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## **CHAPTER 156">**

### **ANIMAL DISEASES ACT**

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### **CHAPTER 156**

## **THE ANIMAL DISEASES ACT**

**An Act to make provisions for control and prevention of animal diseases for monitoring production of animal products, for disposal of animal carcasses and for other related matters.**

[1st May, 2004]

[G.N. No. 158 of 2004]

Act No. 17 of 2004

### **PART I**

#### **PRELIMINARY PROVISIONS**

##### 1. Short title

This Act may be cited as the Animal Diseases Act.

##### 2. Interpretation

In this Act unless the context otherwise requires—

**"animal"** means any vertebrate or invertebrate other than human being;

**"animal disease free area"** means an area in which the absence of disease under consideration has been declared as such pursuant to this Act;

**"animal product"** include beeswax, beeshoney, blood, bone or bone meal, carcass or portion of carcass, hide, skin, horns, fat, eggs, meat, milk, offal, feathers and any other product derived from an animal;

**"Animal Sanctuary"** means an area or place where animals are kept for refuge or safety;

- "animal wastes"** means anything derived from an animal other than an animal product and includes dung, urine, excretions, secretions and may include putrefying animal products;
- "border post"** means any airport, or any port railway station or road station-point open to international trade of commodities, where import veterinary inspection can be performed;
- "buffer zone or buffer area"** means an area established within and along the border of an infected area using measures based on the epidemiology of the disease under consideration to prevent the spread of the causative agent;
- "carcase"** means dead body of an animal;
- "classified disease zone"** means a zone declared as such pursuant to this Act;
- "check point"** means any airport or any port, railway station or road station-point open to local or national trade of commodities, where veterinary inspections can be performed;
- "compulsory disease control"** means compulsory control of diseases as may be declared from time to time; pursuant to this Act;
- "compulsory disease control area"** means an area designated as such pursuant to this Act;
- "contagious disease"** means a disease communicable by close contact or inoculation;
- "Director"** means the Director responsible for veterinary services under the ministry responsible for livestock;
- "disease"** means any deviation from normal physiological functioning of the body and includes the clinical and pathological manifestation;
- "disposal"** means getting rid of animal, animal product, animal waste, feed or litter, in a prescribed manner, for the purpose of disease control pursuant to this Act;
- "District Veterinary Officer"** means a veterinarian in-charge in a district;
- "feed"** means any thing or materials commonly used for feeding animals;
- "fodder"** means hay, silage or any other pasture material commonly used for feeding animals;
- "fomite"** means a substance or thing by which a disease causing agent may travel from an infected area or place or animal to uninfected one;
- "game reserves"** means an area of land preserved for wild life production;
- "hatching egg"** means fertilized egg, suitable for incubation and hatching;
- "Hunting block"** means a demarcated hunting game area;
- "infected area"** means an area in which the absence of the disease under consideration has not been demonstrated by the requirements specified by the Director pursuant to this Act;
- "Inspector"** means a person appointed to be an Inspector under section 4;
- "infectious disease"** means a disease communicable in any manner;
- "litter"** means straw or any other materials commonly used for bedding or otherwise for or about animals;
- "livestock"** means any domesticated animal and includes cattle, water buffalo, sheep, goats, pigs, dogs, cats, donkeys, chicken and game;
- "List"** means a list of registration of diseases in different categories according to severity and prescribed criteria pursuant to this Act;
- "market value"** means the value of the animal, animal products and property established at the place where the destruction is ordered pursuant to this Act;

**"meat"** means all edible parts of an animal;

**"milk"** means milk or any milk product which has not been subjected to any process;

**"Minister"** means the Minister responsible for livestock;

**"National park"** means an area of country side protected by the state for the enjoyment of the general public of preservation of wildlife;

**"notifiable diseases"** means any disease, which the Director may by notice, declare to be notifiable in any area;

**"owner"** includes any person having any right, title or interest in an animal or having an animal in his possession, custody or control and the owner in respect of a dead animal, means owner of the dead animal or person who is in possession or control of it;

**"Paraprofessional"** has the meaning ascribed for it under the Veterinary Act \*;

**"quarantine area"** means an area, vehicle, premises or any place declared as such pursuant to this Act;

**"stray"** means any animal which has no owner or is moving uncontrolled in undesignated area for animals;

**"vector"** means an animal by which a disease causing agent may travel from an infected animal or place to an uninfected one;

**"Veterinarian"** has the meaning ascribed for it under the Veterinary Act \*;

**"Wildlife management area"** means an area of land for management of native fauna like game ranching or commercial managed wildlife;

**"Zoo"** means an establishment which is used for keeping wild animals for study, conservation or display to the public;

**"zoonotic diseases"** a disease with potential to affect both man and other animals.

## **PART II**

### **APPOINTMENTS AND ADMINISTRATION**

#### 3. Appointment of the Director

(1) The Minister shall appoint by written instrument a Veterinarian in public service to be the Director for veterinary services who shall exercise powers and functions conferred upon him pursuant to this Act.

(2) The Director shall—

- (a) ensure successful implementation of all provisions of this Act;
- (b) list and maintain lists of all notifiable diseases;
- (c) categorize diseases into lists according to criteria prescribed in the regulations made under this Act;
- (d) establish expert advisory committees for each regulation to advise on technical matters relating to provisions of this Act;
- (e) issue official position on the method to be used in the diagnosis, control, treatment, disposal, quarantine, for each notifiable disease and cause the same to be published in print media yearly;

- (f) establish and maintain a national veterinary laboratory system and other means for analysing products for the purpose of this Act;
- (g) regulate the use of animal pesticide, vaccines and any other related products that may be used under this Act;
- (h) define areas to be under the jurisdiction of Inspectors; and
- (i) cause publication of areas to be under the jurisdiction of Inspectors.

