

CHAPTER 96

ANIMALS (DISEASES) ORDINANCE

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CHAPTER 96

ANIMALS (DISEASES) ORDINANCE

(Ordinance 3 of 1944, Legal Notice 4 of 1967 and Ordinances 2 of 1972, 2 of 2001 and 7 of 2003)

AN ORDINANCE TO CONTROL CONTAGIOUS DISEASES IN ANIMALS.

Commencement

[15 August 1944]

Short title

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

Interpretation

2. In this Ordinance, unless the context otherwise requires—

“**animals**” includes all beasts, birds, reptiles, fishes and insects, and the young, eggs and semen thereof;

“**authorised officer**” means, in relation to the Island of St. Helena, the Chief Agricultural and Natural Resources Officer², and in relation to the Island of Ascension, the Administrator, or such other person as the Governor may appoint for the purpose of giving effect to the provisions of this Ordinance;

“**carcase**” includes part of a carcase, and the meat, bones, hide, skin, hoofs, horns, offal or any part of an animal separately or otherwise, or any portion thereof;

“**Committee**” means a Council Committee³;

² Gazette Notice No. 63 of 1 July 2011: Title changed to Director of Agriculture and Natural Resources

³ Agricultural and Natural Resources Committee — see LN 4/1967

“**Inspector**” means an Assistant Agricultural Officer, a Stock Inspector, a Customs Officer, a Sanitary Inspector and any person specially appointed by an authorised officer to be an Inspector under this Ordinance.

Regulations

3. (1) The Governor in Council may, for the purpose of preventing the introduction of disease into St. Helena, or the communication thereof, make regulations prohibiting or controlling the importation of animals or any specified kind thereof into St. Helena, and for the control, seizure, detention and disposal (including slaughter) of any animals within St. Helena.

(2) The powers conferred under subsection (1) shall include the power to make regulations for—

- (a)* prescribing the powers and duties of the Committee;
- (b)* prescribing the duties of the authorised officers and Inspectors;
- (c)* prescribing and regulating the burial, disposal or treatment of carcasses of animals slaughtered under the provisions of any regulations made under this Ordinance, or dying while suspected of any disease;
- (d)* prohibiting or regulating the sending or carrying of dung or other thing likely to spread disease;
- (e)* prescribing or regulating the disinfection of any place occupied or filled by an animal slaughtered on account of or suspected of any disease;
- (f)* prescribing and regulating the payment and recovery of expenses in respect of animals.

Enforcement

4. Members of the Police Force and Inspectors appointed under this Ordinance shall, subject to the general directions of the authorised officers, enforce the provisions of this Ordinance and of every regulation made thereunder.

Powers of police force

5. (1) Where a person is seen or found committing, or is reasonably suspected of being engaged in committing, an offence against this Ordinance, a policeman may without warrant stop and detain him and, if his name and address are not known to the policeman, and such person fails to give them to the satisfaction of the policeman, the policeman may without warrant, apprehend him. The policeman may, whether so stopping or detaining or apprehending the person or not, stop, detain and examine any animal, vehicle, boat or thing to which the offence or suspected offence relates and require the same to be forthwith taken back to or into 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 a policeman or other officer in the execution of this Ordinance or of a regulation made thereunder, the policeman or officer may, without warrant, apprehend the offender.

(3) A person apprehended under this section shall be taken with all practicable speed before a Justice of the Peace and shall not be detained without a warrant longer than is necessary for that purpose and all enactments relating to the release of persons on recognizances taken by a policeman shall apply in the case of a person apprehended under this section.

(4) The foregoing provisions of this section respecting a policeman, extend and apply to any person called by a policeman to his assistance.

(5) A policeman shall forthwith make a report in writing to his superior officer of every case in which he stops any person, animal, vehicle, boat or thing under this section, and of his proceedings consequent thereon.

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

Powers of authorised officers and Inspectors

6. An authorised officer and an Inspector shall have, for the purposes of this Ordinance, all the powers which a policeman has under this Ordinance.

Penalties for offences

7.⁴ If any person is guilty of an offence against this Ordinance or any regulation made thereunder, he shall for every such offence be liable on summary conviction—

- (a) (i) to a fine not exceeding £50; or
- (ii) if the offence is committed with respect to more than ten animals, to a fine not exceeding £5 for each animal; or
- (b) to imprisonment for a period not exceeding three months; or
- (c) to both such fine and imprisonment.

Offences

8. If any person without lawful authority or excuse, proof whereof shall lie on him, does any of the following things he shall be guilty of an offence against this Ordinance—

- (a) if he does anything in contravention of this Ordinance or of any regulations made thereunder;
- (b) if when required to keep an animal separate as far as practicable or to give notice of disease with all practicable speed, he fails to do so;
- (c) if he fails to give, produce, observe or do any notice, licence, regulation or thing, which he is required to give, produce, observe or do;
- (d) if he does anything which by this Ordinance or any regulation made thereunder is made or declared to be not lawful;
- (e) if he does or omits anything the doing or omission whereof is declared by this Ordinance or by any regulation made thereunder to be an offence against this Ordinance;
- (f) if he refuses to any person acting in the execution of this Ordinance, or of any regulation made thereunder, admission to any land, building, place, vessel, pen, vehicle or boat, which such person is entitled to enter or examine, or obstructs or impedes such person in the execution of his duty, or assists in any such obstructing or impeding; or
- (g) if he does any act with intent to evade the provisions of this Ordinance or any regulation made thereunder, or offers or obtains, or attempts to offer or obtain, any licence, certificate or instrument that may be required of him, by means of a false pretence, or makes any declaration or statement false in any material particular.

⁴ Section 7 amended by Ord. 7 of 2003