

CHAPTER 9.06

ANIMALS (DISEASES AND IMPORTATION) ACT

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CHAPTER 9.06

ANIMALS (DISEASES AND IMPORTATION) ACT

*(Acts 15 of 1954, 3 of 1956, 10 of 1957, 10 of 1981, 9 of 2011 and
S.R.O. 46/1993)*

Commencement

[1 April 1959]

PART 1

PRELIMINARY

Short title

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

Interpretation

2. In this Act—
- “**animal**” means any bovine, canine, equine, feline, goat, guinea pig, monkey, rabbit, sheep or swine, and any bird (including poultry), fish, insect and any other animal whatsoever, whether similar to the foregoing or not;
- “**animal carcase**” means a carcase 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, fashings, hooves, horn, claws, hair, bristles, wool, feathers, offal, blood, whether fresh or dehydrated, meat scraps of animal or any other parts of an animal (other than meat or offal for consumption by humans or animals) which have been separated from the carcase;
- “**Chief Veterinary Officer**” means the person appointed as such under section 3;
- “**defined port**” means a port as defined by any regulations made under section 14;
- “**disease**” means a prescribed disease;
- “**diseased**” means affected with a prescribed disease;
- “**fish**” includes crustacea and turtle;

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

“**infected area**” means an area declared as such under section 5 or 6;

“**infected place**” means a place declared as such under section 5;

“**inspector**” means a veterinary inspector appointed under section 3;

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

“**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 Chaguaramus, 4 July 1973;

“**Minister**” means the Minister responsible for the administration of this Act;

“**owner**” includes the person in possession or charge of any animal;

“**port of entry**” means a port of entry prescribed under section 15(2)(a) and includes an airport of entry;

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

“**prescribed disease**” means any of the diseases prescribed in the Schedule hereto and any other disease which the Governor acting on the advice of Cabinet may by order declare to be a prescribed disease for the purposes of this Act; (*Amended by Act 9 of 2011*)

“**prescribed port area**” means the area of any port of entry, the limits of which are defined under section 15(2)(b);

“**vessel**” includes “**aircraft**” and “**port**” includes “**airport**”;

“**Veterinary Authority**” means—

(a) in relation to Montserrat, the Chief Veterinary Officer;

(b) in relation to any other Member State, the Authority appointed to administer the legislation of that State enacted for purposes equivalent to those for which this Act has been enacted;

(c) in relation to any other country, the public authority or officer charged with the duty of administering the law of that country with respect to animal importation, exportation and quarantine;

“**veterinary biological product**” means any substance commonly known as hormones, vaccines, sera, toxins, antitoxins, 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;

“veterinary inspector” means a person appointed as such under section 3.
(*Substituted by Act 10 of 1981*)

Appointment of Chief Veterinary Officer and veterinary inspectors

3 (1) The Governor acting on the advice of Cabinet may, by order, appoint such public officer as he thinks fit to be the Chief Veterinary Officer for the purposes of this Act. (*Amended by Act 9 of 2011*)

(2) It shall be the duty of the Chief Veterinary Officer to administer this Act under general direction of the Minister.

(3) The Minister may appoint as veterinary inspectors for the purposes of this Act, such duly qualified veterinarians, and such other persons whom he considers fit persons to be so appointed, as appear to him to be necessary for those purposes.

(4) It shall be the duty of veterinary inspectors to carry out, subject to the directions of the Chief Veterinary Officer, the provisions of this Act.

(5) The Chief Veterinary Officer shall have all the powers of a veterinary inspector under this Act.

(*Substituted by Act 10 of 1981*)

PART 2

CONTROL OF DISEASED OR SUSPECTED ANIMALS

Segregation and notification of diseased animals, etc.

4. (1) Every person having in his possession or under his charge any diseased animal 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 inspector, shall forthwith give information thereof to the inspector.

Infected places

5. (1) Where there is evidence that any disease exists in any stable, shed, pen, field, pasture or other similar place, the inspector shall forthwith 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 Governor acting on the advice of Cabinet under the provisions of subsection (4):

Provided that, the inspector may, at any time within seven 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 inspector shall with all practicable speed send copies of such notice to the Governor and where any such notice has been withdrawn the inspector shall forthwith inform the Governor to that effect.

(4) Upon receipt by the Governor of the copies of such notice the Governor acting on the advice of Cabinet shall, unless such notice has been withdrawn, forthwith 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 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 inspector, 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 9 of 2011)

Infected areas

6. (1) The Governor acting on the advice of Cabinet, whenever it appears necessary or expedient so to do by reason of the existence of any disease, may by order declare any area in Montserrat to be infected with disease, and such order shall specify the limits of such infected area.

