



Tonga

# **ANIMAL DISEASES ACT**

**Chapter 28.02**

**2016 Revised Edition**





## ANIMAL DISEASES ACT

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Tonga

## ANIMAL DISEASES ACT

### AN ACT TO PROVIDE FOR THE CONTROL OF ANIMAL DISEASES<sup>1</sup>

Commencement [28th September 1979]

#### 1 Short title

This Act may be cited as the Animal Diseases Act.

### PART I - PRELIMINARY

#### 2 Interpretation

In this Act, unless the context otherwise requires —

“**animal**” means any living stage of the animal kingdom except human beings; and, in the case of any mammal, bird, insect, or reptile, includes the egg, larva, semen or the carcase thereof;

“**animal product**” means any part of an animal (including the flesh, wool, hair, skin, hide, bones, horns, hooves, feathers, and other parts of the carcase), and any product that is wholly, or partly derived from an animal or any part of any animal, being part of any animal or a product that has not been treated or sterilised to the stage where it is rendered free from any disease and from carrying any disease;

“**attendant**” means any person in charge of the feeding, grooming and management during transit, of animals being imported into the Kingdom;

“**aircraft**” includes a hovercraft;

“**carcase**” means the carcase of any animal and includes the whole or any part of the flesh, wool, hair, skin, hide, bones, hooves, horns, feathers or other portion of the carcase;

“**cattle**” means any bull, cow, steer, heifer, or calf and the carcase or any portion of the carcase of any of them;

“**Chief Executive Officer**” means the Government chief executive officer responsible for agriculture;

“**conveyance**” means any kind of vehicle whether self-propelled or not, which may travel by land, sea or air which is or has been used for the conveyance of or has come into contact with an animal, and includes a cargo container;

“**destroy**” means to consume entirely by fire, or (if permitted by an Inspector) to bury at a depth of not less than 3 feet underground;

“**diseases**” means any disease for the time being specified in the First or Second Schedules to this Act;

“**diseased**” in relation to any animal, means that the animal is actually suffering from or infected with any disease;

“**disease control place**” means any land which an Inspector has declared to be a disease control place by a notice given, and not revoked under section 21 of this Act;

“**fittings**” means any stall, stable, shed, pen, horsebox, cage, container, kennel, hive or any other structure used for keeping animals and any halters, ropes, chains, brushes, buckets or any other articles whatsoever, which have been brought into contact with an animal;

“**fodder**” means any hay, grass, straw, green crop, root, fruit or vegetable (whether fresh, dried, preserved or processed), grain, or any cereal and includes any other thing used for the food of animals;

“**horse**” means any horse, mare, gelding, colt, filly, or foal; and includes an ass, hinny, or mule, or the carcase of any of them;

“**imported animal**” means any animal brought into the Kingdom by sea or air;

“**infected**” applied to any animal, means that the animal is not known to be actually diseased, but has had direct or indirect contact with any diseased animal or any place or thing which an Inspector suspects to be carrying or harbouring a disease;

“**infected area**” means any area which the Chief Executive Officer has declared to be an infected area by notice publicly notified under section 16, subsection (4) of this Act and not revoked under section 17 of this Act, being an area around and including an infected place;

“**infected place**” means any land which an Inspector has declared to be an infected place by a notice under section 16 of this Act hereof;

“**Inspector**” means any Inspector or temporary Inspector appointed under this Act;

“**land**” means any area, field, plantation, allotment, orchard, farm, pen, building, paddock, highway, or other place or premises; and references to land extend to and include water, harbour, wharf, airport, ship and aircraft;

“**litter**” means any straw, or other material which is used for bedding down animals and includes the excreta;

“**master**” means the captain or other person in charge of a ship or aircraft;

“**Minister**” means the Minister responsible for agriculture or such Minister as may be appointed to be responsible for animals;<sup>2</sup>

“**notice**” means a notice in writing, or in print, or partly in writing and partly in print, delivered personally, or, (as the case may require) by leaving it or posting it addressed to the office or address of an Inspector, or the usual or last known place or abode or business in the Kingdom of the owner or other person to be affected by the notice, or by affixing the notice at the homestead or other conspicuous place on the land of the owner or other person;

“**occupier**” in relation to any land, means the occupant of the land and if the land is not occupied or the occupant is unknown, or cannot be found, includes the allotment holder, lessee or tofi’a holder;