#### 4. Appointment of Inspectors

(1) The Minister may, by a written instrument appoint for a specified period of time such number of Veterinarians or Paraprofessional in public service or in private practice to be Inspectors for specific areas and for purposes of enforcing this Act, as may be prescribed.

(2) Inspectors shall have powers to perform all or any of the duties of an Inspector or any duties spelt out in various regulations made under this Act.

#### 5. Appointment of other staff

The Minister shall, by notice published in the *Gazette* appoint such number of other staff to perform various functions under this Act.

#### 6. Indemnity

No person shall be liable for any loss or damage resulting from the reasonable or intended exercise of powers conferred by this Act.

### **PART III**

### **MEASURES FOR CHECKING LIVESTOCK DISEASES**

#### 7. Measures to be regulated

(1) The Minister may issue regulations spelling out measures for checking and handling livestock disease outbreaks including the technical steps to be taken in order to effect quarantine and shall spell out epidemiological demarcations for buffer zones or areas and infected areas.

(2) An Inspector shall have power to regulate the disposal of carcasses, animal produce, feed, litter, animal waste and any other things associated with disease within the infected area.

#### 8. Restriction on movement in an infected area

(1) No person shall move any animal, animal produce, animal feed, litter, animal waste or anything as may be prescribed in the regulation into or from an infected area without a written permission of the Inspector.

(2) An Inspector may seize, destroy, bury or otherwise deal with any animal, carcass, animal product feed, litter and animal waste which shall have been moved contrary to the provisions of this Act.

(3) The carcasses of animals dying from the disease shall forthwith be buried or disposed of in any manner prescribed by the Inspector and in accordance with existing control regulations for the disease under consideration.

(4) No owner of any animal infected or liable to be infected with the disease shall leave the area without having complied with such directions for preventing the spread of disease as may be given by an Inspector.

(5) Provisions for the prevention of the spread of each specific notifiable disease shall be followed as set out in the regulations or order for each notifiable disease.

#### 9. Barriers

(1) No person shall herd or graze animals within 200 meters of a public road unless there is a barrier between the public road and the area of herding or grazing.

(2) An Inspector shall erect and maintain around the infected area and therein any barrier, notice board or beacon, and may remove any barrier, notice board or beacon so erected.

#### 10. Isolation and separation of diseased animals

(1) Every owner of any animal affected or suspected of being affected with a disease shall have the duty to keep such animal isolated and separated from other animals.

(2) No person shall move an infected or diseased animal outside the infected area.

(3) An Inspector or Veterinarian or Paraprofessional may in writing, order the owner of animal suffering or suspected of suffering from a notifiable disease, to isolate animal for such a time until the animal have been found not to be suffering from a disease.

#### 11. Isolation of animals in the infected area

The Inspector shall—

(a) for the purpose of isolation of animals in the infected area, require the owner of any animal within the infected area to isolate the animal from other animals, or to move such animal within 24 hours from one place within the area to another place within the same area, or from the area to such other place as directed by the Inspector, or

(b) regulate the movement of animals within the infected area; and

(c) cause any animal in the infected area to be marked for definitive identification.

#### 12. Declaration of buffer zone

An Inspector shall—

(a) declare a buffer zone between an infected and uninfected area of a size in accordance with control regulations applicable to the disease under consideration;

(b) cause a declared buffer zone to be *Gazetted* and made public through popular media in the buffer zone, infected area and the neighbouring uninfected area;

(c) require each animal owner in the buffer area to vaccinate all his animals or carry out any other preventive measures so directed against the disease under consideration in the buffer area; and

(d) carry out regular collection of relevant samples to check the disease and immune status in animals in the buffer area.

#### 13. Restriction on movement in buffer area

(1) No person shall move animals, animal products and waste into or from the buffer area without a written permission of the Inspector.

(2) An Inspector shall, where there is contravention of subsection (1), have power to seize, destroy, bury or otherwise deal with any animal, animal product and waste.

(3) No gathering of animal for sale or slaughter shall be allowed unless such animals had gone through disease preventive measures instituted by the Inspector for the disease under consideration in the buffer area.

(4) The Inspector shall–

- (a) cause any animal in the buffer zone to be marked for definitive identification;
- (b) erect and maintain between the infected and uninfected areas and the buffer area any barriers, notice boards or beacons; and
- (c) have power to remove such barriers, notice boards or beacons so erected.

#### 14. Reports to the Inspector

(1) Every owner of animals shall for the purpose of identifying the cause of death of an animal, have the duty to report to the Inspector on the death of animal in the buffer area:

Provided that, if the death is caused by the disease under consideration in the infected area, all provisions relating to diseases in infected area shall apply.

(2) No owner of any animal that, is liable to be infected with the disease under consideration in the buffer area shall leave without having complied with such directions for preventing the spread of the disease as may be given by the Inspector.

(3) Provisions for the prevention and control of notifiable disease in buffer areas shall be followed as set out in the regulations made specifically for each of the notifiable diseases.

#### 15. Duty to report diseases or death of an animal

(1) Where any animal is affected or suspected of being affected or dies of a disease or from any cause, other than disease, which is not apparent, the owner of the animal shall, within 24 hours, report the matter to the nearest Veterinarian or Paraprofessional.

(2) A Veterinarian or Paraprofessional shall have a duty, after receiving a report from the owner to report the matter to an Inspector.

(3) The burden of proof that an animal did not die of a notifiable disease or that the cause of death was that of a notifiable disease lie with the Veterinarian who first receives the report of the disease outbreak.

(4) The carcass of any animal dead from a notifiable disease shall not be cut or destroyed in any way without the consent of an Inspector or Veterinarian.