(2) The Governor acting on the advice of Cabinet may in his 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.

(Amended by Act 9 of 2011)

Defined port

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

Slaughter of diseased or suspected animals

8. (1) The inspector may cause any diseased 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 diseased 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 inspector may give all such directions as he may consider necessary.

(2) The inspector 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.

Disposal of animals

9. 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 the regulations made under this Act and in accordance with the orders, either general or particular, of the inspector; and for such purposes the inspector may use any suitable ground in the possession or occupation of the owner of the animal.

Compensation

10. (1) The Governor may in his discretion award, for the compulsory slaughter of any animal under the provisions of this Act, compensation which shall be payable out of the general revenue of Montserrat. 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 has, in the opinion of the Governor, been guilty in relation to the animal, of 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 inspector, such animal was diseased at the time of importation.

Order amending definition of disease

11. The Governor acting on the advice of Cabinet may from time to time by order amend the Schedule to this Act.

(Amended by Acts 10 of 1981 and 9 of 2011)

Regulations

12. (1) The Governor acting on the advice of Cabinet may make regulations generally for the control and treatment of diseased or suspected animals and for the prevention and spread of disease. *(Amended by Act 9 of 2011)*

(2) Regulations made under subsection (1) may, without prejudice to the generality of such power, make provision with regard to—

- (a) the exception, 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 likely to spread disease;
- (i) the cleansing, disinfecting and examination of places used by, and vehicles used for the transport of, animals;
- (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;
- (k) the penalties for the breach of any such regulations.

PART 3

REGULATION OF IMPORTATION OF ANIMALS, CARCASSES, ETC.

Restriction on importation of animals, etc.

13. (1) No animal, animal carcase, animal parts, veterinary biological product, fodder or litter shall be imported into Montserrat, unless imported from a country or part of a country prescribed under section 15(1) and under and in accordance with an import permit issued by the Chief Veterinary Officer in the prescribed manner.

(2) Any person who wishes to import into Montserrat any animal or any of the things mentioned in subsection (1) shall apply to the Chief Veterinary Officer in the prescribed manner.

(3) On receipt of an application made in accordance with subsection (2), the Chief Veterinary Officer may, subject to such terms and conditions as he thinks fit to impose, issue to the applicant an import permit in the prescribed form.

(Substituted by Act 10 of 1981)

Penalties for importation of animals etc. without permit

14. (1) Any person importing any animal, animal carcase, animal parts, veterinary biological product, fodder or litter into Montserrat—

(a) who has not obtained, in respect thereof, an import permit issued under section 13(3);

(b) who contravenes or fails to comply with any term or condition contained in an import permit issued under section 13(3) shall be guilty of an offence.

(2) Any animal, animal carcase, animal parts, veterinary biological product, fodder or litter in respect of which an offence under subsection (1) is alleged to have been committed may be seized by a veterinary inspector or officer of customs and excise and, on conviction of any person who may be charged with that offence, shall be forfeited to the Crown and may be detained, destroyed or otherwise disposed of as the Minister shall direct, without liability on the Crown for any such detention, destruction or disposal.

(Substituted by Act 10 of 1981)

Regulation of importation of animals, etc.

15. (1) The Governor acting on the advice of Cabinet may by Regulation prescribe the conditions under which, and the countries or parts of countries from which animals, animal carcasses, animal parts, veterinary biological products, fodder or litter may be imported into Montserrat. *(Amended by Act 9 of 2011)*

(2) Without prejudice to the generality of subsection (1), regulations made under that subsection may make provision—

- (a) prescribing the ports of entry where animals and the things mentioned in that subsection which are to be imported into Montserrat 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 Montserrat;
- (c) prohibiting, restricting, or regulating the movement into, within or out of a prescribed port area, of animals which are to be imported into Montserrat;
- (d) providing for the cleansing and disinfecting, and the subjecting to quarantine, of vessels and aircraft used for the transportation of animals to Montserrat;
- (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 Montserrat;
- (f) prescribing and documentation to be provided in connection with the importation into or landing in Montserrat 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 into Montserrat;
- (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 thing, other than an animal, mentioned in subsection (1) into, within or out of a prescribed port area; and regulating the disposal of any such thing;
- (j) prescribing the mode of cleansing and disinfection in a prescribed port area of any items, utensil or thing, including the hands or feet, the wearing apparel or articles in the possession of any person arriving in Montserrat 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 Montserrat by tagging or in any other manner, whether as a condition of landing or otherwise;
- (l) providing for the application to animals imported into Montserrat 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 by Act 10 of 1981)

Power of Governor acting on the advice of Cabinet to prohibit importation of animals, carcasses, etc., in certain cases

16. (1) The Governor acting on the advice of Cabinet may, whenever he deems it necessary in order to prevent the introduction of any prescribed disease into Montserrat, or the spread of any such disease therein, by order prohibit the importation into Montserrat of such animals, animal carcasses, animal parts, veterinary biological product, fodder or litter, as he shall specify in the order, from such country or from such part of any country as he shall specify in such order.