“**organism**” means any protozoan, fungus, bacterium, virus, or any other organism or micro-organism, being one which if living is capable of causing any disease, as defined in this section, or any other disease affecting animals, or if dead, was so capable when living and includes any culture, subculture, or any other preparation whatsoever of any such protozoan, fungus, bacterium virus, organism or micro-organism;

“**owner**” in relation to any animal conveyance, fodder, or fittings, means any owner or joint owner thereof (other than a mortgagee not in possession) and includes any superintendent, overseer, agent, carrier, master of a ship or captain of an aircraft or other person having possession or charge thereof, and any consignee thereof;

“**place**” includes any land, water, harbour, wharf, ship and aircraft within the outer limits of territorial seas of the Kingdom;

“**port**” includes a seaport, airport or post office;

“**quarantine ground**” means any land or place set apart by the Minister under section 4 of this Act as a quarantine ground;

“**ship**” means any boat, ship, steamer, lighter, barge, launch, hulk, punt, yacht, ferry boat or raft;

“**swine**” means any boar, barrow, sow, or pig of any age and any breed or the carcase of any of them.

### **3 Act binds the Crown**

This Act shall bind the Crown.

## **PART II - IMPORTATION**

### **4 Quarantine grounds**

- (1) The Minister may from time to time, by notice in the Gazette, define any land under his control or with the consent of the Minister of Lands, any land of the Crown, as a quarantine ground for the detention of imported animals, or of one or more kinds of imported animals.
- (2) The Minister may from time to time, vary, alter, redefine or abolish any such quarantine ground.
- (3) The cost of erecting buildings and fences, where necessary, on quarantine grounds, shall be met out of any money from time to time appropriated by the Legislative Assembly for the purposes of this section.
- (4) All quarantine grounds and all appurtenances, fences and fittings shall be under the control of the Chief Executive Officer or a departmental officer authorised by him.
- (5) No person shall move onto or remove from any quarantine ground any animal or any thing without the written consent of the Chief Executive Officer.<sup>3</sup>

### **5 Chief Executive Officer may appoint ports of entry**

The Minister may from time to time, by notice in the Gazette, appoint particular ports to be the only ports at which animals or any animal product may be lawfully imported into the Kingdom.

### **6 Restrictions on importation of animals**

- (1) No person shall import or introduce any animal, animal product, animal manure, packing material, fittings or fodder into the Kingdom —
  - (a) without the written permit of the Chief Executive Officer or of a person authorised by him in that behalf;
  - (b) in contravention of any regulations made hereunder; or
  - (c) in contravention of section 7 of this Act.

- (2) Every such permit shall be subject to such conditions as may be specified in relation thereto in the permit and any regulations made under this Act.
- (3) Conditions may be imposed by any such permit or regulations to affect after the importation or introduction of any animal or species of animal or any animal product, animal manure or fittings.
- (4) Any such permit may be general or may relate to a specified importation.
- (5) Any such permit may be revoked or varied at any time by the Chief Executive Officer or by any person authorised by him to grant such a permit.

## **7 Prohibition on importation or liberation of certain animals**

- (1) No person shall import or introduce into the Kingdom without prior approval of Cabinet any animal or carcase of the species listed below —
  - (a) any snake of any species whatever;
  - (b) any venomous reptile, or any living stage of any venomous amphibian, venomous fish or venomous invertebrate;
  - (c) any monkey of any species;
  - (d) any member of the squirrel species;
  - (e) any red fox or silver fox;
  - (f) any musquash (or muskrat);
  - (g) any hamster;
  - (h) any mongoose;
  - (i) any coypu (or nutria);
  - (j) any mink;
  - (k) any rabbit;
  - (l) any hare;
  - (m) any deer;
  - (n) any opossum;
  - (o) any other animal that is likely to become a nuisance or to cause injury or damage.<sup>4</sup>
- (2) No person shall without prior approval of Cabinet import or introduce into the Kingdom the egg, semen or carcase of any animal specified in subsection (1) of this section.

## **8 Duty to prevent animals from being landed**

The owner, charterer, agent, master or captain of any ship or aircraft arriving in the Kingdom shall —

- (a) prevent any animal from being landed from that ship or aircraft unless permitted by an Inspector; and
- (b) if so required by an Inspector, enter into a bond for such amount not exceeding \$1,000 as the Inspector may require to secure due compliance with this section.