(5) The owner shall, where it is not reasonably possible for the report of the death of an animal to be received by an Inspector within 12 hours of such death–

- (a) report the matter in writing to the Local Government Authority in the area prior to burying or burning of the carcass;
- (b) cause the intact carcass, to be wholly burnt or buried within 24 hours after its death at a depth of not less than two metres below the surface of the ground located at least 100 metres from wells or water sources and at least 100 metres from any residence or any animal facilities;
- (c) report the matter to a Veterinarian or Paraprofessional after the burning or burying of the carcass.

(6) Any person in-charge of animal market or fair who suspects an animal having a notifiable disease is being sold or exposed or offered for sale or disposal may seize and isolate the animal and forthwith notify the nearest Veterinarian or Inspector.

(7) Notwithstanding the provisions of this section, the owner of a dead animal shall be allowed to take a blood smear from an ear of the animal before the animal is burnt or buried.

#### 16. Procedure for notification of diseases

(1) The Veterinarian may, after receiving information from the farmer, take appropriate measure to confirm the disease and shall–

- (a) immediately take measures to control the disease; and
  - (b) report the matter to the Inspector in a prescribed form and to the farmer.
- (2) The Inspector shall, after receiving the report of the outbreak from the Veterinarian, and after satisfying himself that the disease is notifiable—
- (a) institute measures to control the spread of disease through quarantine and slaughtering;
  - (b) initiate the compensation process;
  - (c) inform the owner and the neighbours about the disease outbreak;
  - (d) supervise owners to take immediate measures to control the spread of the disease; and
  - (e) report steps taken to the Director.
- (3) Any person who analyses specimens affected with a notifiable disease or who comes in contact with a notifiable disease shall notify the nearest Veterinarian.

#### 17. Quarantine

Where the District Veterinary officer has reasonable grounds to suspect that the place or area contains or has contained an animal or fomite or vector that has a notifiable disease, he shall institute quarantine of a place or area in a manner prescribed and *Gazetted* by the Minister.

#### 18. Slaughter of affected animals

- (1) An Inspector shall cause to be slaughtered and or destroyed any animal affected or suspected of being affected with or which has been in contact with a disease registered with the Director as a notifiable disease pursuant to this Act.
- (2) The Inspector shall cause a copy of the statements on identification of the animal, value, circumstances of slaughter or destruction to be given to the owner.
- (3) The slaughter of animals specified under subsection (1) shall be witnessed by the police and public valuers.

#### 19. Disposal of animals, carcasses, products and wastes

- (1) Where an animal has been slaughtered under the authority of this Act or animal products or wastes destroyed under any provision of this Act, the carcase or animal products or animal wastes shall belong to the Government and shall be disposed of by the Inspector.
- (2) The Inspector shall cause disposal to be carried out in a manner to be stipulated by regulations.
- (3) Where an animal is known or suspected to have died from a notifiable disease, the owner of the animal shall dispose of it in accordance with the directions of the Inspector and in no case may the animal be disposed of by natural means.
- (4) No person shall dig up whole carcase or part of the buried carcase of an animal unless he obtains a written permission from the Inspector.

#### 20. Identification and traceability of animals, fomites and animal products

- (1) The Inspector may use a special mark for purposes of identifying animals under quarantine, disposal or any matters pursuant to disease control.
- (2) No person other than an Inspector shall—

(a) brand or mark any animal with any of the brands or ear tags or with any brand or mark calculated to cause it to be believed that the animal has been branded or ear tagged by an Inspector in accordance with the provisions of this Act;

(b) willfully blotch, deface, render illegible or alter any mark or brand that has been impressed on or inserted in any animal or product, in accordance with the provisions of this Act except by the direction of the Inspector.

## **PART IV**

### **MEASURES FOR CHECKING, DISEASES OF ANIMALS OTHER THAN LIVESTOCK**

#### 21. Disease to be listed with the Director

The Director shall—

(a) register all notifiable diseases of animals other than livestock;

(b) classify diseases of animals other than livestock as to those not found in Tanzania, causing high mortalities and severe economic losses and code according to international specifications;

(c) classify diseases that exist in Tanzania, that would cause high mortalities and severe losses; and

(d) classify and provide annually a list of the notifiable diseases.

#### 22. Certification of farms and ranches

(1) Any person who desires to deal with the farming import or export of fish, birds, reptiles, mammals, mollusks and animals other than livestock shall, for the purpose of disease control, register with the Director.

(2) The Director shall upon registration under this section and after consultation with the Directors responsible for Wildlife and for fisheries, issue a certificate that will require a licence holder to keep records regarding tracking of animals, export and imports.

#### 23. Notification of disease outbreaks

(1) In Aquaculture, Farms, Zoo, National Park, Animal Sanctuary, Game Reserve, Wildlife Management Area, Hunting Block or other places keeping or maintaining animals other than livestock, if any animal is affected or suspected of being affected or dies of a disease suspected to be of notifiable in nature, the owner or in-charge of the animal shall, within 24 hours, report the matter to his Veterinarian or the nearest Veterinarian or Paraprofessional.

(2) The Veterinarian or Paraprofessional shall, after receiving a report from the owner or in-charge, be required to report the matter to the Inspector.

(3) The proof that an animal did not die of a notifiable disease or that the cause of death was that of a notifiable disease shall lie with the Veterinarian first receiving the report of the matter.

(4) In Aquaculture, Farms, Zoo, National Park, Animal Sanctuary, Game Reserve, Wildlife Management Area, Open Area, Hunting Block, or other places keeping or maintaining animals other than livestock, the owner or officer in-charge or anybody responsible for the animals, shall keep any animal affected or suspected of being affected with disease isolated and separate from animals not so affected or suspected, to have been affected.

