ANGUILLA

REVISED STATUTES OF ANGUILLA

CHAPTER A85

ANIMALS (DISEASES AND IMPORTATION) ACT

Showing the Law as at 15 December 2010

This Edition was prepared under the authority of the Revised Statutes and Regulations Act, R.S.A. c. R55 by the Attorney General as Law Revision Commissioner.

This Edition consolidates Act 7/2010, in force 1 November 2010

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ANIMALS (DISEASES AND IMPORTATION) ACT

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ANIMALS (DISEASES AND IMPORTATION) ACT

PART 1
PRELIMINARY

Interpretation

1. In this Act—

"animal" includes cattle, buffaloes, horses, mules, asses, sheep, swine, goats, dogs, cats and all animals of whatsoever kind, whether similar to the foregoing or not;

"bird" does not include poultry;

"boat" means every vessel which is used in navigation in any inland water or in any harbour, whether propelled by oars or otherwise;

"carcass" means the carcass of any animal, and includes any part of the carcass or of the meat, bones, hide, skin, hoofs, horns, offal or other part of an animal;

"cattle" includes bulls, cows, oxen, steers, heifers and calves;

"defined port" means a port as defined by any regulations made under section 14;

"disease" means anthrax, brucellosis, contagious bovine pleuro-pneumonia, equine encephalomyelitis, equine infectious anaemia, epizootic abortions, epizootic lymphangitis, foot and mouth disease, glanders and farcy, haemorrhagic septicaemia, infectious laryngo-tracheitis, mange ovine (commonly called sheep scab), melitensis infection (commonly called Malta fever), Newcastle disease (commonly called fowl pest or fowl plague), paralytic rabies (bat transmitted), psittacosis, rabies, rinderpest, sarcoptic mange in horses, swine erysipelas, swine fever (commonly called hog cholera), tuberculosis, trypanosomiasis (including dourine, mal de caderas, surra and trypanosoma vivax infection), variola ovina, variola vaccinia and such other diseases as the Governor in Council may from time to time by order made under section 11 declare to be a disease within the meaning of this Act;

"diseased" means affected with disease;

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

"infected area" means an area declared as such under section 5 or 6;

"infected place" means a place declared as such under section 5;

"insect" includes members of the class *Insecta* and of the class *Arachnida*;

"inspector" means an inspector appointed by the Governor under section 3;

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

"owner" includes the person in possession or charge of any animal;

"poultry" means domestic fowl, turkeys, geese, ducks, guinea fowl and pigeons;

"suspected" means suspected of being diseased;

"vessel" means anything made or used for the conveyance by water of human beings or of property.

Act not to apply to bees

2. Nothing in this Act shall apply to bees.

Appointment of inspector

3. (1) The Governor may appoint an inspector and such assistant inspectors as may be necessary for the purposes of this Act.

(2) It shall be the duty of the inspector and assistant inspectors to carry out the provisions of this Act and of any regulations made thereunder and for such purpose every assistant inspector shall have, subject to the directions either general or particular of the inspector, all the rights, powers, and duties, given to the inspector under this Act.

PART 2

CONTROL OF DISEASED OR SUSPECTED ANIMALS

Segregation and notification of diseased animals, etc.

4. (1) Every person having in his possession or under his charge any diseased animal shall—

(a) as far as practicable keep such 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 inspector or to the person in charge of the nearest police station.

(2) The person to whom notice under subsection (1) is given, if not the inspector, shall forthwith give information thereof to the inspector.

Infected places

5. (1) Where the inspector suspects that any disease exists in any stable, shed, pen, field, pasture or other similar place, he shall forthwith sign a notice to that effect and such notice shall contain a declaration that such place, the limits whereof shall be therein specified, is an infected place. A copy of such notice shall be served upon the occupier of such place.

(2) Upon the service of such notice the place therein specified shall, subject to the provisions of subsection (4), be an infected place for the purposes of this Act, but the inspector may, at any time within 7 days of such service and before such confirmation or otherwise, withdraw such notice and thereupon such place shall cease to be an infected place.

(3) The inspector shall with all practicable speed send copies of such notice to the Governor and, where any such notice has been withdrawn, the inspector shall forthwith inform the Governor to that effect.

(4) Upon receipt by the Governor of the copies of such notice the Governor in Council shall, unless such notice has been withdrawn, forthwith consider the matter and—

(a) if satisfied that such course is expedient or necessary, shall by order declare the place specified in such notice to be an infected place, and may also by order declare that any area containing, adjoining or surrounding such place is an area infected with disease and such order shall specify the limit of such infected area; or

(b) if not so satisfied, shall by order revoke the notice of the inspector, and thereupon as from the time specified in that behalf by such order, such place shall cease to be an infected place.

Infected areas

6. (1) The Governor in Council, whenever it appears necessary or expedient so to do by reason of the existence of any disease, may by order declare any area in Anguilla to be infected with disease, and such order shall specify the limits of such infected area.

