

Dec 24/1928

CHAPTER 256.

DISEASES OF ANIMALS.

*Ordinance
No. 21 of 1918.*

AN ORDINANCE RELATING TO DISEASES OF ANIMALS.

[1st June, 1921.]

Short title.

1. This Ordinance may be cited as the Diseases of Animals Ordinance.

Interpreta-
tion.

2. In this Ordinance—

“ Animal ” includes cattle, horses, mules, asses, sheep, swine, goats, and dogs;

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

“ Cattle ” includes bulls, cows, oxen, heifers, and calves;

“ Constable ” includes any member of the Constabulary Force;

“ Disease ” means rinderpest (that is to say, the disease commonly called cattle plague), contagious pleuropneumonia, anthrax, glanders, splenic fever, foot and mouth disease, variola ovina or sheep pox, sheep scab, foot rot, tuberculosis, swine fever, variola vaccinia or cow pox, rabies, and surra and any other disease which the Governor may from time to time, by proclamation, declare to be a disease within the meaning of this Ordinance;

“ Diseased ” means affected with disease;

“ Examiner ” means the Examiner of animals imported into the Colony, and includes an Assistant Examiner;

“Fodder” means hay or other substance used or commonly used for food of animals;

“Foreign,” applied to animals and things, means brought to the Colony from any place outside the Colony;

“Litter” means straw or other substance commonly used for bedding or otherwise for or about animals;

“Officer” means a commissioned or non-commissioned officer of the Constabulary Force;

“Suspected” means suspected of being diseased.

Examiners.

3. (1) The Governor may appoint an Examiner of animals imported into the Colony and such and so many Assistant Examiners as may, in the opinion of the Governor, be required for the purpose of carrying out the provisions of this Ordinance and of the regulations made thereunder. Appointment of Examiners.

(2) The Examiner shall be a veterinary surgeon: Provided that the Governor may, if he thinks fit, temporarily appoint a medical practitioner, not being a veterinary surgeon, to act as Examiner.

(3) The Examiner shall be paid such salary as the Governor, with the consent of the Legislative Council, may approve; and Assistant Examiners shall be paid by fees in the prescribed manner.

4. (1) Every person having in his possession or under his charge a diseased animal shall— Segregation and notice to the Constabulary.

(a) as far as practicable, keep that animal separate from animals not so diseased; and

(b) with all practicable speed, give notice of the fact of the animal being so diseased to the officer in charge of the nearest Constabulary Station.

(2) The officer to whom such notice is given shall forthwith give information thereof to such person or authority as may be prescribed.

(3) The Governor in Executive Council may make regulations as to 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 these purposes, any of the provisions of this section.

Declaring
place to be
infected.

5. (1) It shall be lawful for the Governor in Executive Council, whenever it shall appear expedient so to do, by order to declare any part of the Colony to be infected with disease.

(2) The Governor in Executive Council may, if he shall think fit, by order extend, contract, or otherwise alter the limits of any infected area.

(3) Any such order may be at any time revoked by the Governor in Executive Council.

Declaration
of infected
place by
Government
Veterinary
Surgeon.

6. (1) When it appears to the Government Veterinary Surgeon that any disease exists in any stable, shed, field, pasture, or other place, he shall forthwith make and sign a statement thereof.

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

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

(4) The Government Veterinary Surgeon shall, with all practicable speed, send copies of his statement and notice to the Governor in Executive Council.

(5) The Governor in Executive Council shall forthwith, on receipt of such copies, proceed to consider the same, and, if satisfied that such course is expedient or necessary, shall by order determine and declare such 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 stable, shed, field, pasture, or other place to which the Government Veterinary Surgeon's statement relates.

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

7. The Governor in Executive Council may cause any diseased or suspected animal or any animal having been in the same stable, shed, pen, herd, or flock, or in contact with any diseased or suspected animal in any part of the Colony, whether declared to be an infected area or not, to be slaughtered in order to prevent the spread of the disease.

Slaughter of diseased or suspected animals.

8. The Governor in Executive Council may award, for the compulsory slaughter of any animal under the provisions of this Ordinance, such compensation as he may think fit out of any funds provided for that purpose by the Legislative Council.

Compensation for animals slaughtered.

9. Any animal slaughtered under the provisions of this Ordinance, or which may die after becoming infected with disease, shall be destroyed, buried, or otherwise disposed of as soon as possible in accordance with the orders of the Governor in Executive Council for the time being in force.

Burial of animal.

10. Where any part of the Colony 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 the prescribed manner.

Straying of animals.

Exceptional Powers for Transit, etc.

