

# THE OFFICIAL GAZETTE 30<sup>TH</sup> JULY, 2003 LEGAL SUPPLEMENT — C

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BILL No. 15 of 2003

Wednesday 30<sup>th</sup> July, 2003

PARLIAMENT OFFICE  
Public Buildings  
Georgetown  
Guyana.

30<sup>th</sup> July, 2003.

The following BILL which will be introduced in the National Assembly is published for general information.

S.E. Isaacs,  
Clerk of the National Assembly.



**GUYANA**

BILL No. 15 of 2003

**ANIMALS (MOVEMENT AND DISEASE PREVENTION) BILL 2003**

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**BILL**  
**Intituled**

AN ACT to control the movement of animals into and from Guyana; to prevent the introduction and spread of animal diseases within Guyana; to protect and promote animal health and safety; and to provide for matters connected therewith and incidental thereto.

A. D. 2003 Enacted by the Parliament of Guyana:-

**PART 1**  
**PRELIMINARY**

Short title and  
commence-  
ment.

1. This Act may be cited as the Animals (Movement and Disease Prevention) Act 2003 and shall come into operation on such date as the Minister may by order appoint.

Interpretation.

2. In this Act -

"animal" means any non-human mammal, bird, fish, reptile, amphibian, crustaceans or insects;

"animal parts" means the bones and bone meal, untanned hides and skins, flashings, hooves, horns, claws, hair bristles, wool, feathers, offal, blood (whether fresh or dehydrated) or meat scraps of an animal or any other part of an animal other than the meat or offal, for human or animal consumption which has been separated from the carcass;

"animal product" means the carcass of an animal, animal manure, any animal produce and any product of animal origin for human or

animal consumption or for agricultural, industrial, domestic, cosmetic or pharmaceutical use;

"fittings" means any facilities or materials used for housing, restraining, holding or confining any animal, or brushes, cloth, buckets or other articles which may have been brought into contact with any animal, or fodder, drinking water or bedding used by, or which has been brought into contact with, any animal and includes the transportation and processing of the foregoing;

"free zone" means a clearly defined area within Guyana in which no case of a disease included in this Act has been reported during the period stated for such a disease in the regulations made under this Act, and within which and at the borders of which official veterinary control is effectively applied for animals, animal products, animal parts and fittings and their transportation;

"infected zone" means a clearly defined area within Guyana in which a disease included in this Act has been diagnosed, which area must be clearly defined and declared by the Minister by order made under section 13 taking into consideration the environment, the different ecological and geographical factors as well as all the epidemiological factors and types of animal husbandry being practised;

"inspector" means a person designated by the Veterinary Authority as a veterinary inspector for the purposes of this Act;

"Minister" means the Minister responsible for Crops and Livestock;

"notifiable disease" means a disease mentioned in the Schedule or any other disease for which the Schedule is amended to include;

Schedule.

"owner" means -

- (a) a person having or claiming any right, title or interest in a domestic animal, animal product, animal parts or other property;
- (b) a lawful occupier of property;
- (c) an agent of a person specified in paragraph (a) or (b); and
- (d) a person who is in charge, or appears to the inspector concerned to be in charge, of a domestic animal, animal product, animal parts or other property.

"quarantine" means action that places animals or areas under the direct supervision of the Veterinary Authority for purposes of this Act.

"quarantine station" means a facility under the control of the Veterinary Authority where an animal or a group of animals is maintained in isolation, with no direct or indirect contact with other animals, in order to undergo observation for a specified length of time and, if appropriate, testing and treatment;

"veterinarian" means a duly registered practitioner of veterinary medicine;

"Veterinary Authority" the Authority referred to in section 3, means the chief veterinarian, whatever be his designation, who is directly responsible for, *inter alia*, the application of animal health measures and for supervising the issuing of international animal health and international sanitary certificates in Guyana.

**PART II  
ADMINISTRATION**

**Veterinary Authority.** 3. (1) The Veterinary Authority shall be the Authority for the purposes of this Act, unless the Minister otherwise prescribes.

