

LAWS OF DOMINICA

ANIMALS DISEASES ACT

CHAPTER 61:02

Act
15 of 1952
Amended by
12 of 1990

Current Authorised Pages

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**Index
of
Subsidiary Legislation**

	Page
Animals Diseases (Importation) Control Regulations	14
Anthrax Order	24
Epizootic Abortion Order	31
Foot and Mouth Disease Regulations	32
Rabies Order	49
Swine Fever Order	57
Importation of Animals (Prohibition) Regulations	63
Newcastle Disease (Fowl Pest) Order	65
Animals Diseases (Infected Area) Order	66
Animals Diseases (Quarantine Areas) Order	67

CHAPTER 61:02**ANIMALS DISEASES ACT****ARRANGEMENT OF SECTIONS**

SECTION

1. Short title.
 2. Interpretation.
 3. Power to declare any part of State to be infected.
 4. Straying of animals as regards infected area.
 5. Separation of diseased animal and notice to police.
 6. Declaration of infected place by Chief Technical Officer.
 7. Slaughter of diseased animals.
Compensation for animals slaughtered.
 8. Disposal of animal infected.
 9. Minister to provide for cases of diseased animals during transit
and in other cases.
 10. Minister to make Order for prevention or checking of disease
and other purposes.
 11. Prohibition of importation of birds, etc.
 12. Regulations controlling the importation of animals.
 13. Import licence for birds, etc.
 14. Quarantine depots.
 15. Imported animals to be quarantined.
 16. Appointment of officers.
 17. Police to enforce Act.
 18. Powers of apprehension, etc.
 19. Inspector, etc., to have powers of constables.
 20. General powers of inspectors, etc.
 21. Fines for offences.
 22. General offences.
 23. Punishment for second or subsequent offence.
 24. Imprisonment in lieu of fine for digging up of carcasses.
 25. Offences against Act to be determined by Magistrate.
 26. Order of Minister.
 27. Power to apply to poultry.
 28. Saving subsidiary legislation.
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CHAPTER 61:02

ANIMALS DISEASES ACT

1961 Ed.
Cap. 90.
15 of 1952.

AN ACT to control the importation of animals, birds, reptiles and insects and to regulate the treatment and disposal of animals which are suffering or are suspected to be suffering from any disease, and for other matters related thereto or connected therewith.

Commencement.

[15th December 1952]

Short title.

1. This Act may be cited as the –

ANIMALS DISEASES ACT.

Interpretation.

2. In this Act –

“animals” means bulls, cows, oxen, steers, heifers, calves, horses, mules, asses, sheep, swine, goats, dogs and all animals of whatsoever kind, whether similar to the foregoing or not;

“bird” does not include poultry;

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

“Chief Technical Officer” includes the person for the time being lawfully discharging the duties of that office and any duly authorised officer in the Ministry responsible for Agriculture;

“defined port” means a port as defined by Regulations made under section 12;

“disease” means rinderpest (commonly called cattle plague), contagious pleuro-pneumonia, anthrax (commonly called infectious abortion splenic fever), glanders, foot and mouth disease, variola ovina (commonly called sheep pox), sheep scab, foot rot, tuberculosis, swine fever, variola vaccina (cow pox), rabies, surra, and any other disease to which this Act shall be made to apply by Order of the Minister;

“diseased” means affected with disease;

“fodder” means grass, hay or any other substance commonly used for the food of animals;

“inspector” means an inspector appointed by the Minister under section 16 and includes the officer in charge of any police station in the State;

“litter” means straw or any other substance commonly used as the bedding for, or otherwise used for or about animals;

“poultry” means domestic fowls, turkeys, geese, ducks, guinea fowls and pigeons.

3. (1) The Minister may, whenever it appears expedient to do so by Order, declare any part of the State to be infected with disease, and may also declare that this Act shall apply to animals and diseases other than those specified in section 2.

Power to declare any part of State to be infected.

(2) The Minister may if he thinks fit, by Order extend, contract or otherwise alter the limits of any infected area.

4. Where any part of the State is stated or declared to be an infected area, it shall not be lawful to allow any animal to be taken or moved or to stray into or out of such infected area otherwise than in accordance with any Order which the Minister may make in that behalf.

Straying of animals as regards infected area.

5. (1) Every person having in his possession or under his charge an animal affected with disease or a suspected animal shall keep that animal separate from animals not so affected, and shall, with all practicable speed, give notice of the fact of the animal being so affected to the officer in charge of the nearest police station.

Separation of diseased animal and notice to police.

(2) The officer to whom the notice is given shall forthwith give information thereof to the Chief Technical Officer.

