

**NIUE LAWS
LEGISLATION AS AT DECEMBER 2006**

AGRICULTURE QUARANTINE

ANIMAL QUARANTINE (DISEASE CONTROL) REGULATIONS 1991

1991/2 – 1 September 1991

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1 Title

These are the Animal Quarantine (Disease Control) Regulations 1991.

2 Interpretation

(1) In these regulations –

"authorised officer" means a Quarantine Officer, Livestock Officer or other person authorised by the Director of Agriculture to act under these Regulations;

"Director" means the Director of Agriculture;

"endemic disease or pest" means an animal disease or pest which is known to be present in Niue;

"foreign disease or pest" means an animal disease or pest which is not known to be present in Niue;

"Minister" means the Minister of Agriculture.

(2) Terms and expressions defined in the Agriculture Quarantine Act 1984 shall, when used in these Regulations, have the meanings so defined unless the context otherwise requires.

3 Powers of authorised officers

An authorised officer may –

(a) Direct that the owner or person-in-charge of any animal gather and restrain the animal for the purpose of examination, testing, medication, vaccination or other

measure which is considered necessary for the diagnosis of disease or pests or the prevention of the occurrence or the spread of disease or pests;

(b) Apply to an animal any diagnostic tests for disease or take tissue or other specimens from an animal for the purpose of diagnostic tests;

(c) Kill any animal which is diseased or suspect to be diseased for the purpose of conducting an autopsy or obtaining specimens for diagnostic purposes;

(d) Direct that an animal or animal product which is diseased or is suspected of being diseased or infected be isolated from other animals or animal products or one from the other;

(e) Direct that any herd or flock of animals suspected of being diseased or infected by pests, be placed in quarantine;

(f) Direct that any land that contains or has contained any animal suspected of being diseased or infected, or pests, be placed in quarantine;

(g) Direct that any animal or herd or flock of animals be medicated, vaccinated, managed or otherwise dealt with in order to prevent the occurrence of or to eradicate or control, or to minimise the spread of any disease or pest;

(h) Direct that any land, premises or conveyance be cleaned, disinfected or treated in a specified way.

4 Eradication of endemic diseases or pests

Where the Director with the approval of the Minister is of the opinion that a disease or pest already present in Niue should be controlled or eradicated, the Director may cause –

(a) The owner or person-in-charge of any animals to gather together those animals as often as may be specified and restrain them in suitable facilities so that an authorised officer can examine, identify, medicate, vaccinate, and sample the animals or subject them to diagnostic tests;

(b) Any animal which is found to be diseased or infected or affected by pests to be medicated or destroyed or otherwise disposed of;

(c) Any land, premises or goods exposed to diseased or infected animals or harbouring pests to be treated or disposed of in a specified manner.

5 Preventing foreign disease outbreaks

If it seems to the Minister likely that a foreign animal disease or pest has been or may be introduced into Niue, the Minister may –

(a) Impose prohibitions or restrictions on the movement of animals, animal products, fodder, fittings and other things as may be specified, into, out of, or within any part of or the whole of Niue;

(b) Cause animals of a designated type to be medicated, vaccinated restrained, fed or otherwise managed in a specified manner;

(c) Cause land, premises, conveyances or other thing to be destocked, cleaned, disinfected or otherwise treated or their use prohibited totally.

6 Dealing with endemic or foreign diseases or pests

(1) If an authorised officer has reasonable cause to believe that any animals on any land or in any premises are diseased or infected or affected by pests he may quarantine that land by issuing an Infected Place Notice to the owner or person-in-charge of the land.

(2) Whilst any land is subject to an Infected Place Notice, no animal, animal product, animal excreta, fodder, fittings or other thing as may be specified in the notice may be moved off that land without the permission of an authorised person and subject to conditions which he may specify.

(3) An authorised officer may medicate, vaccinate or destroy any diseased or infected animal; and order the cleaning, disinfection or other treatment of premises, conveyances or other things in an infected place.

(4) Subsequent to an infected place being declared, the Director may declare a disease control area including that infected place and comprising part or the whole of Niue.

(5) Whilst a disease control area is in effect, no animal, animal product, fodder, fitting or other thing as may be specified in the declaration may be moved out of, into or within the disease control area without the permission of an authorised person and subject to such conditions as may be imposed.

(6) Any wild or feral animal the presence of which is or may be detrimental to the effective control of an animal disease or pest may be eliminated by authority of the Director acting with the approval of the Minister.

7 Offences and penalties

(1) Every person commits an offence who acts in contravention of any of these regulations, or who fails to observe a reasonable direction of the Minister of Agriculture, Director or other authorised officer under these regulations.

(2) Every person who commits an offence against these regulations is liable upon conviction to a fine not exceeding 5 penalty units or to a term of imprisonment not exceeding 12 months, or to both such fine and imprisonment.