

THE ANIMALS (DISEASES AND IMPORTATION)
ACT

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SCHEDULE

THE ANIMALS (DISEASES AND IMPORTATION)
ACT

Cap. 14.
Acts
6 of 1968,
42 of 1969
3rd Sch.

[15th October, 1948.]

1. This Act may be cited as the Animals (Diseases and Importation) Act. Short title.

PART I. *Preliminary*

2. In this Act—

“animal” includes cattle, buffalo, 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;

“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 the diseases set out in the Schedule, and such other diseases as the Minister may from time to time by order made under section 11 declare to be a disease within the meaning of this Act; Schedule.

“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;

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Interpreta-
tion.

“insect” includes members of the class *Insecta* and of the class *Arachnida*;

“inspector” means an inspector appointed by the Governor-General under section 3;

“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;

“suspected” means suspected of being diseased.

Appointment
of inspector.

3.—(1) The Governor-General 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 II. *Control of diseased or suspected animals*

Segregation
and notifica-
tion 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.

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.

Infected
places.

(2) Upon the service of such notice the place therein specified shall be an infected place subject to confirmation or otherwise by the Minister under the provisions of subsection (4):

Provided that the inspector may, at any time within seven 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 Minister, and where any such notice has been withdrawn the inspector shall forthwith inform the Minister to that effect.

(4) Upon receipt by the Minister of the copies of such notice the Minister 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 limits 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. The Minister, whenever it appears necessary or expedient so to do by reason of the existence of any disease, may by order declare any area in the Island to be infected with disease, and such order shall specify the limits of such infected area.

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 Minister 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 compensa-

tion shall not exceed the value of the animal immediately before slaughter, and compensation may be reduced or refused where the owner or the person having charge of the animal has, in the opinion of the Minister, been guilty, in relation to the animal, of an offence against this Act.

(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.

11. The Minister may from time to time by order add any particular disease to, or remove any particular disease from, the Schedule, 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.

Order
amending
definition of
disease.
Schedule.

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

Regulations.

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

- (a) the 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 cleaning 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;
- (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.

PART III. *Importation*

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

Prohibition
of importa-
tion of
birds, etc.
6/1968
S. 3(2) &
Sch.

(2) Any person who—

- (a) imports into the Island 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,

shall be 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 shall be forfeited to the Crown.

14.—(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 other similar things.

Regulations
controlling
the importa-
tion of
animals, etc.

(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.
6/1968
S. 3(2) & Sch.

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

6/1968
S. 3(2) & Sch.

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

6/1968
S. 3(2) & Sch.

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

Quarantine depots.

16. The Minister 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 this Island 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 IV. *General*

Powers of apprehension.

18.—(1) Where any person is found committing, or is reasonably suspected of being engaged in committing, an offence against this Act or against any regulation 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 he has so stopped, detained or apprehended 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 constable in the execution of this Act or of any regulation made thereunder, or assists in any such obstructing or impeding, the constable may without warrant arrest the offender.

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

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

- (a) any pen, building, land, or place where he has reasonable grounds for supposing—
- (i) that disease exists, or has, within fifty-six days, existed; or
 - (ii) that the carcass of any diseased or suspected animal is or has been kept or has been buried, destroyed or otherwise disposed of; or
 - (iii) that there is to be found therein any thing or any place 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

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- (iv) that this Act or any regulation made thereunder has not been or is not being complied with;
- (b) any vehicle, vessel, or boat, in which or in respect whereof he has reasonable grounds for believing that this Act or any regulation made thereunder 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 regulation made thereunder, to keep any animal separate as far as practicable, or to give any notice of disease with all practicable speed, fails to do so; or
- (b) contravenes or fails to comply with any of the provisions of this Act, or of any regulations made thereunder; or
- (c) contravenes or fails to comply with any directions given by the inspector under section 8; or
- (d) refuses to the inspector, acting in execution of this Act or of any regulation made thereunder, 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 constable in the execution of his duty, or assists in any such obstructing or impeding; or
- (e) throws or places or causes to be thrown or placed into or in any river, stream, drain, or other water, or into or in the sea within three miles of the shore, the carcass of an animal which has died of disease or has been slaughtered as diseased or suspected; or

- (f) takes, or allows to be taken, unless otherwise required by this Act or by any regulations made thereunder, or allows to stray, any diseased animal in or upon any common, public road, or public place; or
 - (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; or
 - (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 with any regulations made thereunder; or
 - (i) allows any animal to stray into or out of any infected place or infected area,
- shall be guilty of an offence against this Act.