(2) The Governor acting on the advice of Cabinet shall, as soon as practicable after making an order under subsection (1), give notice of such prohibition to the Veterinary Authority in every other Member State, and shall give like notice of the revoking of any such order.

(Substituted by Act 10 of 1981 and amended by Act 9 of 2011)

Regulation of importation of cooked meats, canned meats, and meat by-products

17. The Governor acting on the advice of Cabinet may by Regulations prescribe the conditions under which, and the countries from which cooked meats, cooked canned meats and cooked meat by-products may be imported into Montserrat.

(Substituted by Act 10 of 1981 and amended by Act 9 of 2011)

Regulation of importation of equipment etc. used in connection with animals etc.

18. The Governor acting on the advice of Cabinet may make Regulations for the purposes of this Act, prohibiting or regulating the introduction into Montserrat of any equipment, container or utensil which has been used in connection with any animal, animal carcase, animal parts, fodder or litter, and which is capable of transmitting any prescribed or other infectious or contagious disease affecting animals.

(Substituted by Act 10 of 1981 and amended by Act 9 of 2011)

PART 4

CONTROL OF MOVEMENT OF ANIMALS

Regulation of movement of animals

19. (1) The Governor acting on the advice of Cabinet may, for the purpose of the safe and humane movement of animals between Montserrat and another country, prescribe the conditions under which animals may be moved, whether by vessel or by aircraft, into Montserrat from another country and from Montserrat to another country, and in particular may make regulations—

- (a) for ensuring for such animals a proper supply of water and feed and proper ventilation during their transportation from Montserrat or upon their landing in Montserrat, as the case may be;
- (b) for protecting such animals from unnecessary suffering on loading or unloading in Montserrat and during their transportation from Montserrat.

(2) The Governor acting on the advice of Cabinet whenever he deems it necessary for the safe and humane treatment of animals which are to be moved from Montserrat to another country, may by order prohibit, or require the postponement for such period as he shall specify of—

- (a) the movement from Montserrat of such animals as he shall specify; or
- (b) the transportation from Montserrat of any animals on such vessel or aircraft as he shall specify.

(Substituted by Act 10 of 1981 and amended by Act 9 of 2011)

Chief Veterinary Officer's certificate

20. (1) The Chief Veterinary Officer shall, on application in writing by an exporter of any animal, animal carcase, animal parts, veterinary biological product, fodder or litter, which is to be exported from Montserrat and upon payment of the prescribed fee, provide to the exporter such certificate as may be required by the law of the country of importation thereof relating to the health, or to any period spent in quarantine in Montserrat, of any animal or relating to such carcase, animal parts, veterinary biological product, fodder or litter.

(2) For the purpose of providing any certificate referred to in subsection (1) the Chief Veterinary Officer may direct that any animal, animal carcase, animal parts, veterinary biological product, fodder or litter shall be examined by a veterinary inspector.

(3) Subject to this Act, the Chief Veterinary Officer shall provide such documentation or information as may reasonably be requested by another Member State as being necessary to prevent 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 carcase, animal parts, veterinary biological product, fodder or litter from Montserrat to that Member State or which relates to the provision of safe and humane movement of animals between Montserrat and that Member State.

(Substituted by Act 10 of 1981)

PART 5

ANIMAL QUARANTINE

Quarantine stations

21. (1) The Governor acting on the advice of Cabinet may by regulation prescribe the stations which may be used for the quarantining of animals for the purposes of this Act and may prescribe different stations for the quarantining of different categories of animals.

(2) The Governor acting on the advice of Cabinet may not prescribe a station under subsection (1) unless he is satisfied that such station meets international standards for the reception and quarantining of the animals to be received there and, in particular, that a veterinary inspector or a duly qualified veterinarian authorised for the purpose by the Minister is available to provide veterinary attention in respect of the station on every day of the year.

(Substituted by Act 10 of 1981 and amended by Act 9 of 2011)

Requirement of quarantine and exemptions therefrom

22. (1) Every animal which is imported into Montserrat shall, unless exempted under subsection (3), upon landing be placed in quarantine for such period and under such conditions as may be prescribed by regulations made under subsection (2).