(5) A Veterinarian receiving information from the owner or in-charge of a place for keeping animals other than livestock shall take appropriate measures to confirm and control the disease and shall–

(a) immediately report to the Inspector in a prescribed form; and

(b) report the matter to the Farm, National Park, Zoo, Game reserve or other Veterinarian.

(6) The Inspector shall, after receiving the report of the matter from the Veterinarian, and after satisfying himself that the disease is notifiable–

(a) institute measures to control the spread of the disease through quarantine, prohibition of escape or any other measures;

(b) inform the owner or officer in-charge, and neighbours about the notifiable disease outbreak;

(c) ensure that they take immediate measures to control the spread of the diseases; and

(d) report the matter to the Director who, shall cause additional measures to be taken in consultation with the Director of Wildlife.

#### 24. Quarantine for animals other than livestock

The Inspector shall, in a manner prescribed by regulations, institute quarantine of a place or area for animals other than livestock which are deemed to be potentially infected with a notifiable disease.

#### 25. Destruction and disposal of affected animals other than livestock

(1) An Inspector, shall cause to be destroyed any animal affected or suspected of being affected with or which has been in contact with a notifiable disease in the manner as may be prescribed.

(2) Where an animal has been destroyed under the authority pursuant to this Act or destroyed under any other provision in this Act or its animal than products or animal wastes, the carcass or animal products or animal wastes shall belong to the Government and shall be disposed of by the Inspector.

(3) The Inspector shall cause the disposal to be carried out in the manner as may be prescribed in the regulations.

(4) The Director shall in consultation with the Directors responsible for wildlife and fisheries make regulations for governing compensation under this section.

## **PART V**

### **POWERS OF INSPECTORS**

#### 26. Power to enter and examine

(1) An Inspector shall have power–

(a) to enter any land, building, shed, place or vehicle containing or suspected of containing or suspected of having contained any animal, animal products or animal wastes or fomite and make such examination as may be required for the purpose of ascertaining whether any such animal, animal product or animal waste or fomite is capable of transmitting diseases;

(b) to stop and enter any vehicle or vessel and in which an animal is conveyed and make, such examination of the animal as is reasonably required to ascertain whether or not it is suffering from a notifiable diseases.

(2) An Inspector or police officer or any law enforcement agent may enter any land, building, shed, place vessel or vehicle for the purpose of ascertaining whether any regulations, orders or directions made or given under this Act have been properly carried out.

#### 27. Power to enter with warrant

(1) An Inspector shall apply to a Magistrate for the issue of a warrant in relation to a specified dwelling; or land, place, premises or vehicle to which the Inspector has been, or is likely to be, refused admission.

(2) A Magistrate to whom such an application is made, and who is satisfied with information on oath that entry is necessary for purposes relating to the administration of this Act may at any time issue a warrant authorizing the Inspector to enter the premises.

(3) A warrant mentioned under subsection (2) shall specify a date not being later than one month from the date of issue upon which the warrant ceases to have effect.

(4) An Inspector who executes a warrant under subsection (3) in addition to an animal or animal product or property spelt out in the warrant shall seize and impound any animal or animal product or property which the Inspector identifies that it is used to commit an offence pursuant to this Act.

#### 28. Power of inoculation and disinfection

An Inspector shall—

(a) in preventing the spread of disease quarantine, inoculate, spray, dip, wash or otherwise disinfect an animal or in the case of an animal infected or suspected of being infected with a notifiable disease deal with it in a manner as may be prescribed by the regulations for that disease; and

(b) order the owner of such animal to bring the animal to such place as may be directed.

#### 29. Power to carry out tests

An Inspector shall for the purpose of detecting or diagnosing diseases—

(a) take or cause to be taken from an animal blood, carcase, fluid, samples or specimen;

(b) take or cause to be taken from any building, shed or place or vehicle fluid or hay, straw, litter; and

(c) apply such other tests as he may consider necessary.

#### 30. Inspection of animals etc

The owner of an animal, animal product or animal waste shall produce the same for inspection when called upon to do so by an Inspector pursuant to this Act.

#### 31. Powers of seizure and destruction

(1) An Inspector shall have power to seize and impound an animal, animal product, animal waste, fodder or fitting or any vehicle, that is placed, exposed, moved, imported or sold contrary to a prohibition or restriction provided for under this Act, or which the Inspector reasonably suspects to be infected with a notifiable disease, or which is astray in or near a place where there has been an outbreak of a notifiable disease.

(2) Where in the opinion of the Inspector it is not necessary to destroy the animal or thing seized, the Inspector shall—

- (a) release the animal or animal products or property to its lawful owner;
  - (b) release the animal or animal products or property to its lawful owner on conditional payment of any charges incurred, in connection with its impounding or other measures taken by an Inspector;
- (3) At the time of release, the Inspector shall by order in writing require the owner to take measures to eliminate any risk associated with a notifiable disease.

### 32. Disposal of carcasses of diseased animals

Where an animal dies of a notifiable disease, the Inspector designated for the area shall give directions with reference to the burial, destruction or disposal of the carcass, animal products and animal wastes associated with the animal.

### 33. Powers to issue notices

(1) Where an Inspector has reasonable grounds to believe that a vehicle or any premises or place where animals or animal products or animal waste are commonly exposed for sale exhibition, parade, racing or any other form of recreation or competition or where animals or animal products are processed for human or animal consumption, is infected with a disease, he may, by notice in writing to the owner or person in-charge require that person to disinfect the place, premises or vehicle specified in the notice, any fodder or fitting within the premises, place or vehicle, any vehicle within the premises or place.