## **9 Seizure and disposal of certain animals and animal products on ships and aircraft**

Where any animal or animal product is found by an Inspector on any ship or aircraft and the animal or animal product is not being imported or introduced into the Kingdom in accordance with this Act, or is not listed on the inward report of the ship or aircraft, the animal or animal product shall be deemed to be illegally imported; and, unless an Inspector directs that it be retained on the ship or aircraft and re-shipped therewith, the animal or animal product shall be seized and destroyed by the Inspector, and no compensation shall be payable in respect of it.

## **10 Illegal introduction of animals, etc.**

- (1) Any animal that has been unlawfully introduced or imported into the Kingdom, and any descendant of that animal may be seized by an Inspector who shall destroy or otherwise deal with the animal as the Chief Executive Officer so directs.
- (2) Any animal manure, animal product, fodder or fittings unlawfully imported or introduced into the Kingdom may be seized by an Inspector who shall destroy, fumigate, disinfect, or otherwise deal with them as the Chief Executive Officer so directs.
- (3) All costs and expenses pertaining to and attendant upon the seizure, destruction, or otherwise dealing with such animal, product, animal manure, fodder or fittings shall be borne by the owner thereof, and shall be recoverable from the owner as a debt due to the Crown; and no compensation shall be payable therefor.
- (4) An Inspector may open, or require to be opened any baggage or package and may inspect and examine any goods or things, brought into the Kingdom from overseas.
- (5) Every person who imports or introduces into the Kingdom any animal otherwise than in accordance with this Act and of any regulations made hereunder, and of any permit commits an offence against this part of this Act.
- (6) Every person who knowingly has in his possession any animal unlawfully imported or introduced into the Kingdom, or any descendant of any such animal, commits an offence against this part of this Act.

## 11 Emergency restrictions on importation

- (1) Notwithstanding anything in this Act, the Minister may, for the purpose of preventing the introduction of any animal disease, at any time by notice in the Gazette, prohibit or restrict the introduction of any animal, animal product, fodder or fittings or any other thing whatsoever, either absolutely or unless such conditions as may be imposed on the permit are complied with.
- (2) Any notice under subsection (1) of this section shall expire 6 months from the date of its first publication in the Gazette, but, if necessary may from time to time be extended or renewed.

## 12 Duty of officers of Post Office and Customs

It shall be the duty of all officers of the Post Office and of Customs respectively to assist in the implementation of section 10 of this Act, and to prevent the introduction into the Kingdom, or the bringing to any part of the Kingdom of any thing contrary to the provisions of this Act and to any regulations made hereunder. For these purposes they may, in respect of anything so introduced or attempted to be introduced, exercise all the powers conferred by the Postal Services Act<sup>5</sup> in the case of postal articles posted in breach of that Act, and by the Customs and Excise laws in the case of uncustomed or prohibited goods.

## 13 Control of importation of animals etc and prevention of introduction of disease

- (1) The Minister may with the consent of Cabinet make regulations for all or any of the following purposes<sup>6</sup> —
  - (a) prohibiting or restricting the importation or introduction into the Kingdom, (either generally or from such countries or places and during such periods as may be necessary for the purpose of preventing the introduction into the Kingdom of any disease affecting animals, and either absolutely or unless such conditions as may be specified in the regulations or in any permit are complied with) of all or any of the following —
    - (i) animals or one or more kinds of animals;
    - (ii) animal products and animal manure;
    - (iii) any fodder, fittings, and articles of any kind which have, or are reasonably believed by any Inspector to have come into contact with any animal, animal product or animal manure;
    - (iv) soil, sand, clay, ballast, package, packing materials, containers, viable plant material and fodder;
  - (b) prescribing certain ports and airports at which animals or certain kinds of animals may be introduced into the Kingdom;