(2) It is the function of the Authority -

- (a) to administer this Act or any subsidiary legislation made thereunder;
- (b) to issue certificates for the export of any animal, animal products, animal parts or fittings;
- (c) to inspect animals slaughtered in Guyana both before and after slaughter including inspections for chemical, microbiological or physical hazards in consultation with the municipalities and neighbourhood democratic councils;
- (d) to undertake or cause to be undertaken risk assessment studies as may be required under this Act or regulations made thereunder;
- (e) to inspect and certify the health certificate of animals, animal products, genetic material, livestock feeds and veterinary biologicals imported into Guyana;
- (f) to co-ordinate animal health epidemiological surveillance activities with a view to establishing disease free zones and infected zones;
- (g) to establish and maintain laboratory testing for diagnosing pests, diseases, biological, chemical and physical agents;
- (h) to undertake or cause to be undertaken inspection of the carcases of slaughtered animals;

- (i) to undertake emergency quarantine action where circumstances arise from the presence or likely presence of animals that may pose a risk to human beings or animals;
  - (j) to issue certificates relating to the health or period of quarantine of any animal in Guyana;
  - (k) to perform any other function that may be required under this Act or the regulations made thereunder, in consultation with the Minister.
- (3) A veterinarian has the power to perform the function of an inspector.

### PART III

#### IMPORTATION AND EXPORTATION OF ANIMALS, ANIMAL PRODUCTS AND ANIMAL PARTS

- Restriction on importation.
4. (1) Any animal, animal product or animal parts shall not be imported into Guyana unless -
- (a) the importation is from a prescribed country and is in accordance with an import permit issued by the Veterinary Authority; and
  - (b) the relevant Authority of the exporting country issues a certificate specifying the country of origin, species, product and specification.
- (2) Any person who wishes to import any animal, animal products or animal parts into Guyana, shall apply to the Veterinary Authority in the form determined by the Authority.



- Permit for importation of animals and animal related items.
- 5.(1) Any person who imports an animal, animal product or animal parts into Guyana -
- (a) who has not obtained an import permit issued under section 4; or
- (b) contravenes any term or condition contained in an import permit issued under section 4,
- commits an offence.
- (2) Any animal, animal product or animal parts in respect of which an offence under subsection (1) is alleged to have been committed may be seized by an inspector.
- (3) Upon conviction of any person charged with an offence under subsection (1), the animal, animal product or animal parts may be forfeited to the State and may be retained, destroyed or otherwise disposed of as the Veterinary Authority may direct without liability to the Veterinary Authority or the State for any such retention, destruction or disposal.
- Prohibition of landing.
6. The Veterinary Authority may, in order to prevent the introduction or the spread of any prescribed disease into Guyana, prohibit the landing in Guyana of any animal, animal product or animal parts, or fittings to be brought into Guyana from any country until appropriate measures are implemented or until the threat has been removed.
- Export of animals, animal products and animal parts.
- 7.(1) Any person who intends to export an animal, animal product, or animal parts shall submit the animal, animal product or animal parts, and any document required by regulations made under this Act, for examination by a veterinary inspector.
- (2) If upon examination the veterinary inspector, taking into consideration the requirements of the country of destination -

- (a) is satisfied that the conditions for the issuance of an international health certificate, have been met, he shall issue the certificate;
  - (b) is not satisfied that the animal, animal products or animal parts intended to be exported are free of any risk for the exportation and spread of disease, or do not otherwise satisfy the provisions of this Act -
    - (i) the animal shall be subject to appropriate treatment in order to remove the risk; or
    - (ii) the animal or animal product shall be destroyed or otherwise disposed of at the expense of the exporter.
- (3) Any person who exports an animal, animal product or animal parts contrary to subsections (1) and (2) commits an offence and is liable on summary conviction -
- (a) in the case of an individual, to a fine of three hundred thousand dollars and to imprisonment for a term of twelve months; and
  - (b) in the case of a body corporate, to a fine of one million dollars.

#### **PART IV ANIMAL QUARANTINE**

- Quarantine stations.            8.        Where the Veterinary Authority prescribes a station for the quarantine of animals for the purposes of this Act, the quarantine station shall -
- (a) meet the international standards for the reception and quarantine of the animals to be received there; and
  - (b) in particular have available an inspector or a veterinarian authorised by the Veterinary Authority to provide veterinary attention at the station daily.

Quarantine of animals. 9.(1) Every animal which is imported unless exempted by regulations, shall on being landed be placed in quarantine for such period and be subject to such conditions as may be prescribed.

(2) An inspector who has cause to suspect that an animal -

- (a) is suffering from a notifiable, infectious or contagious disease;
- (b) has been in contact, during its transportation to Guyana, with any animal which is or may be suffering from a notifiable, infectious or contagious disease or with any animal which is not exempted from the requirement of being placed in quarantine; or
- (c) has otherwise been exposed to the risk of contracting a notifiable, infectious or contagious disease,

may, in his discretion, direct that the animal shall on being landed, be placed in quarantine.