(2) The Governor acting on the advice of Cabinet may make regulations in respect of the quarantining of animals which are subject to the requirement of 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 such animals shall be kept in quarantine and may prescribe different periods and different conditions for different categories of animals. *(Amended by Act 9 of 2011)*

(3) The Governor acting on the advice of Cabinet may, by regulation, prescribe any categories of animals which shall be exempted, and the conditions under which such animals shall be exempted, from the requirement of quarantine under subsection (1). *(Amended by Act 9 of 2011)*

(4) Notwithstanding that any animal to be imported into Montserrat is exempted from the requirement of quarantine under subsection (1) by

virtue of Regulations made under subsection (3), a veterinary inspector who has cause to suspect that—

- (a) the animal may be suffering from a prescribed or other infectious or contagious disease; or
- (b) the animal may have been in contact during its transportation to Montserrat 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 quarantine; or
- (c) the animal has otherwise been exposed to the risk of contracting such a disease,

may, in his discretion, direct that the animal shall on landing be subject to the requirements of quarantine under subsection (1).

(5) Nothing in this section shall restrict the power of the Chief Veterinary Officer to impose, as a condition of an import permit issued under section 13 in respect of any animal to be imported into Montserrat, a requirement of quarantine in respect of that animal and to give directions therein with respect to the period and conditions of quarantine of such animal.

(Substituted by Act 10 of 1981)

Quarantining of animals

23. (1) An animal which is, by virtue of this Act, subject to the requirement of quarantine shall, on landing, be placed in such prescribed quarantine station as the veterinary inspector who inspects the animal at the time of its arrival in Montserrat 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 a veterinary inspector, shows symptoms of any disease, the spread of which would endanger animal health in Montserrat, may with the approval of the Minister be destroyed without payment of any compensation.

(Substituted by Act 10 of 1981)

PART 6

GENERAL

Powers of arrest

24. (1) Where any person is found committing, or is reasonably suspected of being engaged in committing, an offence against this Act or against any regulation made thereunder, any police officer or veterinary inspector may without warrant stop and detain him, and if his name and address are not known to the police officer or veterinary inspector and he fails to give them to the police officer or veterinary inspector, such police

officer or veterinary inspector may without warrant arrest him and may, whether he has so stopped, detained or arrested such person or not, stop, 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 forthwith 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 police officer or veterinary officer in the execution of this Act or of any regulations made thereunder, or assists in any such obstructing or impeding, the police officer or veterinary officer may without warrant arrest the offender.

(3) A person arrested 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 Police Act, in relation to the granting of bail shall apply to any such person.

(Amended by Act 10 of 1981)

Powers of inspector

25. (1) A police officer, veterinary inspector, or officer of customs and excise may at any time enter—

- (a) any pen, building, land or place, where he has reasonable grounds for supposing—
 - (i) that disease exists, or has, within fifty six days, existed; or
 - (ii) that the carcass of any diseased or suspected animal is or has been kept or has been buried, destroyed or otherwise disposed of; or
 - (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 regulations made thereunder have not been or are not being complied with;
- (b) any vehicle, vessel or boat, in which or in respect whereof he has reasonable grounds for believing that this Act or any regulations made thereunder have not been or are not being complied with.

(2) A veterinary inspector or officer of customs and excise exercising any of the powers mentioned in subsection (1) shall, if required by the owner, occupier or person in charge of the pen, building, land, place, vehicle, vessel or boat, state in writing his reasons for the exercise of such powers and shall upon demand by such person produce written evidence of his appointment.

(3) Where the Chief Veterinary Officer is satisfied that an offence under the 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 Chief Veterinary Officer shall deliver, in writing, to the master or captain of any vessel detained under the provisions of subsection (1) particulars of the offence for which it is detained as soon as possible after such detention.