- (c) prescribing conditions and requiring certificates for animals, animal products, animal manure, fittings and fodder, or any of them, to enter the Kingdom so as to prevent the introduction of disease into the Kingdom;
- (d) providing for the issue or revocation of permits for the importation of animals, animal products, animal manure, fittings and fodder, or any of them, to enter the Kingdom and specifying any conditions which may be necessary to prevent the introduction of disease into the Kingdom;
- (e) providing for Masters or Captains of any ships or aircraft and controlling authorities of ports, to give such information for the purposes of this Act as may be prescribed from time to time;
- (f) regulating the duties of masters or captains of any ships or aircraft in relation to any animals whether or not intended to be imported into the Kingdom and in relation to the storage of garbage aboard ships and aircraft; and requiring the use of garbage destruction facilities or the disposal of garbage as directed by an Inspector;
- (g) providing for the inspection of animals, animal products and animal manure introduced or about to be introduced into the Kingdom;
- (h) providing for the sealing, to the satisfaction of an Inspector, on any ship or aircraft arriving in the Kingdom from overseas, of food lockers containing any meat that has come from an overseas country, or any meat that has been in contact with such meat;
- (i) requiring every person (including every member of the crew of any vessel or aircraft) arriving in the Kingdom from overseas to make a declaration on the form provided for the purpose as to whether he has any animal, animal product, fittings or organism in his baggage; and whether he has been in an abattoir, meat factory, or farm, within a time prescribed on the declaration;
- (j) providing for the confiscation, and destruction of animals, animal products, animal manure, fodder or fittings where necessary to control or to prevent the introduction of any disease into the Kingdom, and prescribing the manner of disinfection of persons or things which have come into contact with animals, animal products, animal manure, fodder or fittings, ship, aircraft or any other thing likely to carry disease;
- (k) generally providing for all purposes which may be necessary for preventing the introduction of disease into the Kingdom.

## 14 Offences

- (1) Every person who acts in contravention of or fails to comply with any of the provisions of this Part of this Act, or of any notice given by the Minister under section 11 of this Act, commits an offence against this Part of this Act.<sup>7</sup>

- (2) Every person who commits an offence against this Part of this Act is liable upon conviction to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding 2 years or to both.<sup>8</sup>

## PART III - DISEASE CONTROL

### FIRST SCHEDULE DISEASES

#### 15 Diseases to which Act applies

- (1) In this Act unless the context otherwise requires, every reference to a disease means a disease for the time being specified in the First or Second Schedule to this Act.
- (2) The Minister may from time to time by notice in the Gazette amend the Schedules to this Act by removing or inserting the name of any disease.

#### 16 Control of First Schedule diseases

- (1) If an Inspector has cause to believe or to suspect that any animal is suffering from or affected by or infected with any of the diseases, for the time being, specified in the First Schedule of this Act, and is or has been on any land, he shall by notice declare that land, and such other land (if any) in the neighbourhood as he may specify to be an infected place.
- (2) Every notice served under subsection (1) of this section shall be given by serving a copy of the notice on an occupier of each piece of land included in the infected place:

Provided that where the Inspector giving the notice cannot after reasonable inquiry ascertain an occupier of any part of the land then the notice need not be served:

Provided also that, where it is impracticable to give notice in accordance with the foregoing provisions of this section, it may be given by notice in the Gazette.

- (3) Every such notice shall be in a form approved for the purpose by the Minister.
- (4) Where any land is declared an infected place by an Inspector he must notify immediately the Chief Executive Officer who shall give public notice of the infected place and shall forthwith declare any part of or the whole of the island in which the infected place is located an infected area.<sup>9</sup>
- (5) When an infected area is declared by the Chief Executive Officer he may require the assistance of any member of the Police or any official of the airport or port authorities to set up roadblocks at all exits from the infected

area and shall cause facilities to be set up for the cleansing and disinfection of all vehicles and the footwear, and any other thing likely to carry infection, from leaving the area.

- (6) The Chief Executive Officer shall cause to be set up adequate facilities for the disinfection of all containers, crates, packing etc., which is likely to carry disease and is being sent out of the infected area and including the detailed inspection of all baggage of all persons leaving the infected area for other islands of the Kingdom, or for other countries, so as to prevent any footwear, implements, animal or vegetable produce, or any other thing, which in the opinion of the Inspector is likely to be infected, from leaving the infected area.
- (7) Every person commits an offence and is liable upon conviction to a fine not exceeding \$2,000 who<sup>10</sup> —
- (a) resists or wilfully obstructs, or wilfully fails to comply with any direction of, a member of the Police or any official of the airport or port authorities who is acting in performance of his duties under this section;
  - (b) knowingly enters or leaves, or removes any animal, animal product, animal manure, vegetable, fruit or plant products, fodder, fittings, or thing of any kind whatsoever from an infected place without the written permission of an Inspector or otherwise than in accordance with such conditions as may be specified by the Inspector in the written instrument granting the permission; or
  - (c) knowingly moves any animal, animal product, animal manure, vegetable, fruit or plant product, fodder, fittings, or thing out of or into an infected area, or from one place within an infected area to another place within that infected area, without the written permission of an Inspector or otherwise be specified by the Inspector in the written instrument granting the permission.
- (8) All animals, animal products, animal manure, vegetable, fruit or plant products, fodder, fittings, or anything that is removed or moved in contravention of subsection (7) of this section may be seized by an Inspector and shall be forfeited, destroyed, sold or otherwise disposed of as the Chief Executive Officer may direct.