(2) A disinfection notice issued under subsection (1) shall specify the time within which the owner or person in-charge is required to comply with the requirements of the notice and the manner in which the disinfection is to be carried out.

(3) An Inspector—

- (a) shall have power to issue notices intended to control the spread of animal diseases; and
- (b) may erect notice boards for the display of important notices, which shall inform the general public on current measures being applied to limit the spread of notifiable diseases;
- (c) may after consultation with a District Veterinary officer, responsible for the destination area and if he is convinced that such a permit shall not contravene this Act in preventing spread of the disease, issue permits to allow transportation of animals and animal products either into or out of a restricted area.

### 34. Power to prohibit movement

(1) An Inspector shall, for the purpose of preventing the spread of disease, prohibit in any place—

- (a) the holding of any exhibition or movement of animals or animal products or animal wastes or the sale of any such products in open markets or in private yards; or
- (b) the slaughter of livestock for food and the sale of meat or carcasses.

(2) An Inspector who exercises the powers of prohibition under this section shall forthwith inform the Director of the measures taken and success achieved and steps he intends to take to completely control the disease.

### 35. Power to get information on outbreaks of diseases

For the purpose of preventing, controlling or eradicating notifiable diseases, an Inspector shall—

- (a) require any person to answer any question that the Inspector reasonably believes may provide information bearing on the prevention, control or eradication of the disease;
- (b) require any person who had been ordered or directed or given directives under provisions of this Act but failed to comply with such requirement, to vaccinate, disinfect or act as directed by the warrant and at the expense of such person;
- (c) require any person to produce any record or other document;
- (d) inspect and take extracts from or make copies of any record or other document.

36. Power to examine at points of entry into the country

- (1) For the purpose of controlling introduction of diseases into the country, an Inspector shall—
- (a) stop, board, enter, search or impound any vehicle, marine vessel or aircraft;
  - (b) break open and search any box, container, package or receptacle including any place that could be used as a receptacle;
  - (c) inspect, count, examine, mark for identification, test, vaccinate, treat, disinfect or take samples from any animal, animal product, animal waste, fodder or fitting or any item or receptacle;
- and
- (d) stop the movement or order the movement or mustering of any animal or animal product, for the purpose of examination, testing, vaccination, treatment, disinfection or the taking of samples.
- (2) An Inspector shall for the purpose of identifying animals or animal products, apply special marks.

37. Power to use force

An Inspector shall, where it is necessary, use reasonable force to restrain a person who is apparently acting contrary to a requirement relating to control of notifiable diseases pursuant to this Act from so acting and may require the assistance of the police to ensure compliance with this Act.

38. Power to ensure compliance in hatcheries and artificial insemination centres

- (1) An Inspector shall have the duty to ensure that, regulations and appropriate measures to limit the spread of disease are applied in hatcheries and artificial insemination centers within his area of jurisdiction.
- (2) No person, group of persons or company may keep or use premises for hatching an egg for sale of a chicken unless the person, group of persons or company holds a licence issued by the Minister in respect of the premises for that purpose.
- (3) No licence shall be issued by the Minister unless he is satisfied that proper facilities and adequate resources are available for—
- (a) the maintenance of the premises in a state of hygiene to the satisfaction of the Minister;
  - (b) the regular cleansing, disinfecting and fumigating of incubators and equipment used in connection with the hatching of chickens;
  - (c) the recording of all eggs used for hatching to enable the property of origin of the eggs to be identified;
  - (d) the recording in respect of all chickens hatched;

- (e) of particulars of the property of origin of eggs used for hatching;
- (f) of the date of hatching;
- (g) of particulars of the name and address of the person to whom the chickens are dispatched;
- (h) the date of the dispatches.

(4) No person, group of persons or company may sell or use any egg for hatching for sale unless the egg is a product of a domesticated fowl which has been tested for notifiable or scheduled diseases, as listed by the Minister, at a veterinary diagnostic laboratory appointed for that purpose by the Minister.

#### 39. Powers to make declarations

The Director shall declare any place or area a quarantine or infected or buffer or disease free area after ascertaining status and examining animals pursuant to regulations given under Act.

## **PART VI**

### **COMPENSATION**

#### 40. Entitlement to compensation

- (1) The Minister shall order compensation to be paid to the owner of animal, where physical evidence is provided that an animal is slaughtered or destroyed as consequences of a disease.
- (2) The minister may specify the amount to be compensated according to the market value.

#### 41. Claim for compensation

Claims which arise from the destruction of animals, animal products or property shall be according to regulations pursuant to this Act and shall be lodged in a prescribed manner to the Director within 30 days after the death or destruction or such longer period as the Minister may prescribe.

#### 42. Compensation to be withheld

- (1) Compensation may be withheld in whole or in part by the Minister where—
  - (a) doubt or dispute arises to the entitlement of a person to receive compensation as stipulated under this Act;
  - (b) the owner of or the person having the possession, care or control of animal, animal product or properties in respect of which compensation is claimed has committed a violation or an offence under this Act;
  - (c) the animal or animal product at the time it was imported to Tanzania was already affected or contaminated by a disease.
- (2) A person who contravenes section 40 or who deliberately breaks, alters, tampers with or removes a seal or other identifying device in contravention of the regulations or forfeits any claim to compensation in respect of animal, animal product or property, commits an offence and shall on conviction be liable to a fine not exceeding one hundred thousand shillings or to imprisonment for a term of not less than six months or to both.
- (3) In determining the amount of compensation to be paid under this Act, no allowance for loss of profit occasioned by breach of contract or loss of production or any other consequential losses shall be made.