(Amended by Act 10 of 1981)

Offences

26. Any person who, without lawful authority or excuse, the proof whereof shall lie on him—

- (a) when required by this Act, or by any regulations or order made thereunder, to keep any animal separate as far as practicable, or to give any notice of disease with all practicable speed, fails so to do; or
- (b) contravenes or fails to comply with any directions given by the inspector under section 8; or
- (c) refuses to the inspector, acting in execution of this Act or of any regulations 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 from so entering or examining, or otherwise in any respect obstructs or impedes the inspector or any police officer in the execution of his duty, or assists in any such obstructing or impeding; or
- (d) throws or places or causes to be thrown or placed into or in any river, stream, creek, ghaut, pond, well, drain or other water or watercourse, or into or in the sea within three miles of the shore, the carcass of an animal which has died of disease or has been slaughtered as diseased or suspected; or
- (e) takes, or allows to be taken, unless otherwise required by this Act or by any regulations or order made thereunder, or allows to stray, any diseased animal in or upon any common, public road, or public place; or
- (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; or
- (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 or order made thereunder; or

- (h) allows any animals to stray into or out of any infected place or infected area; or
- (i) being the master or captain or owner of a vessel causes, requires or permits the landing of any animal, animal carcase, animal parts, veterinary biological product, fodder or litter or any equipment, container or utensil which has been used in connection with any animal or any thing mentioned in this subsection; or
- (j) in any way contravenes or fails to comply with any requirement of this Act or of any regulation or order made thereunder,

shall be guilty of an offence against this Act.

(Amended by Act 10 of 1981)

General penalty

27. Any person guilty of an offence against this Act shall, save where otherwise expressly provided, be liable for each such offence on summary conviction to a fine of \$1,000 or to imprisonment for six months, or to both such fine and imprisonment.

(Amended by Act 10 of 1981)

Evidence and presumptions

28. (1) Where the owner is charged with an offence against this Act, or against any regulations or order made thereunder, relative to disease or to any illness of the animal, he shall be presumed to have known of the existence of the disease or illness unless and until he shows to the satisfaction of the court that he had no knowledge thereof and could not with reasonable diligence have obtained the knowledge.

(2) Where a person is charged with an offence against this Act, or against any regulations or order made thereunder, in not having duly cleansed or disinfected any place, vessel, or thing, belonging to him or in his charge and a presumption against him on the part of the prosecution is raised, it shall lie on him to prove the due cleansing and disinfection thereof.

(3) The certificate of the inspector 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 or order made thereunder be conclusive evidence in all courts of justice of the matter certified.

Transport through infected places and areas

29. Except as specifically provided in any regulations or order under this Act, nothing in this Act, or in any regulations made thereunder shall 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.

Regulations

30. The Governor acting on the advice of Cabinet may make regulations—

- (a) prescribing the fees payable for any purpose for which any regulations under this Act are made, the persons by whom and to whom they are to be paid and the manner in which they may be recovered;
- (b) prescribing anything which is required or authorised to be prescribed;
- (c) generally for the carrying into effect of this Act.
(*Substituted by Act 10 of 1981 and Amended by Act 9 of 2011*)

Saving of existing subsidiary legislation

31. Any rules, regulations, orders in council and proclamations made under or by virtue of any of the Acts repealed by this Act and in force immediately before the coming into operation of this Act shall be deemed to have been made under this Act and shall continue in force and may be amended and varied until other provisions shall be made by virtue of this Act.

SCHEDULE

(*Section 2*)

(*Act 10 of 1981 and S.R.O. 46/1993*)

PRESCRIBED DISEASES

African Horse Sickness	Malignant Catarrhal Fever
African Swine Fever	Mange, Ovine (or Sheep Scab)
Amblyomma variegatum and its associated diseases	Newcastle Disease
Anthrax	Para-Tuberculosis (John's Disease)
Antrophic Rhinitis	Pox
Bovine loukosis	Psittacosis Orinithosis
Bovine Viral Diarrhoea	Pullorum Disease
Blue Tongue	Rabies
	Rinderpast

Brucellosis	Salmonellosis
Bubonic Plague	Sarcoptic Mange (in horses)
Canine Distemper	Scabies
Chronic Respiratory Disease	Scapie
Contagious Bovine Pluero-pneumonia	Shigellosis
Contagious Equine Metritis	Swine Erysipelas
Dermatophilosis	Swine Fever (or Hog Cholera)
Epizootic Abortion	Swine Vesicular Disease
Epizootic Lymphangitis	Theileriasis
Equine Encephalomyelitis	Trypanosomiasis (including Dourine or <i>Mal de Coit, Mal de Caderas, Surra</i> and Tryponosam Vivax Infection)
Equine Infectious Anaemia	
Equine Influenza	
Foot and Mouth Disease	Tuberculosis
Fowl Cholera	Ulcerative Lymphangitis
Fowl Typhoid	Vesicular Exanthema
Glanders (or Farcy)	Vesicular Stomatitis
Haemorrhagic Septicaemia	Virus Pneumonia
Heartwater	Yellow Fever
Herpes Virus Group	
Infectious Bovine Rhinocetracheitis	
Infectious Laryngotracheitis	
Leptospirosis	
Leukosis (Marek's Disease)	