## **17 Revocation of infected place or area declaration**

Every declaration that any area or land is an infected place or an infected area shall remain in force until it is revoked by a notice of revocation given in the manner in which notice of declaration was given.

## **18 Proclamation of animal disease emergency**

- (1) If at any time it appears that an outbreak of a serious disease has occurred, or is likely to occur in the Kingdom, or in any part or parts of the Kingdom, the

Minister, with the consent of Cabinet may proclaim that a state of animal disease emergency exists throughout the Kingdom or in such part of the Kingdom as may be defined in the Proclamation.

- (2) No such Proclamation shall remain in force for more than 6 months, but nothing in this subsection shall prevent the issue of another Proclamation before or after the end of that period.
- (3) While an animal disease emergency exists throughout any such area or areas, the Chief Executive Officer or any person authorised in writing by him in that behalf may —
  - (a) require any fit male person over the age of 18 years who resides or works within 5 miles of the place where he is required to render assistance, to assist within any such area to prevent, eradicate, or limit the spread of the disease in such manner as the Chief Executive Officer or person requiring the assistance may specify;
  - (b) require the owner of any article or equipment or land or premises or ship or aircraft which is anywhere in the Kingdom and which the Chief Executive Officer or person authorised by him considers would be of assistance in preventing, eradicating, or limiting the spread of the disease to transfer the article or equipment to or permit it or the land or premises or ship or aircraft to be used for a specified period by the Chief Executive Officer or any other person.
- (4) Every person who, in response to a requirement pursuant to this section, renders assistance, or transfers any article or equipment to or permits it on any land or premises or ship or aircraft pursuant to this section, is entitled to be remunerated or compensated out of money appropriated by the Legislative Assembly for the purpose by the Chief Executive Officer under such circumstances, at such rates and subject to such conditions as may be prescribed by regulations made under this Act or as may be approved by the Minister of Finance if there are no such regulations or in cases where the regulations do not apply.
- (5) Every person who wilfully acts in contravention of or wilfully fails to comply in any respect with any provision of this section commits an offence, and is liable upon conviction to a fine not exceeding \$1,000.<sup>11</sup>

## **19 Emergency powers for prevention of introduction or spread of disease**

If the Minister has with the consent of Cabinet proclaimed that a state of animal disease emergency exists throughout all or any part or parts of the Kingdom and while that state of emergency continues, the Chief Executive Officer may, in the area or areas, take all such measures, and do all such acts and things, and give all such directions, and require all such acts to be done, as in the opinion of the Chief Executive Officer are necessary and desirable for the purpose of eradicating, limiting, or preventing the spread of disease.

**20 Compensation for First Schedule diseases**

- (1) Where any animal has been seized and slaughtered as being affected or infected or suspected of being affected or infected with any of the diseases for the time being specified in the First Schedule to this Act there shall be payable, out of money appropriated by the Legislative Assembly for the purpose, to the owner of the slaughtered animal, compensation equal to the fair market value of the animal, fixed at the time of the inspection that results in it being seized and slaughtered.
- (2) Such compensation shall be assessed by the Chief Executive Officer whose decision shall be final.
- (3) No such compensation shall be payable if the owner has been guilty of an offence under section 16(7) of this Act in respect of the slaughtered animal.

**SECOND SCHEDULE DISEASES****21 Disease control place**

- (1) When an Inspector has reason to believe or suspect that any animal is suffering from or is affected by or infected with any of the diseases specified in the Second Schedule hereof and is or has been on any land, he may by notice declare the land and any other land in the neighbourhood as he may specify to be a disease control place.
- (2) Every notice under subsection (1) of this section shall be given by serving a copy of the notice on an occupier of each piece of land included in the disease control place:

Provided that where the Inspector serving the notice cannot reasonably find or ascertain an occupier quickly, he need not serve the notice and in such instance it may be given by notice in the Gazette.

- (3) Every such notice shall be in a form approved for the purpose by the Chief Executive Officer.
- (4) Every such notice shall declare that every animal that is in the same lot as the suspected animal and is susceptible to the disease shall be quarantined on the land for the period specified in the notice.
- (5) Every declaration of a disease control place shall remain in force for 21 days or for such shorter period as may be specified in the notice and may be renewed from time to time:

Provided the Chief Executive Officer is satisfied that such renewal of the notice is necessary for the proper diagnosis, treatment, control or eradication of the disease.