**PART VII****COMPULSORY ANIMAL DISEASES PREVENTION MEASURES**

## 43. Movement of livestock

No person shall—

- (a) move an animal on foot or by use of a vehicle outside the Inspectors' area of jurisdiction without a permit, or
- (b) move an animal or animal products or animal wastes from outside of the country or introduce animals into any area without a permit.

## 44. Issuance of permits

The Inspector shall for the purpose of disease control issue permits where—

- (a) he has satisfied himself that animals are examined clinically healthy and are free from diseases;
- (b) the owner has satisfied the Inspector that he has fulfilled conditions under compulsory disease control which include vaccination.

## 45. Zoosanitary border post and internal checkpoints

- (1) Migrating herds, trade livestock shall be controlled at obligatory border post and internal check points where official Veterinary inspection shall be carried out.
- (2) The Director shall be responsible for the establishment and maintenance of border posts and internal check point.
- (3) The Minister may by order, announce and vary the border post and internal check points.

## 46. Compulsory animal identification

- (1) The owner of livestock shall have the duty to take reasonable steps to ensure that his livestock is identified at all times and in a manner specified by the regulations.
- (2) The Director may for the purpose of identification, design register and regulate the manufacture, use and distribution of identification devices.
- (3) Any person intending to manufacture livestock identification devices shall not make or sell or offer or expose for sale devices intended for identification of livestock unless the person receives a written permit from the Director.
- (4) The Inspector shall use special definitive identification during disease outbreaks.

## 47. Power to delegate

The Minister may for the purpose of implementing compulsory disease control, delegate powers of prevention and control of diseases to Local Government Authorities.

## 48. System for disease control

The Director shall, for the purpose of controlling diseases, establish a national epidemiological system.

## 49. Declaration of disease free areas

- (1) The Minister may, upon consultation with the Director, by order, declare an area to be a Disease Free Zone area and prescribe—
  - (a) the use of such area;

- (b) the measure to be taken by owners of cattle within a Disease Free Zone;
- (c) measures to be taken by owners of cattle outside a Disease Free Zone in order to prevent introduction of diseases into such area.

(2) Without prejudice to subsection (1), an area shall be classified disease free if–

- (a) diseases announced by the Director have not occurred for a specified period;
- (b) no notifiable disease has occurred in the area for the past specified period;
- (c) measures to prevent introduction of disease or infection are in place;
- (d) a buffer zone or a natural barrier exists to prevent animals other than livestock to enter the area;
- (e) no diseases announced by the Director have been detected in neighbouring areas including wildlife establishments.

(3) An area shall have the disease free status removed by the Director when any of the above mentioned provisions are contravened.

#### 50. Declaration of chemicals for use in disease control

(1) No person shall test, register or use animal pesticides or animal chemicals for disease control in the country without a written permission of the Director in respect of that particular animal pesticide or animal chemical.

(2) Any person who produces, distributes and stores or sells or deals with pesticide and other registered chemicals shall–

- (a) ensure through research or otherwise the chemical is maintained according to approved standard;
- (b) provide information of any change or anticipated change and that shall be three months before the introduction of the change.

(3) Every pesticide or chemical substance for sale or offer for sale shall bear on the container in Kiswahili and English–

- (a) a trade name and registration number;
- (b) a description of the active ingredients in relation to net weight or volume;
- (c) dose or amount to be used;
- (d) a description of precautions to be taken on tissue or animal;
- (e) a description of treatment in case of emergency;
- (f) instruction on disposal of use of chemicals;
- (g) the name and address of the holder of the registration certificate;
- (h) date of manufacture;
- (i) expiry date;
- (j) batch number; and
- (k) the name of the registration authority.

(4) No person shall-

- (a) distribute, sale or offer or expose for sale any pesticide or chemicals which are not registered or conform to requirements of this section and regulations made under this Act; and
- (b) carry out research or activities related to research on notifiable diseases without a permit from the Director.

## **PART VIII**

### **GENERAL PROVISIONS ON CONTROL OF ANIMAL DISEASES**

#### 51. Restrictions on milk and milk product

(1) The Inspector may, if he is of the opinion that, milk produced for sale from an animal would be deleterious to the health of human beings or unfit for human consumption—

(a) by written notice given to the dairy farmer upon whose dairy farm the animal is kept—

- (i) prohibit the use of the animal for the production or preparation of any milk product for the sale for a period as may be determined; and
- (ii) mark the animal or cause the animal to be marked in a non-permanent manner as may be prescribed by the regulations; or

(b) after examining the animal—

- (i) prohibit permanently the use of the animal for production or preparation of any milk product for sale; and
- (ii) mark the animal or cause the animal to be marked in a permanent way.

(2) A dairy farmer who is given a written notice under subsection (1) shall prevent the use of the animal to which the notice relates for the production or preparation of any dairy product for sale for the time prescribed in the notice.

(3) No person shall use or permit the use of an animal to which the notice relates for the production or preparation of any milk product.

#### 52. Restrictions on meat and meat products

No person shall—

- (a) sell or buy meat from a diseased animal that may affect human health or effluence the spread of diseases to other animals or to other areas in the country;
- (b) compound animal feeds using diseased meat or meat product;
- (c) sale or buy meat from an animal affected by any other conditions considered to render the meat unfit for human consumption.

#### 53. Slaughtering premises antemortem and postmortem inspection

(1) The slaughterhouse premise or establishment shall be of suitable design, layout and construction in order to facilitate disease detection during antemortem inspection and postmortem inspection by an Inspector.

(2) An antemortem inspection shall be carried out within 24 hours preceding slaughter in a registered slaughterhouse premise or establishment so as to ensure that only those animals that are free from diseases or conditions are permitted to proceed for slaughter.

(3) An Inspector shall ensure that postmortem inspection is carried out on dressed carcase to detect diseases or conditions which prevent the carcase from being passed for human consumption.

