examination of carcass by veterinary pathologist*

**8.**-(1) An inspector shall, if requested so to do by any owner, forward to the veterinary pathologist for examination a portion or portions of the carcass of any animal, properly preserved, declared by the inspector to be diseased. The owner shall deposit with the veterinary pathologist the sum of \$5 to await the result of the examination.

(2) The veterinary pathologist shall certify whether the portion of the carcass submitted to him shows trace of disease or not. If the certificate shall be to the effect that disease is not disclosed in the portion or portions examined, the said deposited sum shall be refunded to the owner and any compensation shall be equal to the full market value as provided in section 7 and, if the certificate discloses the presence of disease, the deposited sum shall be paid into the Consolidated Fund.

*Costs of isolation, etc., of diseased animal to be borne by owner*

**9.** Whenever the Minister or an inspector orders that any animal be placed in isolation or under restriction for the purpose of this Act or that remedial measures shall be taken to prevent the introduction or spread of disease, the cost and expenses thereby incurred shall be borne by the owner of such animal if it is proved to the satisfaction of the Minister that such animal is or has been diseased, and such cost and expenses may be recovered by civil action.

*Owner to report if he suspects disease*

**10.** Any owner of an animal who may have reason to suspect that he has an animal suffering from disease shall forthwith report the existence of, and the reasons for, such suspicion to an inspector.

*Breach of isolation or other restrictions*

**11.** Any person who drives or causes any animal to be driven into, through or out of any infected area, or who removes from any infected area any animal product, any fittings or fodder, or any soil, sand, or other material upon which any diseased or infected animal has been kept, or any dairy produce of a diseased or infected animal without the written authority of an inspector, shall-

(a) if the disease is specified in the First Schedule, be liable to a fine not exceeding \$1,000 for every such offence;

(b) if the disease is specified in the Second or Third Schedules, be liable to a fine not exceeding \$100 for every such offence. All animals brought into or straying into any infected area shall be subject to the provisions of this Act affecting diseased animals.

*Amendment of Schedules*

**13.** The Minister may, by order, when circumstances so require, make amendments to any of the Schedules.

**FIRST SCHEDULE**

*(Regulation 7(2))*

**DISEASES SPECIFIED FOR THE PURPOSES OF SECTION 7**

(2) Blue tongue  
Contagious bovine pleuro-pneumonia  
Equine encephalomyelitis  
Foot and mouth disease  
Newcastle disease

Rabies  
Rinderpest  
Scrapie  
Swine fever  
African swine fever  
Swine vesicular disease  
Boorophilus microplus infestation

## **SECOND SCHEDULE**

*(Section 7(3))*

*(Amended by Legal Notice 3 of 1980.)*

### **DISEASES SPECIFIED FOR THE PURPOSES OF SECTION 7**

(3) Salmonellosis  
Leptospirosis  
Psittacosis  
Rhinitis of swine  
American Foul Brood (*Bacillus larvae*)  
European Foul Brood (*Bacillus pluton*)  
Nosemosis (*Nosema apis*)  
Bee house Infestation (*Varro jacobsoni*)  
Acariasis of Bees (*Acarpis woodi*)

## **THIRD SCHEDULE**

*(Section 7(4))*

### **DISEASES SPECIFIED FOR THE PURPOSES OF SECTION 7**

(4) Tuberculosis  
Brucellosis  
Salmonella pullorum  
Ripicephalus sanguineus  
Haemasophilis bispinosa

## **FOURTH SCHEDULE**

*(Section 7(7))*

*Amended by Legal Notice 115 of 1984*

### **DISEASES SPECIFIED FOR THE PURPOSES OF SECTION 7**

(7) Tuberculosis of cattle  
Bovine Brucellosis

*Controlled by Ministry of Primary Industries*

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