11. The Governor in Executive Council may prescribe such further or other provision as may be necessary or expedient respecting the case of animals found to be diseased or suspected—

General orders as to diseased animals.

- (1) while exposed for sale in any place; or
- (2) while placed in a stable, pen, lair, or other place before exposure for sale; or
- (3) while in transit or in course of being moved by land or by water; or
- (4) while in a detention station provided for the purposes of this Ordinance; or
- (5) while being in a slaughter-house or place where animals are slaughtered or are kept with a view to slaughter; or
- (6) while being on unenclosed land; or

- (7) generally, while being in a place not in the possession or occupation or under the control of the owner of such animal.

Disease and Movement generally.

Power to
make
regulations.

12. The Governor in Executive Council may make regulations for all or any of the following purposes :—

- (1) For prescribing and regulating the publication by placards, handbills, or otherwise, in the immediate neighbourhood of a place or area declared infected, of the fact of such declaration;
- (2) For prohibiting or regulating the movement of animals and persons into, within, or out of an infected place or area;
- (3) For prescribing and regulating the isolation or separation of animals being in an infected place or area;
- (4) For prohibiting or regulating the removal of carcasses, fodder, litter, utensils, pens, hurdles, dung, or other things into, within, or out of an infected place or area;
- (5) For prescribing and regulating the destruction, burial, disposal, or treatment of carcasses, fodder, litter, utensils, pens, hurdles, dung, or other things, being in an infected place or area, or removed thereout;
- (6) For prescribing and regulating the cleansing and disinfection of infected places and areas or parts thereof;
- (7) For prescribing and regulating the disinfection of the clothes of persons coming in contact with or employed about diseased or suspected animals, or being in an infected place, and the use of precautions against the spreading of disease by such persons;
- (8) For prohibiting or regulating the digging up of carcasses which have been buried;
- (9) For prohibiting or regulating the exposure of diseased or suspected animals in markets or sale yards, or other public or private places, where animals are commonly exposed for sale, and the

placing thereof in lairs or other places adjacent to or connected with markets, or where animals are commonly placed before exposure for sale;

- (10) For prohibiting or regulating the sending or carrying of diseased or suspected animals, or of dung or other thing likely to spread disease, or the causing the same to be sent or carried on railways, rivers, or inland navigation or in coasting vessels or otherwise;
- (11) For prohibiting or regulating the carrying, leading, or driving of diseased or suspected animals, or the causing them to be carried, led, or driven on highways or thoroughfares or elsewhere;
- (12) For prohibiting or regulating the placing or keeping of diseased or suspected animals on unenclosed lands or in fields or other places insufficiently fenced, or on the sides of highways;
- (13) For prescribing and regulating the seizure, detention, and disposal of diseased or suspected animals exposed, carried, kept, or otherwise dealt with in contravention of this Ordinance or of any regulation made thereunder, and for prescribing and regulating the liability of the owner or consignor or consignee of such animal to the expenses in connection with the seizure, detention, and disposal thereof;
- (14) For prescribing and regulating the destruction, burial, disposal, or treatment of carcasses of animals slaughtered by order of the Governor in Executive Council;
- (15) For prohibiting or regulating the movement of animals, and the removal of carcasses, fodder, litter, dung, and other things, and for prescribing and regulating the isolation of animals newly purchased;
- (16) For prescribing and regulating the issue and production of licences respecting movement and removal of animals and things;
- (17) For prohibiting or regulating the holding of markets, exhibitions, and sales of animals;

- (18) For prescribing and regulating the cleansing and disinfection of places used for the holding of markets, exhibitions, or sales of animals or for lairage of animals, and of yards, sheds, stables, and other places used for animals;
- (19) For prescribing and regulating the cleansing and disinfection of vessels, vehicles, and pens and other places used for the carrying of animals for hire or purposes connected therewith;
- (20) For prescribing modes of cleansing and disinfection;
- (21) For prohibiting the conveyance of animals by any specified vessel to or from any port in the Colony for such time as the Governor in Executive Council may consider expedient;
- (22) For insuring for animals carried by sea a proper supply of food and water and proper ventilation during the passage and on landing;
- (23) For protecting them from unnecessary suffering during the passage and on landing;
- (24) For protecting animals from unnecessary suffering during inland transit;
- (25) For securing a proper supply of water and food to animals during any detention thereof;
- (26) For prescribing and regulating the marking of animals;
- (27) For prohibiting, absolutely or conditionally, the use, for the carrying of animals or for any purpose connected therewith, of a vessel, vehicle, or pen or other place in respect whereof, or of the use whereof, a penalty has been recovered from any person for an offence against this Ordinance;
- (28) For prescribing and regulating the payment and recovery of expenses in respect of animals;
- (29) For prescribing and regulating the form and mode of service or delivery of notices and other instruments;
- (30) For extending, for all or any of the purposes of this Ordinance, the definition of disease in this Ordinance, so that the same shall for those purposes, or any of them, comprise any disease of

animals in addition to the diseases mentioned in this Ordinance;