(3) The Minister may from time to time make such general Orders as may be considered fit, for prescribing and regulating the notice to be given to or by any person or authority in case of any particular disease, or in case of the illness of any animal, and for supplementing or varying, for those purposes, any of the provisions of this section.

6. (1) When it appears to the Chief Technical Officer that any disease exists, or has within a period of sixty days existed, in any building, stable, shed, field, pasture or other place, he shall forthwith make and sign a statement thereof.

Declaration of infected place by Chief Technical Officer.

(2) He shall serve a notice, signed by him, of the statement on the occupier, or owner or person in charge of that building, stable, shed, field, pasture or other place.

(3) Thereupon that building, stable, shed, field, pasture, or other place shall become and be an infected area, subject to the determination and order of the Minister.

(4) The Chief Technical Officer shall with all practicable speed inform the Minister of his statement and notice, and shall send him the statement and a copy of the notice.

(5) The Minister shall forthwith on receipt of the information proceed to consider the same, and if satisfied that such course is expedient or necessary, shall by Order determine and declare the building, stable, shed, field, pasture, or other place an infected area and prescribe the limits of the infected area, and may, if he thinks fit, include within those limits any lands or buildings adjoining or near to the building, stable, shed, field, pasture or other place to which the Chief Technical Officer statement relates.

(6) If the Minister is not satisfied that such course is expedient or necessary, he shall by Order determine and declare the building, stable, shed, field, pasture or other place not an infected area and thereupon, as from the time specified in that behalf in the Order, the building, stable, shed, field, pasture, or other place shall cease to be an infected area.

Slaughter of
diseased animals.

7. (1) The Minister may, if he thinks fit, in any case, cause to be slaughtered –

- (a) any animal affected with disease;
- (b) any animal suspected of being affected with disease;
and
- (c) any animal which is or which has been in the same building, stable, shed, field, pen, pasture, or other place, or in the same herd or flock, or otherwise in contact with any animal affected with disease, or which appears to him to have been in any way exposed to the infection of any disease.

Compensation
for animals
slaughtered.

(2) The Minister shall for animals slaughtered under this section, award such compensation as he may consider fair, out of any funds provided for that purpose by Parliament.

Disposal of
animal infected.

8. The carcass of any animal slaughtered under section 7, or which may die while infected or suspected to be infected with disease, shall be disposed of as soon as possible in accordance with the Orders of the Minister for the time being in force.

9. (1) The Minister shall, as soon as may be after the passing of this Act, and thereafter, by general Order, make such further or other provision as he thinks necessary or expedient respecting the case of animals found to be affected with disease –

Minister to provide for cases of diseased animals during transit and in other cases.

- (a) while exposed for sale or exhibited in any place;
- (b) while in transit or in course of being moved by land or by water;
- (c) while being in a slaughter-house, lair or place where animals are slaughtered or are kept with a view to slaughter;
- (d) while being on common or unenclosed land; or
- (e) generally, while being in a place not in possession or occupation or under the control of the owner of the animal.

(2) The Minister shall, by Order under this section, make such provision as he thinks fit for the consequences under this Act of animals being so found in the circumstances aforesaid, as well with regard to the animals as with regard to the places where they are so found and other places, and with regard to animals being or having been in the same pasture, building, stable, shed, pen, herd or flock, or in contact with animals so found, and animals suspected of being infected with disease.

(3) Every Order under this section shall have full effect notwithstanding any provision of this Act requiring the statement of a place infected with disease, or relating to any consequence thereof, or to any matter connected therewith, and notwithstanding any other provision of this Act.

10. (1) The Minister may make such general or special Orders as may be considered fit, for the following purposes or any of them:

Minister to make Order for prevention or checking of disease and other purposes.
[12 of 1990].

- (a) prohibiting or regulating the movement of animals and persons into, within, or out of an infected area;
- (b) prescribing and regulating the isolation or separation of animals being in an infected area;
- (c) prohibiting or regulating the removal of carcasses, fodder, litter, utensils, pens, hurdles, dung or other things into, within, or out of an infected area;
- (d) prescribing and regulating the destruction, burial, disposal or treatment of carcasses, fodder, litter, utensils,

pens, hurdles, dung or other things being in an infected area, or removed thereout;