- (6) Any declaration of a disease control place may be revoked at any time by an Inspector by a notice of revocation in the same manner in which the notice of declaration was given.
- (7) Every person commits an offence and is liable upon conviction to a fine not exceeding \$5,000 who knowingly moves any animal or thing out of or into a disease control place without the written permission of an Inspector or otherwise than in accordance with such conditions as may be specified by the Inspector in the written instrument granting the permission.<sup>12</sup>

## FIRST AND SECOND SCHEDULE DISEASES

### 22 Power to kill animal and conduct post mortem examination

- (1) Where an Inspector examining an animal or animals suspects that the animal or animals are diseased and considers a post mortem examination necessary to establish a diagnosis, he may on the authority of the Chief Executive Officer, kill the animal or animals and conduct a post mortem examination in such manner as he considers necessary to decide whether the animal or animals are diseased, and where necessary for the same purpose obtain specimens for laboratory examination and diagnosis.
- (2) Where an Inspector kills an animal pursuant to subsection (1) of this section he shall advise in writing the Chief Executive Officer and the owner, of the results of the examination and of any laboratory reports accruing from the examination.

### 23 Control of disease and destruction of diseased animals

- (1) If the Chief Executive Officer is satisfied that any animal is diseased or infected with a disease or has during the previous 3 months been diseased he may cause steps to be taken —
  - (a) to control or eradicate the disease; or
  - (b) to secure the destruction of the animal under the supervision of an Inspector.
- (2) The owner of any diseased animal or animals suspected of being diseased or the occupier of any land on which there is a diseased animal shall do whatsoever is directed by an Inspector to be necessary to control or eradicate any disease, or prevent the spread of any disease to or from any place whatsoever.
- (3) If the owner, occupier, or person in charge fails to comply, to the satisfaction of the Inspector, with any direction given under subsection (2) of this section, the Inspector shall, with the authority of the Chief Executive Officer, carry out the measures directed in every way at the expense, but without prejudice to the liability under this Act, of the owner, occupier, or person in charge.

- (4) Every person who wilfully acts in contravention of or fails to comply in any respect with any provision of this section or of any requirement, order or direction made or given or imposed under this section commits an offence, and is liable upon conviction to a fine not exceeding \$2,000 and, if the offence is a continuing one, to a further fine not exceeding \$50 for every day or part of a day during which the offence continues.<sup>13</sup>

## **24 Wilfully communicating disease**

Every person who, except for scientific purposes by authority from the Chief Executive Officer, wilfully communicates or causes to be communicated any disease to an animal, commits an offence and is liable upon conviction to imprisonment for any period not exceeding 2 years, or to such fine not exceeding \$1,000 as the Court thinks fit, or to both.<sup>14</sup>

## **25 Compensation for animals slaughtered on account of any Second Schedule disease**

- (1) Where pursuant to the provisions of this Act or of any regulations made under this Act, any animal is condemned and slaughtered as being affected or infected with any of the diseases for the time being specified in the Second Schedule to this Act or as being suspected of being so affected, and the carcase thereof is destroyed or otherwise disposed of, the owner of the animal shall be entitled to be paid, out of money appropriated by the Legislative Assembly for the purpose, compensation in the cases, to the extent, and subject to the conditions hereafter provided in this section.
- (2) The compensation shall be based as hereafter provided in this section on the fair market value of the animal as fixed at the time of the inspection that results in it being condemned, the compensation to be ascertained by the Chief Executive Officer whose decision shall be final.
- (3) In any case where compensation in respect of a slaughtered animal is payable under this section, if after examining the carcase of the animal the Inspector is satisfied that it was not diseased when he condemned it, the amount of the compensation shall be a sum equal to the fair market value of the animal.
- (4) In any other case where compensation in respect of a slaughtered animal is payable under this section, the amount of compensation shall be a sum equal to one-half of the fair market value of the animal.

## **26 Cases in which compensation is not payable**

- (1) No compensation shall be payable in respect of any imported animal if the animal is condemned before it is released from quarantine controls, or certified as apparently free from disease by the Inspector or an officer authorised by him.

- (2) No compensation shall be payable under section 25 of this Act in respect of any animals other than horses, cattle, sheep, goats, and swine.

