

Malawi

## Control and Diseases of Animals Act Chapter 66:02

Legislation as at 31 December 2014

FRBR URI: /akn/mw/act/1967/41/eng@2014-12-31

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PDF created on 3 March 2022 at 12:31.

*Collection last checked for updates: 31 December 2017.*

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# Malawi

## Control and Diseases of Animals Act

### Chapter 66:02

Assented to on 21 December 1967

Commenced on 29 December 1967

*[This is the version of this document at 31 December 2014 and includes any amendments published up to 31 December 2017.]*

*[Note: This version of the Act was revised and consolidated in the Fourth Revised Edition of the Laws of Malawi (L.R.O. 1/2015), by the Solicitor General and Secretary for Justice under the authority of the Revision of the Laws Act.]*

#### An Act to consolidate and amend the law relating to the control and diseases of animals

##### 1. Short title

This Act may be cited as the Control and Diseases of Animals Act.

##### 2. Interpretation

In this Act—

"**animal**" means any bull, cow, ox, heifer, calf, sheep, goat, horse, mule, donkey, pig, domestic fowl and any game animal as defined in the definition of the expression "game" or "game animal" contained under the Game Act, any wild carnivore tamed and kept as a pet, guinea fowl, pigeon, pea-fowl, dog, cat and any other creature which the Minister has, by order under [section 4](#), declared to be an animal for the purposes of this Act;

*[Cap. 66:03]*

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

"**disease**" means anthrax, atrophic rhinitis of pigs, bovine and caprine pleuropneumonia, clostridial infections (including blackquarter), East Coast fever, epidemic tremor of chickens, foot and mouth disease, glanders and farcy, infectious cervico-vaginitis and epididymitis, lumpy skin disease, lymphangitis, mange, Newcastle disease of poultry, rabies, rinderpest, senkobo skin disease, sheep pox, swine erysipelas, swine fever, trypanosomiasis and tuberculosis and any other disease which the Minister has, by notice under [section 4](#), declared to be a disease for the purposes of this Act;

"**dog**" means any quadruped of the species *canis familiaris*;

"**infected area**" means an area declared to be an infected area by an order made under [section 4](#), in respect of which no declaration has been so made that the area is free from disease;

"**inspector**" means any Professional Officer, Technical Officer or Technical Assistant employed by the Department of Veterinary Services of the Government of Malawi;

"**owner**" in relation to a dog or other animal means any person in whose custody, possession or charge it is, also any person in whose house or premises it is kept or found unless such last-mentioned person shall prove that it does not belong to him and is not in his custody, possession or charge;

"**veterinary officer**" means an officer in the service of the Government who is a veterinary surgeon.

*[30 of 1969]*

### 3. Diseased animals to be separated and notification made

- (1) Every person having in his possession or charge an animal affected or suspected of being affected with disease shall—
  - (a) keep such animal separate from animals not so affected or suspected, and cause the animal affected or suspected to be tied up, or put in an enclosed place; and
  - (b) forthwith give notice of the fact of the animal being affected or suspected to the nearest inspector or police officer.
- (2) Any police officer so notified shall forthwith notify the nearest inspector, who shall give such directions and take such steps as may be necessary for the purpose of ascertaining the existence and nature of the disease, and on being satisfied that such disease exists he shall forthwith report the disease to the Chief Veterinary Officer.

### 4. Power of Minister and others to make orders and declarations regarding infected areas, diseases and animals

- (1) The Minister, the Chief Veterinary Officer, or any person duly authorized in writing by either of them, may at any time, by order made under his hand—
  - (a) declare any area within Malawi to be an infected area as regards any disease named in such order;
  - (b) extend, diminish or otherwise alter the limits of an infected area;
  - (c) declare an infected area to be free from disease;
  - (d) for the purpose of preventing disease, prohibit the removal of animals, or of any carcass, litter, dung or fodder from any area described in such order.

Any such order made shall take effect immediately upon the signing thereof and shall as soon as practicable thereafter be published in the *Gazette*.

- (2) The Minister may by notice declare any disease of animals to be a disease for the purposes of this Act.
- (3) The Minister may by notice declare any animal to be an animal for the purposes of this Act.