- (31) For extending, for all or any of the purposes of this Ordinance, the definition of animal in this Ordinance, so that the same shall for those purposes, or any of them, comprise any kind of four-footed beasts, in addition to the animals mentioned in this Ordinance; and
- (32) Generally, for the better execution of this Ordinance or for the purpose of in any manner preventing the spreading of disease.

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Importation of Animals.

13. The Governor in Executive Council may, for the purpose of preventing the introduction of disease into the Colony, make regulations for prohibiting the landing of animals or of any specified kind thereof, or of carcasses, fodder, grain, litter, dung, or other thing brought from any specified country out of the Colony, or any specified part of any such country, and he shall prohibit the landing of such animals or carcasses whenever he is not satisfied, with respect to any such country or any specified part thereof, that, having regard to the sanitary condition of the animals therein or imported therefrom, to the laws made by such country for the regulation of the importation and exportation of animals or carcasses, and for the prevention of the introduction or spreading of disease, and to the administration of such laws, the circumstances are such as to afford reasonable security against the importation therefrom of diseased animals or carcasses.

Regulations
for prohibit-
ing importa-
tion of
animals.

14. (1) The Governor in Executive Council may make regulations for all or any of the following purposes:—

Regulation
of ports.

- (a) For prescribing the ports at which alone foreign animals may be landed;
- (b) For defining the limits of ports for the purposes of this Ordinance;
- (c) For defining parts of ports;
- (d) For prohibiting or regulating the movement of animals into, within, or out of a defined part of a port;

- (e) For prescribing and regulating the inspection and examination, and the mode, time, and conditions of slaughter of animals in a defined part of a port;
- (f) For prescribing and regulating the disposal of animals, not being foreign animals, and being in a defined part of a port;
- (g) For regulating the removal of carcasses, fodder, grain, litter, utensils, dung, or other things into, within, or out of a defined part of a port, and the disposal thereof when likely to introduce or spread disease;
- (h) For prescribing and regulating the cleansing and disinfection of a defined part of a port or of parts thereof;
- (i) For prescribing and regulating the disinfection or destruction of things being in a defined part of a port or removed thereout;
- (j) For regulating the movement of persons into, within, or out of a defined part of a port;
- (k) For prescribing and regulating the disinfection of the clothes of persons employed or being in a defined part of a port, and the use of precautions against the introduction or spreading by them of disease;
- (l) For prescribing and regulating the seizure and detention of any foreign animal, carcass, fodder, litter, dung, or other thing whereby disease may be introduced or spread;
- (m) For prescribing the fees and expenses to be payable in or about the execution of the regulations under this section and the persons by whom the same are to be paid;
- (n) Generally, for the better execution of this Ordinance in relation to foreign animals, carcasses, fodder, litter, dung, or other things, or for the purpose of in any manner preventing the introduction or spreading thereby of disease.

Offences and Legal Procedure.

15. (1) The members of the Constabulary Force shall execute and enforce this Ordinance and every regulation and order of the Governor in Executive Council thereunder.

Constabulary
to enforce
Ordinance,
etc.

(2) Where a person is seen or found committing, or is reasonably suspected of being engaged in committing, an offence against this Ordinance or any regulation or order of the Governor in Executive Council made thereunder, any constable may, without warrant, stop and detain him, and if his name and address are not known to the constable and he fails to give them to the satisfaction of the constable, such 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.

Powers of
apprehension,
etc.

(3) If any person obstructs or impedes a constable in the execution of this Ordinance or of any regulation or order of the Governor in Executive Council thereunder, or assists in any such obstructing or impeding, the constable may, without warrant, apprehend the offender.

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

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

16. (1) The Government Veterinary Surgeon may at any time enter any land or shed to which this Ordinance applies or other building or place wherein he has reasonable grounds for supposing—

General
powers of
Government
Veterinary
Surgeon.

(a) that disease exists or has within fifty-six days existed; or

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

- (c) that there is to be found any pen, place, vehicle, or thing in respect whereof any person has on any occasion failed to comply with the provisions of this Ordinance, or of a regulation or order of the Governor in Executive Council under this Ordinance; or
- (d) that this Ordinance, or a regulation or order of the Governor in Executive Council under this Ordinance, has not been or is not being complied with.