#### PART V DISEASE PREVENTION AND CONTROL

Diseased animals to be separated and reported. 10.(1) The owner of an animal affected or suspected of being affected with a notifiable 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 report the fact of the animal being affected or suspected to the nearest inspector or police officer.

(2) Any police officer receiving such report shall forthwith report to 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 shall forthwith report the disease to the Veterinary Authority.

(3) Every veterinarian who has reason to suspect that an animal is infected with a notifiable disease shall immediately report the facts to the Veterinary Authority.

(4) Any person who contravenes any of the provisions of this section or any regulations made under this section commits an offence and is liable on summary conviction to a fine of one hundred thousand dollars and after conviction to a further fine of ten thousand dollars for every day during which the offence continues.

Treatment or disposal of animals and animal products. 11.(1) If an inspector knows or reasonably suspects that an animal, animal product, animal part or fittings are diseased or infected with a disease or have been in contact infected with a diseased animal, he may -

- (a) seize the animal, animal product, animal part or fittings and any thing which may have been in contact with the animal and, in his opinion, may be harbouring the disease;
- (b) destroy the animal, animal product, animal part or fittings, or order them to be destroyed;
- (c) dispose of the animal, animal product, animal part or fittings or order them to be disposed of;
- (d) treat the animal or require the owner of the animal to treat it or have it treated;
- (e) order the animal into quarantine;
- (f) order the disinfection or decontamination of any premises or vehicle or the destruction of fittings that may have become contaminated by the disease.
- (g) identify and eliminate or neutralise the source of contamination wherever possible.

(2) Where an animal is destroyed, the owner shall be entitled immediately to the carcass of the animal unless in the inspector's opinion it is -

- (a) unfit for human consumption;
- (b) liable to spread a disease, in which case the carcass shall be disposed of as the inspector thinks fit.

**Compensation** 12.(1) Where an animal, animal product, animal part or fittings are destroyed, the for destroyed owner if he is not blameworthy shall be paid adequate compensation within a reasonable goods. time.

(2) No compensation is payable for the parts of the carcass considered fit for human consumption.

**Declaration** 13.(1) The Minister may at any time by order, which shall be subject to negative of infected resolution of the National Assembly - areas.

- (a) declare any area within Guyana to be an infected zone as regards any disease named in such order;
- (b) extend, diminish or otherwise alter the limits of an infected zone;
- (c) for the purpose of preventing disease, prohibit the removal of animals, or of any carcass, litter, dung fodder or fittings from any area described in such order.

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

(3) The following provisions shall, in the absence of other provisions made by the Minister by regulations under this Act, apply to all infected zones as and when so declared under subsection (1)-

- (a) a person shall not remove any animal from any place in the infected zone, to any other place therein, without a written permit to do so from an inspector;

- (b) a person shall not remove any animal from any place in the infected zone, 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 the same for inspection on demand by an inspector, police officer above the rank of sergeant or any other person duly authorised by an inspector or such police officer;
- (e) the owner of any animals liable to be affected by the named disease in the infected zone shall herd or keep them as far as reasonably practicable from any public roadway, waterway or railways;
- (f) the owner of any animal within the infected zone shall, when required by an inspector, isolate such animal from other animals, or remove them from the infected zone;
- (g) no person shall leave the infected zone 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;
- (i) any member of the Police Force not below the rank of inspector shall in co-operation with the Veterinary Authority -
  - (i) establish road blocks in relation to the zone:

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- (ii) stop and search vehicles; and
- (iii) do such things as the Veterinary Authority may specify as necessary for carrying out the provisions of this Act.

(4) Any person who fails to comply with any of the provisions specified in subsection (3) or in any subsidiary legislation made under this section commits an offence and is liable on summary conviction to a fine of one hundred and twenty thousand dollars, to imprisonment for seven months and to a further fine of twelve thousand dollars for every day after conviction during which the offence continues.

Control zones. 14. If the Veterinary Authority believes that it is reasonably necessary for the purpose of preventing, controlling or eradicating an infectious disease, it may declare any land, premises, area or place to be a control zone and specify any prohibitions, restrictions and requirements which are to operate in the control zone.

Disease free zones and low disease prevalence. 15. (1) The Veterinary Authority may, having regard to international animal health standards, declare any area of Guyana to be a disease-free zone or a zone of low disease prevalence.

(2) The Veterinary Authority shall issue directives regulating the movement of animals, animal products, animal parts and fittings capable of transmitting the disease in respect of which the area has been declared a free-zone or a zone of low disease prevalence, and generally regulating the keeping of animals in the zone.

