

ACT 83
DISEASES OF ANIMALS ACT, 1961

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ACT 83
DISEASES OF ANIMALS ACT, 1961(1)

AN ACT to consolidate with amendments the enactments that provide for the prevention and control of the spread of infectious and contagious diseases among animals and to provide for related matters.

Prevention of Diseases

1. Application of Act to other epizootic diseases

The Minister may, by legislative instrument, declare that an epizootic disease not specifically mentioned in section 22 is a disease within the meaning of this Act; and this Act shall apply to the disease, subject to the limitations specified in the instrument.

2. Declaration of infected areas

Where a disease breaks out in a district, an area, or a place the Minister may by executive instrument, declare the district, area or place, or a portion of the district, area, or place to be an infected area within the meaning of this Act; and the provisions of this Act relating to infected areas, shall apply to the infected area subject to the limitations specified in the instrument.

3. Veterinary authority to be notified of cases of diseases

An owner or a person having the charge of an animal which has died of, or is suffering from a disease, or which the owner or that person has reason to suspect to have died of, or to be suffering from a disease, shall forthwith notify the nearest veterinary authority.

4. Isolation of infected animals

Until a veterinary authority gives direction as to the disposal of the animal referred to in section 3, the owner or the person in charge of the animal shall forthwith separate it and keep it from any other animals not suffering from the disease or which the owner or that person has no reason to suspect to be suffering from the disease.

5. Animals in contact with infected animals

A person shall not, without the permission of a veterinary authority, disperse or dispose of, whether by sale or otherwise, or send away an animal, or the carcass or flesh or any other part of an animal, which has been in contact with an animal referred to in section 3.

6. Inspection of animals

(1) A veterinary authority may at a reasonable time require an owner or a person having charge of an animal to produce it for inspection, and to give information respecting that animal as the veterinary authority may desire.

(2) An owner or a person who refuses, delays or omits to comply with those requirements commits an offence under this Act.

7. Performance of autopsies

Where a veterinary authority suspects that an animal has died of a disease the veterinary authority may perform or cause to be performed an examination on the body of that animal as the authority or the person performing the examination considers necessary or desirable.

8. Disinfection and quarantine

A veterinary authority may at any time require an animal to be examined, inoculated, sprayed, dipped, washed, or otherwise disinfected or to undergo a period of quarantine if the veterinary authority considers it necessary in order to prevent the outbreak or spread of disease.

9. Disinfection and destruction

A veterinary authority

- (a) may disinfect or cause to be disinfected a building, yard, pen or any other place in which a case or suspected case of disease has occurred, and a material which the veterinary authority considers to be or likely to be infected, and which the authority considers cannot effectively be disinfected;
- (b) may destroy, or cause to be destroyed, a fodder, fence, hedge, carcass, flesh or material which the veterinary authority considers to be or likely to be infected, and which that authority considers cannot effectively be disinfected;
- (c) may order that the hide or skin of an animal, which has died of or which on slaughter is found to be infected with a disease, shall be dried, cured, or otherwise disposed of;
- (d) may cause an animal, which has been in contact with any other animal or carcass infected or suspected to be infected with disease, to be isolated in the appropriate place and manner;
- (e) may seize and detain or cause to be seized and detained an animal found at large and infected with, or suspected to be infected with, a disease;
- (f) may in the interests of public health, destroy, or cause to be destroyed, subject to the Regulations, an animal infected with, or suspected to be infected with, a disease; and
- (g) may issue the appropriate directions and take the necessary steps with respect to the disposal, movements, detention, inspection, examination, disinfection, inoculation, quarantining, and the destruction of animals in the cases referred to in this Act, subject to the Regulations with respect to the due administration of this Act and of the Regulations.

10. Effect of declaring an infected area

Where the Minister declares a district, an area, or a place to be an infected area under section 2,

- (a) an owner or a person having the charge of an animal capable of suffering from the disease by reason of an outbreak of which the area has been declared to be an infected area, shall forthwith personally register at the nearest agriculture office in the district or at the prescribed office, and shall state the number of animals owned by the owner or that person or of which the owner or that person is in charge, and the area where the animals feed and, on a variation in the number or alteration of the area, the owner or person in charge of the animal shall forthwith in like manner register the variation or alteration;
- (b) an animal referred to in paragraph (a) shall not be allowed to enter or to leave the infected area except in strict accordance with the direction which a veterinary authority may give in that behalf and by the route that a veterinary authority may prescribe.

11. Presumption

When the owner or person in charge of an animal suffering from a disease is charged with an offence under this Act, the owner or that person shall be presumed to have known of the existence of the disease

in the animal unless the Court is satisfied that the owner or that person did not have the requisite knowledge and could not with reasonable diligence have obtained that knowledge.