- (e) prescribing and regulating the cleansing, burning and disinfecting of infected areas, or parts thereof;
- (f) prohibiting or regulating the digging up of carcasses buried;
- (g) prohibiting or regulating the sending or carrying of diseased or suspected animals or of dung or other thing likely to spread disease, or causing the same to be sent or carried inland or in coasting vessels or otherwise;
- (h) prohibiting or regulating the carrying, leading or driving of diseased or suspected animals, or causing them to be carried, led, or driven on highways or thoroughfares, or elsewhere;
- (i) prescribing and regulating the seizure, detention, and disposal of any diseased or suspected animals and for prescribing and regulating the liability of the owner of such animals to the expenses connected with the seizure, detention and disposal thereof;
- (j) prescribing and regulating the disinfection of the clothes of persons coming in contact with or employed about diseased or suspected animals and the use of precautions against the spreading of disease by such persons;
- (k) prohibiting or regulating the exposure of diseased or suspected animals in markets or other places (public or private) where animals are exposed for sale;
- (l) prescribing and regulating the muzzling of dogs, and the keeping of dogs under control;
- (m) prescribing or regulating the seizure, detention and disposal (including destruction) of stray dogs not muzzled and of dogs not being kept under control, and of the recovery from the owner of dogs of the expenses incurred in respect of their detention;
- (n) prohibiting and regulating the movement of animals into any part of this State from any other part thereof.

(2) The Minister may by Order declare that all or any of the Orders made under this section shall be carried out under the supervision

of the Sanitary Authority of any district of the State, and such Order shall be binding on the said Sanitary Authority.

11. (1) No bird, reptile, or insect may be imported into the State save under and in accordance with a licence granted by the Chief Technical Officer under section 13. Prohibition of importation of birds, etc.

(2) Any person who –

(a) imports into the State any bird, reptile or insect otherwise than under a licence in that behalf granted under section 13; or

(b) contravenes any of the provisions of any such licence, is guilty of an offence; and any bird, reptile or insect in respect of which any such offence is alleged to have been committed may be seized and on conviction shall be forfeited to the State.

12. (1) The Minister may, for the purpose of preventing the introduction or spread of any disease into the island, make Regulations prohibiting, restricting, controlling or regulating the importation of animals or poultry, or any specific kind thereof, or of carcasses, fodder, litter, dung or similar things. Regulations controlling the importation of animals.

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

(a) specifying and defining the ports at which animals or poultry, or carcasses, fodder, litter, dung or similar things, may be landed;

(b) controlling, prohibiting or regulating the movement of animals or poultry, or of carcasses, fodder, litter, dung or similar things into, within, or out of, any defined port;

(c) controlling the examination, cleansing, destruction, disposal, seizure and detention of any animal or poultry, or of carcasses, fodder, litter, dung or other similar things, in a port;

(d) the fees and expenses incurred for any purposes for which Regulations may be made under this section, and the persons to whom they are to be paid and the manner in which they may be recovered.

Import licence
for birds, etc.

13. (1) The Chief Technical Officer may grant to any person a licence to import any bird, reptile or insect into the State, and may, notwithstanding anything contained in any regulation made under section 12, for the purposes of any exhibition, performance, or circus, grant a licence to import any particular animal into the State.

(2) Any licence granted under this section may contain such terms and conditions as the Chief Technical Officer may think necessary.

Quarantine
depots.

14. The Minister may appoint quarantine depots in such places as he may consider necessary, and all animals, birds, reptiles or insects, required to be quarantined under this Act or any Regulations made, or licence granted, thereunder, shall be placed within such depots in accordance with the orders of the inspector.

Imported animals
to be quarantined.

15. All animals, birds, reptiles and insects imported into this State may be placed in a quarantine depot for such time and under such conditions as may be specified by the Minister.

Appointment of
officers.

16. The Minister may appoint such inspectors, officers and other persons as he thinks necessary for the proper carrying out of this Act and of all Orders made thereunder, and may assign to them such remuneration as he thinks fit out of any funds provided for that purpose by Parliament, and may at any time revoke any appointment so made.

Police to enforce
Act.

17. The police shall execute and enforce this Act and every Order thereunder.

Powers of
apprehension,
etc.

18. (1) Where a person is seen or found committing or is reasonably suspected of being engaged in committing an offence against this Act, any police officer or constable may without warrant stop and detain him; and if his name and address are not known to the officer or constable and he fails to give them to the satisfaction of the officer or constable, the officer or constable may, without warrant, apprehend him, and may, whether so stopping or detaining or apprehending the person or not, stop, detain and examine any animal, vehicle, boat or thing to which the offence or suspected offence relates, and require the same to be forthwith taken back to or into any place or district wherefrom or whereout it was unlawfully removed, and execute and enforce that requisition.

(2) If any person obstructs or impedes a police officer or constable or other officer in the execution of this Act or of an Order

thereunder, or assists in any such obstructing or impeding, the constable or officer may without warrant apprehend the offender.

(3) A person apprehended under this section shall be taken with all practicable speed before a Magistrate to be dealt with according to law.

(4) The foregoing provisions of this section respecting police officers or constables extend and apply to any person called by them to their assistance.