(3) A person shall not allow an animal, animal product, animal parts or fittings capable of transmitting the disease in respect of which the area has been declared a free-zone or a zone of low disease prevalence, to enter or remain in the zone except in accordance with the directives applicable to the zone.

Order of  
animal disease  
emergency.

16.(1) If the Minister, acting on the advice of Cabinet, is satisfied that an outbreak of any prescribed disease has occurred or is likely to occur in Guyana or in any part or parts thereof, he may by order declare that a state of animal disease emergency exists in respect of that disease throughout the whole of Guyana or such part or parts thereof as may be specified in the Order.

(2) While an Order under this section is in force, the Minister may take such measures, and do all such things, and give such directions, and require all such acts to be done as in his opinion are necessary for the purpose of preventing, eradicating or limiting the spread of the disease the subject of the Order.

(3) Any person who acts in contravention of or fails to comply with any provision of this section, or with any order made under this section commits an offence, and is liable on summary conviction to a fine of one hundred thousand dollars and to imprisonment for a term of seven months.

Notifiable  
diseases.

Schedule.

17.(1) The notifiable diseases under this Act are those mentioned in the Schedule.

Schedule.

(2) The Minister may by order amend the Schedule to include a disease that as soon detected or suspected must be brought to the attention of the Veterinary Authority.

Liability.

18. The Minister shall bear no liability for the destruction or disposal of any animal, animal product, animal parts or fittings introduced into a quarantine area, an infected area or a control zone contrary to any provisions of this Act.

Power of  
arrest.

19.(1) Where any person fails to comply with any requirement of this Act or the regulations made thereunder relating to -

(a) the importation or landing of any animal, animal products, animal parts or fittings;



(b) the detention of any animal in quarantine,

a police officer or inspector may, without a warrant, stop, arrest and detain him.

(2) Where any person obstructs or impedes any police officer or inspector in the execution of his duties under this Act or regulations the police officer or inspector may arrest that person without a warrant.

Power of entry  
and search.

20.(1) An inspector properly identified may, without a warrant at any time enter and search any premises, and may stop, detain and examine any vessel or vehicle, where he has reasonable grounds for believing that there is in such premises, vessel or vehicle -

- (a) any animal, animal product, animal parts or fittings which have been landed or imported in contravention of this Act or the regulations made thereunder or in respect of which there has been a failure to comply with any requirement imposed pursuant thereto;
- (b) any animal that has not been placed in quarantine as required under the provisions of this Act or the regulations made thereunder, or in breach of any condition imposed thereunder, has not been kept or retained in quarantine or has been removed.

(2) An inspector exercising any of the powers mentioned in subsection (1) shall, at the request of the owner of the premises, vehicle or vessel, state in writing his reasons for the exercise of such power.

Power to  
detain  
vessel.

21. Where the Veterinary Authority is satisfied that there has been a failure on the part of the captain of any vessel or aircraft in a port or airport in Guyana to comply with a requirement of this Act or the regulations, or with a condition imposed pursuant thereto, the Veterinary Authority may cause the vessel or aircraft to be detained until the Minister otherwise directs.

**PART VI  
ANIMAL WELFARE**

Promotion of  
animal welfare.

22. The Veterinary Authority shall -

- (a) carry out educational activities designed to prevent persons from committing cruelty to animals;
- (b) prescribe the maximum weight or loads to be carried or drawn by each species of working animal;
- (c) design standards for the keeping and use of laboratory, working and other animals;
- (d) make arrangements for ill-treated domestic animals to be treated in official veterinary health care centres and other places, and prescribing the fees to be borne by the owner for the care and feeding of animals there;
- (e) provide specifications for accommodation and for rearing and transportation of animals;
- (f) identify standards for care of animals by specie in pound, quarantine facilities and on farms.

Cruelty  
prohibited.

23.(1) No person shall treat an animal with unnecessary cruelty and in particular shall not -

- (a) load a domestic animal or otherwise keep or use a domestic animal in contravention of the established standards;
- (b) bind, keep or carry a domestic animal in a manner that induces unnecessary suffering;
- (c) maim a domestic animal unnecessarily;
- (d) intentionally withhold food or water from an animal in his charge;

(e) neglect a diseased or injured animal in his charge.

(2) Any person who contravenes any of the provisions of subsection (1) commits an offence.