21. Any person guilty of an offence against this Act or against any regulations made thereunder, shall, save where otherwise expressly provided, be liable for each such offence on summary conviction before a Resident Magistrate to a fine not exceeding one hundred dollars or to imprisonment with hard labour for any term not exceeding six months. Penalty.

22.—(1) Where the owner or person in charge of any animal is charged with an offence against this Act, or against any regulations 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 had not knowledge thereof and could not with reasonable diligence have obtained that knowledge. Evidence and pre-
sumptions

(2) 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 made thereunder be conclusive evidence in all courts of justice of the matter certified.

Transport through infected places and areas.

23. Subject to any specific provision in any regulations or order under this Act, nothing in this Act, or in any regulations made thereunder, shall restrict or prohibit the transport of any person, animal, or thing, by railway or by public road through an infected place or an infected area if such person, animal, or thing, is not detained within such place or area.

Power to prohibit use of railway, etc., by order.

24.—(1) The Minister may, in his absolute discretion, by order prohibit, during such time as may be specified in such order—

- (a) the use in any manner whatever of any railway or public road through an infected area or of any part of such railway or public road; or
- (b) the use, except in compliance with such conditions as may be specified in such order, of any such railway or public road or of any part of such railway or public road.

(2) Any person who contravenes or fails to comply with the provisions of any order made under subsection (1) shall be guilty of an offence against this Act.

Power to apply Act to poultry. Applied by L.N. 39/1949. L.N. 93/1959.

25. 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.

Saving.

26. Nothing in this Act shall apply to bees.

N.B. By Legal Notices Nos. 39/1949 and 93/1959 published in the *Jamaica Gazette* Supplement, P.R. & R., of 13th May, 1949 and 26th March, 1959, the provisions of the Act were made to apply to poultry in the same manner in all respects as the said provisions apply to animals.

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SCHEDULE (Sections 2 and 11)
Amdt.
 L.N. 20/2008.

African Horse Sickness (Equine Plague, <i>Pestis equorum</i>)	Leptospirosis of Livestock
African Swine Fever (A.S.F.)	Lumpy Skin Disease
Anthrax	Malignant Catarrhal Fever
Atripthic rhinitis	Mange ovine (commonly called Sheep scab)
Aujeszky's Disease	Melitensis infection (commonly called Malta Fever)
Blonwilde Beesog	Newcastle disease (commonly called fowl pest or fowl plague)
Blue Tongue	Paralytic rabies (bat transmitted)
Brucellosis	Psittacosis (synonym-ornithosis)
Contagious bovine pleuropneumonia	Rabies
Cochliomyia hominivorax (commonly called the New World Screwworm Myiasis)	Rift Valley Fever (Enzootic hepatitis)
East Coast Fever (Theileriasis)	Rinderpest
Epizootic lymphangitis	Sarcoptic mange in horses
Equine encephalomyelitis	Sweating Sickness
Equine infectious anaemia	Swine erysipelas
Equine piroplasmosis (Biliary Fever)	Swine Fever (commonly called hog cholera)
Foot and mouth disease	Three-day Sickness (Ephemeral Fever)
Glanders and farcy	Teschen Disease
Heart Water Fever	Trichomoniasis
Haemorrhagic Septicaemia	Trypanoso miases (including dourine, mal de caderas, surra and trypanosoma vivax infection)
Infectious or Epizootic Infertility in Cattle (Epivag)	Tuberculosis
Infectious Keratitis (Infectious conjunctivitis, Pink eye, Contagious ophthalmia)	Variola ovine
Infectious laryngotracheitis	Variola vaccinia
Leishmaniasis	Vesicular exanthema

ANIMALS (DISEASES AND IMPORTATION)**SCHEDULE, *contd.*****(Sections 2 and 11)****Vesicular stomatitis****Vibriosis****Virus pneumonia (pigs)****Contagious Equine Metritis (C.E.M.)****Infectious Bovine Rhinotracheitis (I.B.R.)**