### 5. Provisions for infected areas

- (1) The following provisions shall, in the absence of other provisions made by rules under this Act, apply to all infected areas as and when so declared under [section 4](#)—
  - (a) no person shall remove any animal from any one place in the infected area to any other place therein, without a written permit to do so from an inspector;
  - (b) no person shall remove any animal from any place in the infected area, to any place outside, without a written permit to do so from an inspector;
  - (c) a permit shall be in such form, and subject to such conditions, as the inspector shall deem proper, and the person to whom it is issued shall comply with such conditions;
  - (d) the holder of a permit shall produce same for inspection on demand by an inspector, police officer above the rank of sergeant or any other person duly authorized by an inspector or such police officer;

- (e) the owner of any animals liable to be affected by the named disease in the infected area shall herd or keep them as far as reasonably practicable from any public road;
  - (f) the owner of any animal within the infected area shall, when required by an inspector, isolate such animal from other animals, or remove it from the infected area;
  - (g) no person shall leave the infected area without having complied with such reasonable precautions for preventing the spread of disease as may be required by an inspector;
  - (h) the owner of an animal dying from disease shall forthwith cause the carcass either to be buried at a depth of not less than four feet below the surface of the ground, or to be totally destroyed by burning.
- (2) Any person who fails to comply with any of the provisions specified in subsection (1) or in any Rules shall be guilty of an offence.

## 6. Power of Minister to prohibit import or export

The Minister may, by an order made under his hand which shall take effect immediately and be subsequently published in the *Gazette*, prohibit, either indefinitely, or for such time as he may think fit, or may regulate the importation into Malawi of all animals, or any specified numbers or kinds of animals, or of carcasses, hides, skins, horns, hoofs, hair, wool, semen, litter, dung or fodder, from all places outside Malawi or from any specified country, territory or port, or the exportation thereof from Malawi.

## 7. Quarantine stations

The Minister may establish quarantine stations at such places as he may deem convenient, and may direct that any animals imported or in course of importation shall be placed therein for such period as he shall determine. The animals shall be placed in the quarantine stations in such manner, at such time, and subject to such supervision and be subjected to such tests, as the Minister shall direct, and shall be housed in sheds or other receptacles prepared by the Government or by the owners or consignees of the animals. All expenses incurred in connexion with the detention of such animals in quarantine shall be defrayed by the owners or consignees.

## 8. Power of Minister to make rules

The Minister may make rules for the better carrying into effect of this Act and in particular for all or any of the following purposes—

- (a) the prevention of, the introduction of, or spread of disease in Malawi;
- (b) the control, isolation, muzzling, inoculation, seizure, detention, removal and slaughter of animals suffering or suspected to be suffering from any disease or known or suspected to have been in contact with diseased animals otherwise exposed to the infection or contagion of disease or of any dog;
- (c) the manner in which any carcass is to be buried, destroyed or otherwise disposed of;
- (d) prohibiting or regulating the movement of animals within Malawi;
- (e) the destruction of buildings and places wherein animals suffering from any disease have been stalled or kept;
- (f) cleansing and disinfection of any public market, private auction or sale yard, railway premises, railway rolling stock or any vehicle, vessel or aircraft wherein any animal has been placed, kept or carried;

- (g) the disinfection or treatment of all animals which have been in contact with diseased animals, or which have been in an infected area, and to amend generally or for any special purpose the provisions relating to infected areas contained in [section 5](#);
- (h) the disinfection of persons and their clothing coming into contact with or employed about diseased or suspected animals;
- (i) quarantine;
- (j) limiting the compensation payable under [section 11](#) in respect of any class of animals specified in the rule;
- (k) the fees to be paid for any services rendered under this Act;
- (l) authorizing the destruction of any dog or other animal unlawfully introduced into Malawi;
- (m) providing for the registration of dogs throughout Malawi or in any particular area and prescribing the persons by whom such registration shall be carried out, the conditions to be complied with, the forms to be used, the badges to be issued and the fees to be paid, and any other matters or things in connection with such registration;
- (n) providing for the compulsory immunization of dogs or other animals against rabies or any other disease throughout Malawi or in any particular area and prescribing the fees to be paid for such immunization.

## 9. Slaughter

A veterinary officer may cause to be slaughtered any animal affected, or suspected of being affected, with any disease, or any animal which has been in contact with a diseased animal, or has been otherwise exposed to the infection or contagion of disease.

## 10. Disposal of carcasses

- (1) Subject to any rules made by the Minister, the carcass of any animal slaughtered under this Act, shall be buried or sold, or otherwise disposed of, under such conditions as an inspector shall direct.
- (2) Any person who fails to comply with a direction under subsection (1) shall be guilty of an offence.

## 11. Indemnity and payment of compensation

No action shall lie against the Government or any officer thereof for any act done under this Act and no compensation shall be payable to any person for any such act unless the Minister otherwise directs:

Provided that there shall be paid to the owner as compensation for any animal, other than a dog, slaughtered under this Act and not affected with disease at the time of slaughter, and in relation whereto the owner has not been guilty of any breach of this Act, the value of such animal immediately before it was slaughtered but so that the compensation shall not exceed such amount as the Minister may have fixed as the limit of compensation by rules made under [section 8](#).