#### PART VII MISCELLANEOUS

#### Regulations.

24. (1) The Minister may, for the purposes of this Act, make regulations -

- (a) prohibiting, restricting or regulating the import of animals into, or export from, Guyana;
- (b) providing for the cleansing and disinfection, and the subjection to quarantine of vessels used for the transportation of animals to Guyana;
- (c) prescribing and regulating the testing of any veterinary biological product which is to be, or may be, imported into Guyana;
- (d) prescribing the time at which, and regulating the mode and conditions under which animals may be slaughtered in a port in Guyana;
- (e) prescribing the marking by tagging or in any other manner of any animal imported, whether as a condition of landing or otherwise;
- (f) providing for the application to animals imported of any test for any prescribed or other infectious or contagious disease or of any treatment or vaccination or inoculation for any such disease;
- (g) prescribing the stations to be used for the quarantining of animals and different stations where necessary, for different animals;
- (h) regulating the quarantining of animals, the duration of the quarantine to be imposed on each category of animals, the

category of animal to be exempted and the circumstances under which such animal may be exempted;

- (i) prescribing the fees which may be charged for any purpose under this Act and the regulations made thereunder, the persons by whom and to whom they are to be paid and the manner in which they may be recovered;
- (j) prescribing anything which is required or authorised by this Act to be prescribed generally for the better carrying out of the provisions of this Act.

(2) Regulations made under this section may have regard to the International Animal Health Code (OIE).

**Offences.** 25. (1) A person who commits an offence under this Act or any subsidiary legislation made thereunder shall, where no other penalty is provided, be liable on summary conviction to a fine not exceeding one hundred thousand dollars and to imprisonment for a term not exceeding six months.

**Non-derogation.** 26. This Act shall not be in derogation of the powers conferred on a local democratic organ under any other law.

**Repeal** 27. The Animal Diseases Act is repealed.

Cap. 71:02

**Transitional provisions.** 28. All subsidiary legislation, appointments, notices and instruments, and generally all acts of authority originated under the Animal Diseases Act, not inconsistent with this Act, shall continue to apply as if they were made under this Act until an revoked under section 24 of this Act.

Cap. 71:02

**SCHEDULE****NOTIFIABLE DISEASES****s.17****Foot and mouth disease****Vesicular stomatitis****Swine vesicular disease****Einderpest****Peste des petits ruminants****Lumpy skin disease****Rift Valley fever****Bluetongue****Sheep pox and goat pox****African horse sickness****African swine fever****Hog cholera (classical swine fever)****Fowl plague****Newcastle disease****Rabies****Bovine Spongiform Encephalopathy**

**EXPLANATORY MEMORANDUM**

The Bill seeks to protect Guyana's animal population against diseases while Guyana's porous borders with the neighbours make the introduction of animal diseases into Guyana a real possibility and a potential threat. Once in the country, such diseases could cause untold damage to the animal population, quite apart from the enormous costs that would be involved to eradicate the disease.

PART I of the Bill gives the definitions of animals, animal products, fittings, free zone and infected zone.

PART II deals with the administration of the Act which is vested in a Veterinary Authority with clearly defined functions.

PART III requires a permit for importation of animals, animal products and animal parts. This PART empowers the Veterinary Authority to prohibit the landing in Guyana of any animal, animal products or animal parts. Similarly, the exportation of animals, animal products and animal parts requires a certificate from the veterinary inspector.

PART IV provides for animal quarantine. A quarantine station has to meet international standards with a qualified veterinarian in attendance.

PART V deals with disease control and prevention. Disease control is one of the main aims of animal protection.

Diseased animals may be separated for treatment or disposal of infected animals; there is provision for the payment of compensation for destroyed animals.

An area may be declared an infected area and there are provisions for the removal and handling of animals within that area.

The Veterinary Authority may declare any area to be a disease free zone or zone of low disease prevalence.

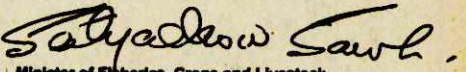
In the case of an outbreak of disease the Minister, on the advice of the Cabinet, can declare a state of animal disease emergency, whereupon extraordinary measures may be undertaken to deal with the emergency.

The most serious animal diseases, about fifteen, are to be notified.

There is provision for the entry and search of any premises, vessels or vehicles where there are reasonable grounds to believe that there are animals which are being handled contrary to the provisions of this Act and such vessels or vehicles may be detained.

PART VI deals with the promotion of animal welfare through various mechanisms, including education and the prescription of appropriate standards and prohibits cruelty to animals.

PART VII deals with miscellaneous matters, the making of regulations and penalties for their breaches. The Animal Diseases Act is repealed and transitional provisions designed to allow the existing Orders, Regulations or By-Laws to continue in operation until amended or revoked.

  
Minister of Fisheries, Crops and Livestock.