19. An inspector, officer or other person appointed under this Act or any person specially authorised for that purpose by a justice of the peace shall have, for the purposes of this Act, all powers which a police officer or constable has under this Act or otherwise in the place where the inspector, officer or other person is acting.

Inspector, etc.,
to have powers
of constables.

20. (1) Any inspector, officer or other person appointed hereunder, as also the Chief Technical Officer, may enter at any time by day or night, any pasture, field, stable, shed, pen, building or place, to which this Act applies, or other building or place wherein he has reasonable grounds for supposing –

General powers
of inspectors,
etc.

(a) that disease exists, or has within sixty days existed; or

(b) that the carcass of a diseased, or suspected animal, is or has been kept, or has been buried, destroyed, or otherwise disposed of; or

(c) that this Act, or any Order made thereunder has not been, or is not being complied with.

(2) The Chief Technical Officer or any inspector, officer or other person appointed hereunder may, at any time by day or night, enter any vehicle, vessel or boat in which or in respect whereof he has reasonable grounds for supposing that this Act or any Order made thereunder has not been or is not being complied with.

(3) A certificate by the Chief Technical Officer to the effect that an animal is, or was affected with a disease, shall for the purpose of this Act be conclusive evidence in all Courts of Justice of the matter certified.

21. Any person guilty of an offence against this Act, is for every such offence liable on summary conviction –

Fines for
offences.

- (a) to a fine of three thousand dollars; and
- (b) if the offence is committed with respect to more than four animals, to a fine of five hundred dollars for each animal.

General offences.

22. Any person who, without lawful authority or excuse, proof whereof shall lie on him –

- (a) does anything in contravention of this Act or of an Order thereunder;
- (b) where required to keep an animal separate, or to give notice of disease with all practicable speed, fails to do so;
- (c) does anything which by this Act or an Order thereunder is made or declared to be not lawful;
- (d) does or omits anything, the doing or omission whereof is declared by this Act or by an Order thereunder to be an offence by him against this Act;
- (e) refuses to the Chief Technical Officer, an inspector, officer, or other person acting in execution of this Act or of an Order thereunder, admission to any land, building, stable, shed, place, vessel, pen, vehicle or boat, which the Chief Technical Officer, inspector, officer, or person is entitled to enter or examine, or obstructs or impedes him in so entering or examining, otherwise in any respect obstructs or impedes the Chief Technical Officer and inspector, police officer, or constable, officer, or other person in the execution of his duty, or assists in any such obstructing or impeding, or without lawful authority, throws or places, or causes or suffers to be thrown or placed, into or in any river, stream, canal, trench, navigation or other water, or into or in the sea within five miles of the shore, the carcass or any portion thereof of an animal which has died of disease or been slaughtered as diseased or suspected of being infected with disease,

is guilty of an offence against this Act.

Punishment for second or subsequent offence.

23. On a further conviction within a period of twelve months for a second or subsequent offence, a person shall be liable, in the discretion of the Court before which he is convicted, to imprisonment for three months, in lieu of the fine to which he is liable under this Act.

24. If any person without lawful authority or excuse, proof whereof shall lie on him, digs up, or causes to be dug up, a carcass buried under any Order of the Minister, he shall be liable on conviction to imprisonment for three months, in lieu of the fine to which he is liable under this Act.

Imprisonment in lieu of fine for digging up of carcasses.

25. Every offence against this Act or any Order hereunder shall be heard and determined by a Magistrate as an offence punishable on summary conviction, and the mode of procedure, unless varied by this Act, shall be according to the provisions of any law now in force, or hereinafter to be made regulating the procedure before Magistrates.

Offences against Act to be determined by Magistrate.

26. (1) Every Order of the Minister shall have effect as if it had been enacted by this Act.

Order of Minister.

(2) The Minister shall in case of every Order made by him under this Act cause to be published in the *Gazette* and in a newspaper circulating in this State, a notice that the Order has been made and of the place or places where copies of the Order may be obtained. The Minister shall also cause a copy of every such Order to be posted on the doors of the police station of the district within which an area has been declared infected.

(3) The validity or effect of an Order shall not be affected by want of or defect or irregularity in any notification or publication thereof.

27. The Minister may by Order apply, subject to such exceptions, adaptations and modifications as may be therein set out, the provisions of this Act, and of any Regulations made thereunder, to poultry.

Power to apply to poultry.

28. All Rules, Regulations, Orders or directions given or made under the Contagious Diseases (Cattle) Act, 1877 (repealed by this Act) shall be deemed to have been given or made under this Act and shall continue in force until other provision is made by virtue of this Act.

Saving subsidiary legislation.