## 27 Failure to destroy carcase

Every person who fails or neglects to destroy the carcase of any animal as required by an Inspector commits an offence and is liable on conviction to a fine not exceeding \$1,000.<sup>15</sup>

## 28 Regulations for preventing spread of disease

- (1) Without limiting the power to make regulations conferred by section 13 of this Act, the Minister may with the consent of Cabinet, make regulations for all or any of the following purposes<sup>16</sup> —
- (a) providing for the seizure and slaughter or the quarantine of any animals that are diseased or infected or suspected of being diseased or infected;
  - (b) providing for the eradication and prevention of the spread of any disease;
  - (c) providing for the management of animals and animal products in an infected area, infected place, or disease control area;
  - (d) providing for the prohibiting or regulating the movement of animals, persons, fodder, fittings, farm products, and things, into, out of, or in an infected place, infected area or disease control area;
  - (e) providing for the treatment and remedial measures to be adopted in the case of diseased, infected or suspected to be diseased, or infected animals;
  - (f) prescribing the manner in which persons or things coming into contact with diseased or infected animals, and land, premises, conveyances coming in contact with diseased or infected animals, shall be cleansed and disinfected;
  - (g) providing for the disinfection of persons, clothing, vehicles and any chattels whatsoever, who or which pass out of or through any area, throughout which an animal disease emergency for the time being exists in accordance with section 18 of this Act or any part of the area defined in the regulations, so as to assist in limiting the spread of the disease;
  - (h) prescribing the terms and conditions on or subject to which persons, in response to a requirement pursuant to section 15 of this Act, shall render assistance, or transfer any article or equipment or permit it or any land, premises, fittings, ship or aircraft to be used for any period by the Chief Executive Officer or any other person; and the rates of remuneration and compensation to those persons;

- (i) requiring any harbour authority, or airport authority in any instances where any animal suffering from foot and mouth disease is found on any land in any island of the Kingdom to prohibit or restrict the use of such facilities at any port or airport under its control as the Chief Executive Officer may specify and to such extent as he may require;
  - (j) providing for the destruction, or disposition, or treatment of any fodder, fittings, or the carcase of any animal seized and slaughtered in an infected place, infected area or disease control place;
  - (k) prohibiting or controlling the feeding of raw or uncooked garbage to swine or poultry; and providing for the control of garbage dumps, and preventing the access of animals to garbage dumps;
  - (l) generally for all or any such purpose as may be necessary for preventing the spread of disease.
- (2) Regulations made under this section may prescribe for offences punishable by a fine not exceeding \$2,000.<sup>17</sup>

## **PART IV - INSPECTORS**

### **29 Appointment Inspectors**

The Minister shall designate from the staff of the Ministry responsible for Agriculture from time to time such Inspectors for the purposes of this Act.<sup>18</sup>

### **30 Powers of Inspectors**

- (1) Every Inspector shall have power, on producing (if so required) due evidence of his appointment, to enter at any time into any conveyance, or on any land or premises, or on board any ship or aircraft for the purpose of inspecting any animals; but no Inspector shall enter any dwelling-house pursuant to this section unless authorised to do so by a warrant issued by a Magistrate or Judge who shall not grant the warrant unless he is satisfied that the Inspector has reasonable grounds for requiring entry into the dwelling-house.
- (2) An Inspector may give notice to the owner of any animals to muster the animals at a place and on a date to be named in the notice; and may direct the owner of any diseased or infected animals to take such measures regarding their treatment, or to do such others acts as the Inspector considers to be necessary to eradicate or to control the spread of disease:

Provided that no Inspector shall destroy or otherwise dispose of such animal under this section unless in accordance with regulations made under this Act, or under the instructions of the Chief Executive Officer.

**31 Inspector may employ assistants**

An Inspector may, whenever necessary for the purposes of this Act, and as may be approved by the Chief Executive Officer, employ any person or persons to assist him temporarily.

**32 Liability for causing an Inspector to incur expense**

If any person, by failing to comply with or acting contrary to this Act, causes an Inspector or an assistant of an Inspector or an employee in the Public Service to incur an expense that he would not otherwise have incurred, that person shall reimburse the Crown for the full amount of that expense reasonably and properly incurred and that amount shall be recoverable from him as a debt due to the Crown.