(2) The Government Veterinary Surgeon may at any time enter any pen, vehicle, vessel, or boat in which or in respect whereof he has reasonable grounds for supposing that this Ordinance, or a regulation or order of the Governor in Executive Council under this Ordinance, has not been or is not being complied with.

(3) The Government Veterinary Surgeon entering as hereinbefore by this section authorized shall, if required by the owner or occupier or person in charge of the land, building, place, pen, vehicle, vessel, or boat, state in writing his reasons for entering.

(4) A certificate of the Government Veterinary Surgeon to the effect that an animal is or was affected with a disease specified in the certificate shall, for the purposes of this Ordinance or of any regulation or order of the Governor in Executive Council thereunder, be conclusive evidence in all Courts of Justice of the matter certified.

Penalties for offences.

17. If any person is guilty of an offence against this Ordinance, he shall, for every such offence, be liable—

- (a) to a penalty not exceeding twenty pounds; or
- (b) if the offence is committed with respect to more than four animals, to a penalty not exceeding five pounds for each animal; or
- (c) where the offence is committed in relation to carcasses, fodder, litter, dung, or other thing (exclusive of animals), to a penalty not exceeding ten pounds in respect of every half ton in weight thereof after one half ton, in addition to the first penalty not exceeding twenty pounds.

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

General
offences.

- (a) If he does anything in contravention of this Ordinance or of a regulation or order of the Governor in Executive Council under this Ordinance; or
- (b) If, where required by this Ordinance or by a regulation or order of the Governor in Executive Council under this Ordinance to keep an animal separate as far as practicable or to give notice of disease with all practicable speed, he fails to do so; or
- (c) If he fails to give, produce, observe, or do any notice, licence, rule, or thing which, by this Ordinance or by a regulation or order of the Governor in Executive Council under this Ordinance, he is required to give, produce, observe, or do; or
- (d) If he does anything which, by this Ordinance or by regulation or order of the Governor in Executive Council under this Ordinance, is made or declared to be not lawful; or
- (e) If he does or omits anything, the doing or omission whereof is declared by this Ordinance or by regulation or order of the Governor in Executive Council under this Ordinance to be an offence by him under this Ordinance; or
- (f) If he refuses to the Government Veterinary Surgeon or an Examiner, acting in execution of this Ordinance or of a regulation or order of the Governor in Executive Council under this Ordinance, admission to any land, building, place, vessel, pen, vehicle, or boat which the Government Veterinary Surgeon or Examiner is entitled to enter or examine, or obstructs or impedes him in so entering or examining, or otherwise in any respect obstructs or impedes the Government Veterinary Surgeon or an Examiner or constable or other officer in the execution of his duty, or assists in any such obstructing or impeding; or

- (g) If he throws or places, or causes or suffers to be thrown or placed, into or in any river, stream, trench, navigation, or other water, or into or in the sea within three miles of the shore, the carcase of an animal which has died of disease, or been slaughtered as diseased or suspected;

and, on a further conviction within a period of twelve months for a second or subsequent offence against the same sub-section of this section, he shall be liable, in the discretion of the Court, to be imprisoned for any term not exceeding six months, with or without hard labour, in lieu of the penalty to which he is liable under this Ordinance.

Procedure.

19. Any offence against this Ordinance may be prosecuted and any penalty in respect thereof may be recovered and any fees, expenses, or money made recoverable by this Ordinance or any regulation or order thereunder may be recovered before a Magistrate in the manner provided by the Summary Conviction Offences (Procedure) Ordinance.

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Burden of proof.

20. (1) Where the owner or person in charge of an animal is charged with an offence against this Ordinance relative to disease or to any illness of the animal, he shall be presumed to have known of the existence of the disease or illness, unless and until he shows to the satisfaction of the Court that he had not knowledge thereof, and could not with reasonable diligence have obtained that knowledge.

(2) Where a person is charged with an offence against this Ordinance in not having duly cleansed or disinfected any place, vessel, vehicle, or thing belonging to him or under his charge, and a presumption against him on the part of the prosecution is raised, it shall lie on him to prove the due cleansing and disinfection thereof.

(3) Every offence against this Ordinance shall be deemed to have been committed, and every cause of complaint or matter for summary proceeding under this Ordinance or regulation or order of the Governor in Executive Council under this Ordinance shall be deemed to have arisen, either in any place where the same actually was committed or arose, or in any place where the person charged or complained of or proceeded against happens to be at the time of the institution or commencement of the charge, complaint, or proceeding.