## 12. Power to enter and examine

An inspector may enter any land, building, shed, place, carriage, van, truck, other vehicle, vessel or aircraft containing or carrying or used for the purpose of containing or carrying animals, and may examine any animals found therein, for the purpose of ascertaining whether any such animal is suffering from disease or for the purpose of ascertaining whether any rules, orders, or directions as to cleansing and disinfecting, made under this Act, and for the time being in force, have been properly carried out.

### 13. Power to detain vehicles and vessels

Where any inspector or police officer has reason to believe that this Act has not been or is not being complied with in a vehicle or on board a vessel in Malawi, he may detain such vehicle or vessel or cause it to be detained until the Minister or Chief Veterinary Officer otherwise directs.

### 14. Detention and arrest

When any person is seen or found committing, or is reasonably suspected of being engaged in committing an offence against this Act, or any rule, notice, order or direction hereunder, an inspector or police officer may without warrant stop or detain him: and if his name and address be not known to the officer stopping or detaining him, and he fails to give such information to the satisfaction of such officer, such officer may without warrant arrest him.

### 15. Obstruction

If any person obstructs or impedes, or attempts to obstruct or impede, an inspector or police officer in the execution of his duty under this Act, he shall be guilty of an offence.

### 16. Seizure of animals, etc

- (1) An inspector or a police officer, may seize any animal in respect of which he has reason to suspect that an offence against this Act is being committed, and remove any such animal to any pound, enclosure or other place selected by an inspector, and there detain such animal, subject to the orders of a court.
- (2) Wherever any animal shall have been seized and detained under the preceding subsection, the officer making such seizure shall, with all practicable speed, report the same to a court having jurisdiction within the District in which such animal has been so seized.
- (3) A court, if it is satisfied that there is reason to believe that an offence as aforesaid has been committed in respect of any animal seized and detained under this section, may order that the owner of such animal shall pay to the Chief Veterinary Officer such sum as it may consider reasonable to cover the expenses connected with the removal to the place of detention and the keep of such animal during such detention, and may order that unless such sum be paid within a time to be specified in such order, the animal be forfeited:

Provided however that no order shall be made under this subsection unless the owner of such animal shall have had an opportunity of appearing before the court to show cause why such order should not be made.

### 17. Forfeiture when offender not found and disposal of forfeited animals

- (1) Whenever it shall be reported to a court that any animal has been seized and detained under [section 16](#), but that the person who is alleged to have committed an offence in respect of such animal is unknown or cannot be found, the court may, if satisfied by evidence on oath that there is reason to believe that an offence against this Act has been committed in respect of such animal, order that such animal be forfeited.
- (2) An animal ordered to be forfeited under this section or [section 16 \(3\)](#) or [22](#) shall be sold by auction unless the Chief Veterinary Officer directs that it shall be slaughtered.

**18. Complaints as to dogs**

- (1) Any person may complain to a court that a dog is dangerous, not under proper control, or a nuisance by reason of its barking or otherwise, and on such complaint the court may issue a summons directed to the owner calling upon him to show cause why the dog should not be kept under proper control, or, if dangerous or a nuisance, destroyed and on the return of such summons, unless cause be shown to the contrary, the court may order that the dog be kept under proper control or destroyed.
- (2) If the owner fails to comply with an order made under subsection (1), he shall be liable to a fine of K10 for every day during which the default continues.

**19. Damages for injuries by dog**

In any action against the owner of a dog for damages in respect of injury done to any person or to any domestic animal or bird by that dog, it shall not be necessary for the person seeking such damages to show a previous propensity in the dog, or the owner's knowledge of such previous propensity or to show that the injury was attributable to neglect on the part of the owner.

**20. Presumption of age**

In any proceedings under this Act a dog or other animal shall be presumed to be over the age referred to in the particular provision under which proceedings are brought unless the contrary is proved.

**21. Owner to produce dog for inspection**

Every owner of a dog shall produce his dog, under proper control, for inspection at the request of an inspector, or a police officer above the rank of sergeant.

**22. Penalties**

A person guilty of an offence under this Act, for which no other penalty is prescribed, or who fails to comply with any rule, notice, order or direction hereunder, shall be liable for every such offence or failure to a fine of K200 and to imprisonment for six months; and any animals, carcass, litter, dung or fodder, in respect of which such offence has been committed may be forfeited.