**33 Obstructing or hindering Inspector an offence**

Every person commits an offence against this Act and is liable on conviction to a fine not exceeding \$1,000 who directly or indirectly obstructs, hinders, interrupts, threatens, or assaults any Inspector or any assistant of an Inspector in the performance of his duty under this Act.<sup>19</sup>

**34 Protection of Inspectors**

An Inspector or an assistant of an Inspector shall not be liable for any loss or damage resulting from the exercise of powers conferred by this Act unless the loss or damage is caused otherwise than in the reasonable exercise of those powers.

## PART V - MISCELLANEOUS

**35 Erroneous and knowingly false declarations**

- (1) Every person who makes any declaration or gives any certificate under this Act or any regulations thereunder which is erroneous in any material particular commits an offence and is liable on conviction to a fine not exceeding \$1,000.<sup>20</sup>
- (2) Every person who knowingly makes any false declaration or gives any false certificate under this Act or any regulations thereunder commits an offence and is liable on conviction to imprisonment for a term not exceeding 2 years.

**36 Offences against Act and regulations**

- (1) Every person who fails to comply with or acts in contravention of any provision of this Act or any regulations made thereunder or any order or

direction or requirement or condition made or given or imposed by the Chief Executive Officer or an Inspector or any other authorised officer or employee or any assistant of an Inspector pursuant to powers conferred by or under this Act or any such regulations, commits an offence against this Act:

Provided that this subsection shall not apply to any such failure or act which is an offence against any other provisions of this Act or any regulations made thereunder.

- (2) Every person who commits an offence against this Act or any regulations made thereunder for which no penalty is provided elsewhere than in this section is liable on conviction to a fine not exceeding \$2,000.<sup>21</sup>

### **37 Moneys to be paid into Treasury**

All moneys other than fines recovered or received under this Act shall be paid by remitting it to the Chief Executive Officer who shall remit it to the Treasury.

**FIRST SCHEDULE**

Acute Fowl cholera  
Acute Haemorrhagic septicaemia  
Acute infectious laryngotracheitis  
African horse sickness  
African swine fever  
Bluetongue  
Contagious bovine pleuro-pneumonia  
Foot and mouth disease  
Fowl plague  
Newcastle disease  
Rabies  
Rinderpest  
Scrapie  
Swine Fever  
Vesicular exanthema

**SECOND SCHEDULE**

Anaplasmosis  
Anthrax  
Aujeszky's disease  
Babesiosis  
Borna disease  
Bovine malignant catarrh  
Brucellosis  
Caprine Pleura-Pneumonia  
Equine encephalomyelitis  
Equine infectious anaemia  
Ephemeral fever  
Epizootic lymphagitis  
Fowl tick fever

Glanders  
Heart water  
Hydatids  
Infectious bronchitis (Poultry)  
Ixodidae  
Johne's disease  
Louping ill  
Lumpy skin disease  
Lymphomatosis  
Mange  
Meliodosis  
Mucosal disease complex  
Nodular worm of sheep  
Psittacosis  
'Q' fever  
Rift valley fever  
Sheep scab  
Sheep pox  
Stickfast flea  
Swine pox  
Teschen disease  
Theileriasis  
Trichinosis  
Trypanosomiasis  
Tuberculosis  
Tularemia  
Vesicular stomatitis  
Warble

## ENDNOTES

<sup>1</sup> **1988 Revised Edition Cap 146** - Act 27 of 1978

Amending Acts	Commencement
Act 10 of 2002	14 October 2002
Act 42 of 2010	24 November 2010
Act 5 of 2012	5 July 2012

<sup>2</sup> Amended by Act 42 of 2010

<sup>3</sup> Amended by Act 10 of 2002

<sup>4</sup> Amended by Act 42 of 2010

<sup>5</sup> Cap. 32.07

<sup>6</sup> Amended by Act 10 of 2002

<sup>7</sup> Amended by Act 10 of 2002

<sup>8</sup> Amended by Act 10 of 2002

<sup>9</sup> Amended by Act 10 of 2002

<sup>10</sup> Amended by Act 10 of 2002

<sup>11</sup> Amended by Act 10 of 2002

<sup>12</sup> Amended by Act 10 of 2002

<sup>13</sup> Amended by Act 10 of 2002

<sup>14</sup> Amended by Act 10 of 2002

<sup>15</sup> Amended by Act 10 of 2002

<sup>16</sup> Amended by Act 10 of 2002

<sup>17</sup> Amended by Act 10 of 2002

<sup>18</sup> Amended by Act 10 of 2002

<sup>19</sup> Amended by Act 10 of 2002

<sup>20</sup> Amended by Act 10 of 2002

<sup>21</sup> Amended by Act 10 of 2002