(4) Appropriate measures as provided by the regulations shall be instituted upon detection of disease or condition during postmortem inspection where such disease or condition is a threat to human or is capable of spreading to other animals.

#### 54. Restrictions to importation

(1) No person may bring or cause or permit or allow to be brought into the country any diseased animal, diseased animal product except in accordance with prior authority of the Director or certificate issued by the Director.

(2) No person shall—

(a) bring or cause or permit or allow to be brought into the country any animal, animal product, fodder or thing, contrary to any order or regulation prescribing the introduction of animals, animal products, fodder or thing into the country or without the animals, animal products, fodder or thing being inspected and certified in the prescribed manner;

(b) abandon, allow to stray, drive or cause to be driven or herded any animal, or move or cause to be moved any animal product, fodder or thing introduced in the country, contrary to any order or regulation regarding the introduction and; without the animals, animal product, fodder or thing being inspected and certified in the manner prescribed.

(3) The Director may—

(a) in writing authorize the bringing into the country of any diseased animal or diseased animal products that is specified in the authorization; and

(b) issue a licence authorizing the bringing into the country of diseased livestock or livestock products or a class of diseased animal or animal product for the period specified by the Director in the licence and may impose conditions on the licence.

(4) Importers of animals other than livestock or their products, eggs, gametes or wastes shall comply with the rules and regulations prescribed by the Minister to ensure that imported animals, animal products or animal wastes are free from any notifiable disease.

#### 55. Restrictions on artificial insemination

No person, group of persons or company shall—

(a) sell semen from any sire unless, at the time, the semen was collected from a sire registered and approved by the Director;

(b) sell any semen if that person, group of persons or company suspects or has reasonable cause to know the semen is diseased;

(c) use any premises for the collection of any semen for sale unless the person, persons or company holds a licence issued by the Director in respect of those premises;

(d) conduct a course of training for persons to use semen for the purpose of artificial breeding unless the course and the person, group of persons or body delivering the course have been approved by the Director;

(e) import semen unless the person, group of persons or company holds a licence issued by the Director in respect of that importation.

#### 56. Use and sale of embryos and ova

Restrictions under section 58, shall apply *mutatis mutandis* to all activities related to collection, use and sale of embryos and ova.

57. Restriction on genetically modified organisms

No person shall make or import or use genetically modified organisms of animal origin without a permit from the Director.

58. Prevention and control of bee diseases

The Minister may after consultation with the Minister responsible for wildlife, make regulations relating to the introduction and spread of exotic and natural bee diseases and by such regulations—

- (a) regulate and monitor the introduction including the importation of exotic bees from other countries which may carry bacterial, viral, parasitic and fungal infections that will affect natural honey bee colonies;
- (b) introduce including the importation of honey, bee and hive products must be pasteurized and shall pass specific health certification requirements;
- (c) regulate the movement of bees between Veterinary inspectorate areas; and
- (d) control the occurrence of notifiable bee diseases.

59. Restrictions on bee keeping

No person shall import, export honey, bee and hive products or run, keep or maintain a bee keeping farm or enterprise for purposes of selling to other farmers without a permit from the Director.

60. Prevention and control of fish diseases

The Minister shall after consultation with the Minister responsible for Fisheries, make regulations for—

- (a) assessment of fish health status in the production sites through inspections and standardized procedures;
- (b) eradication of fish diseases by slaughtering of infected stocks, and restocking with fish from approved disease free resources;
- (c) regulating and monitoring the introduction and transportation of fish.

## **PART IX**

### **MISCELLANEOUS PROVISIONS**

61. Detection and arrest

(1) Where a person is seen or found committing or suspected of being engaged in committing an offence against this Act or any regulation made under this Act, an Inspector or a Veterinarian or a Paraprofessional or Police Officer shall, without warrant, stop and detain the person; and if his name and address or other indications of identity are not known to such Officer and he fails to give them to the satisfaction of the Officer, the Officer may, without warrant, arrest that person.

(2) Where the Officer or Inspector arresting is not a Police Officer, he shall, hand over the offender to a Police Officer or, in the absence of a Police Officer, take the offender, or cause him to be taken, to the nearest police station or local state Authority.

(3) Any Inspector or Veterinarian or Police Officer shall seize and examine any animal, carcass, vehicle, vessel or thing with regard to which he suspects that an offence against the provisions of this Act has been or is being committed and may order the same to be taken back to any area or place wherefrom it may be suspected to have been unlawfully removed or may remove it to any place and detain it there subject to the orders of a Magistrate:

Provided that, any seizure and detention so made shall be reported forthwith by the Inspector or Veterinarian or Police Officer to a Magistrate having jurisdiction in the District within which the seizure has been made.

(4) Where it is reported to a Magistrate that any animal or thing has been seized and detained under subsection (2) and the person who is alleged to have committed an offence in respect thereof is unknown, the Magistrate may if he is satisfied that there is reason to believe that such offence has been committed, order the animal or thing to be forfeited.

(5) Where the owner is known but cannot immediately be found, no order shall be made against him until the owner have had an opportunity of appearing before the Magistrate to show cause as to why such order shall not be made.

(6) The Magistrate may order the owner of any animal or thing seized and detained under this section to pay such sum as he may consider reasonable to cover the expenses connected with the removal of such animal or thing to the place of detention, and in the case of an animal, the cost of its maintenance during such detention.

(7) Where the owner fails to pay the sum prescribed by the Magistrate within the time specified in the order, the animal or anything seized shall be forfeited.