12. Suspension of the operation of Act

The Minister may, by executive instrument, suspend the operation of a provision of this Act with respect to animals or diseases, and subject to the limitations and conditions specified in the instrument, the provision shall cease to operate accordingly.

13. Payment of compensation

(1) Where it appears to the Minister responsible for Finance that it is proper to pay pecuniary compensation to a person who has sustained loss by reason of a measure which has been taken under this Act, the Minister may, subject to the Regulations, authorise payment of a sum of money out of the Consolidated Fund to that person.

(2) Subsection (1) does not entitle a person as of legal right to receive compensation in respect of a loss alleged to have been sustained by reason of any of the measures referred to in section 1.

Veterinary Guards

14. Appointment of veterinary guards

Subject to article 195 of the Constitution, the Chief Veterinary Officer may provide for the appointment of persons as veterinary guards by the persons and on the conditions of service directed by that Officer.

15. Duties of veterinary guards

Veterinary guards may be employed under the control and superintendence of the Chief Veterinary Officer for the prevention of offences and the arrest and detention of offenders against this Act.

16. Execution by veterinary guards of criminal process

Veterinary guards may serve and execute summonses and warrants issued by a District Magistrate in respect of alleged offences against this Act.

17. Arrest by veterinary guards without warrant

A veterinary guard may, with or without a warrant or any other legal process, arrest a person found committing an offence against this Act; and shall without unnecessary delay bring the person arrested before a District Magistrate of the district in which the arrest was effected, or hand over that person into the custody of a police officer.

18. Veterinary guards uniform

(1) The Minister may prescribe a distinctive uniform or badge for veterinary guards.

(2) A person, other than a veterinary guard, shall not wear without permission in writing from the Minister the uniform or badge, or any other dress or badge having the appearance or bearing of any of the distinctive marks of the uniform or badge of a veterinary guard.

(3) A person who contravenes a provision of subsection (2) commits an offence and is liable on

conviction to a fine not exceeding fifty penalty units, and in default to a term of imprisonment not exceeding two months.

19. Power of public officers to execute provisions of this Act

(1) A public officer is hereby authorised and empowered to take the necessary action and to do the things that the efficient execution of a provision of this Act may reasonably require.

(2) An action, a suit, or civil proceeding shall not, without the written consent of the Attorney-General, be brought against a person in a court for damages or compensation in respect of a measure or an act which may be taken or done in the performance or intended performance of a function under this Act.

20. Offences

A person who contravenes a provision of this Act for which a penalty is not expressly provided, or who without lawful excuse wilfully hinders, delays or obstructs a public officer acting in the performance of a function under this Act or the Regulations, commits an offence, and on conviction is liable to a term of imprisonment not exceeding six months, or to a fine not exceeding two hundred penalty units or to both the imprisonment and the fine.

21. Regulations

The Minister may, by legislative instrument, make the Regulations necessary or expedient for giving effect to this Act.

22. Interpretation

In this Act, unless the context otherwise requires,

“**animal**” means an animal liable to infection with a disease, as that term is in this section defined, but, when used in specific connection with or with specific respect to a particular disease, means only the animals that are liable to infection with that disease;

“**Court**” means a court of competent jurisdiction;

“**disease**” means cattleplague (rinderpest), anthrax, contagious bovine pleuro-pneumonia, foot-and-mouth disease, swine fever, glanders, “quarter-ill”, epizootic lymphagitis (yaws), rabies, trypanosomiasis, mange, swine erysipelas, fowl pest (Newcastle disease), fowl-typhoid, bacillary white diarrhoea, fowl paralysis, tuberculosis, fowl pox, African swine fever, African horse sickness, and any other disease of an epizootic character which the Minister under section 1 declares to be a disease within the meaning of this Act;

“**functions**” includes powers and duties;

“**infected area**” means an area declared an infected area under section 2;

“**Minister**” means the Minister responsible for Agriculture;

“**prescribed**” means prescribed by or under this Act or the Regulations;

“**Regulations**” means Regulations made under this Act;

“**veterinary authority**” includes an officer of the Department of Animal Health not below the rank of laboratory assistant and in the absence of that officer a medical officer of the Ministry of Health, an

officer of the health branch of the Ministry not below the rank of sanitary superintendent.

23. Repeals and savings

Spent.2(2)

Endnotes

1 (Popup - Footnote)

1. The Act was assented to on 1st November, 1961.

2 (Popup - Footnote)

2. The section reads,

“(1) The following enactments are hereby repealed—
the Cattle Guards (Colony) Ordinance, (Cap. 35);
the Cattle Guards (Northern Territories) Ordinance, (Cap. 36).

- (2) Every statutory instrument made under the repealed Ordinances and in force immediately before the commencement of this Act shall continue in force as if made under the corresponding provisions of this Act.”