(2) The Governor in Council may in his discretion, by order prohibit, during such time as may be specified in such order—

(a) the use in any manner whatever of any public road or railway through an infected area or of any part of such public road or railway; or

(b) the use, except in compliance with such conditions as may be specified in such order, of any such public road or railway or of any part of such public road or railway.

(3) An order under subsection (1) or (2) is a regulation.

Defined port

7. No defined port, or part thereof, shall be declared to be an infected place or an infected area.

Slaughter of diseased or suspected animals

8. (1) The inspector may cause any diseased or suspected animal, or any animal which had been in the same stable, shed, pen, field, pasture or other similar place, or in the same herd or flock as, or in contact with, any diseased or suspected animal, whether or not any such place has been declared to be an infected place or is within an infected area, to be slaughtered in order to prevent the spread of the disease; and for such purpose the inspector may give all such directions as he may consider necessary.

(2) The inspector may, for the purpose of observation and treatment, take possession of and retain any animal liable to be slaughtered under this section, but subject to payment of compensation as in the case of actual slaughter.

Disposal of animals

9. Any animal slaughtered under the provisions of this Act, or which dies as the result of disease, shall be destroyed, buried, or otherwise disposed of, as soon as possible in accordance with

regulations made under this Act and in accordance with the orders, either general or particular, of the inspector; and for such purposes the inspector may use any suitable ground in the possession or occupation of the owner of the animal.

Compensation

10. (1) The Governor may in his discretion award, for the compulsory slaughter of any animal under the provisions of this Act, compensation which shall be payable out of the Consolidated Fund. The amount of any such compensation shall not exceed the value of the animal immediately before slaughter, and compensation may be reduced or refused where the owner has, in the opinion of the Governor, been guilty in relation to the animal, of an offence against this Act.

(Act 7/2010, s. 26)

(2) No compensation shall be payable in respect of any animal compulsorily slaughtered when in a quarantine depot if, in the opinion of the inspector, such animal was diseased at the time of importation.

Order amending definition of disease

11. (1) The Governor in Council may from time to time by order add any particular disease to, or remove any particular disease from, the definition of disease contained in section 1, and, as from the date of any such order such particular disease shall be, or shall cease to be (as the case may be), a disease within the meaning of this Act.

(2) An order under subsection (1) is a regulation.

Regulations

12. (1) The Governor in Council may make regulations generally for the control and treatment of diseased or suspected animals and for the prevention and spread of disease.

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

(a) the exception, adaptation and modification of the provisions of this Act in relation to any animals suffering from any particular disease;

(b) the notices to be given by persons in possession or in charge of diseased animals in the case of any particular disease, or in the case of illness of any such animal, and the persons to whom such notices are to be given;

(c) the notification to the public of infected places or infected areas and the removal of anything into, within or out of such places or areas, and the cleansing or disinfecting of such places or areas;

(d) the movement of persons into, within or out of infected places or infected areas, and the prevention of the spread of disease by persons in contact with diseased or suspected animals;

(e) the treatment, disinfecting, destruction, burial, disposal and digging up, of anything in or removed from an infected place or infected area;

(f) the movement, isolation, segregation, treatment, slaughter, destruction, disposal, burial, seizure, detention and exposure for sale, of diseased or suspected animals;

(g) the removal, transport, treatment, isolation, examination, testing, cleansing, disinfecting, protection from suffering, exposure for sale, exhibition or marking, of animals;

(h) the removal, transport, treatment, examination, cleansing and disinfecting, of carcasses, fodder, litter, dung and other things likely to spread disease;

(i) the cleansing, disinfecting and examination of places used by, and vehicles used for the transport of, animals;

(j) the fees and expenses incurred for any purpose for which regulations may be made under this section, and the persons by whom they are to be paid, and the manner in which they may be recovered; and

(k) the penalties for the breach of any such regulations.

PART 3

IMPORTATION

Prohibition of importation of birds, etc.

13. (1) No bird, reptile or insect may be imported into Anguilla save under and in accordance with a licence granted by the inspector under the provisions of section 15.

(2) Any person who—

(a) imports into Anguilla any bird, reptile or insect, otherwise than under a licence in that behalf granted under section 15; or

(b) contravenes or fails to comply with any of the provisions of any such licence;

is guilty of an offence against this Act; 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 of the offender shall be forfeited to the Crown.

Regulations controlling the importation of animals, etc.

14. (1) The Governor in Council may, for the purpose of preventing the introduction or spread of any disease into Anguilla, 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 other thing likely to spread disease.

(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 other thing likely to spread disease may be landed;

(b) controlling, prohibiting or regulating the movement of animals or poultry, or of carcasses, fodder, litter, dung or other thing likely to spread disease, 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 thing likely to spread disease, 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; and

(e) the penalties for the breach of any such regulations.

Import licence for birds, etc.

15. (1) The inspector may grant to any person a licence to import any bird, reptile or insect into Anguilla, and may, notwithstanding anything contained in the regulations made under section 14 for the purposes of any exhibition, performance or circus, grant a licence to import any particular animal into Anguilla.