## 62. Offences and penalties

(1) Any person who—

(a) acts in contravention of or fails to comply with any of the provisions of this Act or any order, direction or prohibition or restriction given lawfully or made there under; or

(b) obstructs an Inspector or a Veterinarian or any other person in the lawful exercise of his powers or the lawful performance of his duties under this Act,

commits an offence and is liable on conviction to a fine of not less than three hundred thousand shillings or not more than five hundred thousand shillings or imprisonment for six months or to both such fine and imprisonment.

(2) Where any person is convicted of an offence, the court convicting such person shall in addition to or in lieu of imposing any other punishment, order that the animals or things or any of them in respect of which such offence has been committed be forfeited.

## 63. Reports

In prosecution for an offence against this Act, a report signed by an Inspector or a Veterinarian as to the presence of disease in any animal or thing examined by him may be accepted as evidence unless the accused person requires the officer to attend as a witness and the court considers his attendance necessary.

## 64. Repeal and savings

(1) The Animal Diseases Ordinance, is hereby repealed.

(2) Notwithstanding the repeal of the Ordinance under subsection (1), any subsidiary legislation made under the repealed Ordinance, will continue to be enforced until revoked or replaced by the new subsidiary legislation to be made under this Act.

## 65. Power to make regulations

(1) The Minister shall, to the extent that is necessary to the control of animal diseases or for averting disease outbreaks and other dangers, issue regulations for carrying out the purposes and provisions of this Act.

(2) Without prejudice to the generality of subsection (1), the Minister may make regulations—

- (a) appointing and empowering Inspectors and any other officer pursuant to this Act;
- (b) prescribing measures for identification of animals at all times for purposes of traceability and also for specific identification during disease outbreaks;
- (c) prescribing measures for checking outbreaks of all animal diseases including notification, quarantine, disposal and any other measures of disease control;
- (d) prescribing in consultation with Ministers responsible for wildlife, national parks, conservation areas, fisheries, beekeeping, measures governing the control of diseases in animals other than livestock including notification, quarantine, disposal and any other measures of disease control;
- (e) prescribing rules governing compensation to be paid for livestock and animals other than livestock slaughtered, died or destroyed for purposes of disease control and shall include entitlement, modalities, compliance and conditions which may lead to compensation to be withheld;
- (f) prescribing how to categorize a disease as notifiable as well as the specific control and disposal measures including epidemiological technical details of quarantine measures for each notifiable disease;
- (g) prescribing regulations governing movement and transportation of animals, animal products and animal wastes;
- (h) prescribing rules governing the seizure, detention and disposal of any animal in relation to which a breach of this Act or of any regulation, order or direction made or given thereunder has been committed;
- (i) prescribing compulsory disease control measures for all areas in the country including specifying measures to be taken by owners of animals, Local Government Authorities and Inspectors and Veterinarians;
- (j) prescribing conditions and the tests to be carried out for classification of areas as disease free areas;
- (k) prescribing regulations governing the importation, testing, distribution of acaricides or chemicals for use in animal diseases control including the establishment and maintenance of a register, manner, composition, time, place and codes for proper use for acaricide or chemical;
- (l) prescribing prohibition or restriction of the importation into Tanzania of livestock, animals other than livestock, animal products, animal waste or other material or substance to which this Act applies including vaccines;
- (m) prescribing the manner of declaration of animals, animal products, fomites, vectors, biological agents at port of entry by persons arriving into Tanzania;
- (n) prescribing the manner of exportation, inspection, detection, treatment, destruction, reshipment of any imported livestock, animals other than livestock, animal product, animal waste including packaging and to provide for the manner in which and the conditions subject to which, quarantine stations and post entry quarantine stations shall be, used and such regulations shall comply to international export regulations;

- (o) prescribing the procedures and requirements for establishing and operating hatcheries;
  - (p) prescribing the manner, conditions, procedures and requirements for handling and processing milk;
  - (q) prescribing the manner, conditions, procedure for handling and processing of meat and meat products;
  - (r) prescribing in consultation with the Minister responsible for the Tanzania Food, Drugs and Cosmetic Act \*, regulations governing the inspection of animals to be slaughtered for food and the carcasses thereof, and the construction and management of slaughter houses and animal markets;
  - (s) governing the manufacture within the country of any veterinary vaccine or serum of the virus of notifiable diseases or of any other diseases;
  - (t) prescribing in consultation with the Minister responsible for wildlife, national parks, fisheries, for export and import of animals other than livestock, animal products and animal wastes;
  - (u) governing artificial breeding of animals by artificial insemination, embryo and ova transfer including sexing of semen, in-vitro fertilization and embryo production, collection, dissemination, preservation of semen, embryos or ova, the licensing of artificial insemination centers, ova and embryo transfer activities;
  - (v) prescribing regulations for health and disease control in beekeeping and farming for sale;
  - (w) prescribing the appropriate acquisition and application of biotechnologically and genetically altered animals, foods, animal products and animal wastes;
  - (x) prescribing regulations for farming and ranching of animals other than livestock;
  - (y) prescribing in consultation with the Minister of Finance, the fees and charges for the examination, inoculation, testing, dipping, disinfection or slaughter of animals or for testing the strength of acaricides, or for any certificate, license, permit or other document issued or done under this Act, or any regulation made thereunder and for the feeding and confining of animals detained in quarantine and the examination and disinfection of hides or other animal parts;
  - (z) prescribing the duties of Local Government Authorities including the delegation to the local authorities of district towns, divisions and wards to carry out some activities on disease control pursuant to this Act;
  - (aa) prescribing any other regulations for control of animal diseases pursuant to this Act.
- (3) The Regulation made under this section shall be published in the *Gazette*.

## **ANIMAL WELFARE ACT**

[PRINCIPAL LEGISLATION]

ARRANGEMENT OF SECTIONS

*Section*

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