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

(3) Every person desirous of applying for a licence shall make application in such form as the inspector may require.

Quarantine depots

16. The Governor may appoint quarantine depots in such places as he may deem 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, etc., to be quarantined

17. All animals, birds, reptiles and insects imported into Anguilla shall, subject to any regulations made under this Act or to the terms and conditions of any licence granted under this Act, be placed in a quarantine depot for such time and under such conditions as may be specified in such regulations or in any such licence.

PART 4

GENERAL

Powers of arrest

18. (1) Where any person is found committing, or is reasonably suspected of being engaged in committing, an offence against this Act, any police officer may without warrant stop and detain him, and if his name and address are not known to the police officer and he fails to give them to the satisfaction of the police officer, such police officer may without warrant arrest him and may, whether

he has so stopped, detained or arrested such person or not, stop, detain and examine any animal, bird, reptile, insect, vehicle, boat or other thing, to which the offence or suspected offence relates and require it 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 in the execution of this Act or of any regulations made thereunder, or assists in any such obstructing or impeding, the police officer may without warrant arrest the offender.

(3) A person arrested under this section shall not be detained without warrant longer than is necessary for the purpose of being taken before the Magistrate, and the provisions of the Anguilla Police Act in relation to the granting of bail shall apply to any such person.

Powers of inspector

19. The inspector shall have all the powers given to a police officer under section 18 and may at any time enter—

(a) any pen, building, land or place, where he has reasonable grounds for supposing—

(i) that disease exists, or has, within 56 days, existed,

(ii) that the carcass of any diseased or suspected animal is or has been kept or has been buried, destroyed or otherwise disposed of,

(iii) that there is to be found therein any thing in respect whereof any person has on any occasion failed to comply with the provisions of this Act or of any regulations made thereunder, or

(iv) that this Act has not been or is not being complied with; or

(b) any vehicle, vessel or boat, in which or in respect whereof he has reasonable grounds for believing that this Act has not been or is not being complied with.

Offences

20. Any person who, without lawful authority or excuse, the proof whereof shall lie on him—

(a) when required by this Act, or by any order made thereunder, to keep any animal separate as far as practicable, or to give any notice of disease with all practicable speed, fails so to do;

(b) contravenes or fails to comply with any of the provisions of this Act or order made thereunder;

(c) contravenes or fails to comply with any directions given by the inspector under section 8;

(d) refuses to the inspector, acting in execution of this Act, admission to any pen, building, land, place, vehicle, vessel or boat, which such inspector is entitled to enter or examine, or obstructs or impedes him from so entering or examining, or otherwise

in any respect obstructs or impedes the inspector or any police officer in the execution of his duty, or assists in any such obstructing or impeding;

(e) throws or places or causes to be thrown or placed into or in any river, stream, creek, gut, pond, well, drain or other water or watercourse, or into or in the sea within 3 miles of the shore, the carcass of an animal which has died of disease or has been slaughtered as diseased or suspected;

(f) takes, or allows to be taken, unless otherwise required by this Act or by any order made thereunder, or allows to stray, any diseased animal in or upon any public road, or public place;

(g) digs up, or causes or allows to be dug up the buried carcass of any animal which has been slaughtered under this Act as diseased or suspected, or which has died, or is suspected of having died, from any disease;

(h) takes or moves, or allows to be taken or moved, any animal, carcass, fodder, litter, dung or other thing, into or out of any infected place or infected area otherwise than in accordance with this Act or order made thereunder; or

(i) allows any animal to stray into or out of any infected place or infected area;

is guilty of an offence against this Act.

General penalty

21. Any person guilty of an offence against this Act is liable for each such offence on summary conviction to a fine of $9,600 or to imprisonment for a term of 3 months or to both.

Evidence and presumptions

22. (1) Where the owner is charged with an offence against this Act, or against any regulations or order made thereunder, 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 did not have knowledge thereof and could not with reasonable diligence have obtained the knowledge.

(2) Where a person is charged with an offence against this Act, or against any regulations or order made thereunder, in not having duly cleansed or disinfected any place, vessel, or thing, belonging to him or in 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) The certificate of the inspector to the effect that any animal is or was affected with a disease specified in the certificate shall for the purposes of this Act or of any regulations or order made thereunder be conclusive evidence in all courts of justice of the matter certified.

Transport through infected places and areas

23. Except as specifically provided in any regulation or order under this Act, nothing in this Act, or in any regulation made thereunder shall restrict or prohibit the transport of any person, animal or thing, by public road or by railway through an infected place or an infected area if such person, animal or thing is not detained within such place or area.

Power to apply Act to poultry

24. (1) The Governor in Council 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 regulation or order made thereunder, to poultry.

(2) An order under subsection (1) is a regulation.

Citation

25. This Act may be cited as the Animals (Diseases and Importation) Act, Revised Statutes of Anguilla, Chapter A85.