

Animals (Diseases and Importation) Ordinance (Amendment) Act

I ASSENT

STANISLAUS JAMES,

Governor-General.

19th January, 1996

SAINT LUCIA

No. 15 of **1994**

AN ACT to amend the Animals (Diseases and Importation) Ordinance Chapter 41.

[21st January, 1995]

BE IT ENACTED by the Queen's Most Excellent Majesty, by and with the advice and consent of the House of Assembly and the Senate of Saint Lucia, and by the authority of the same, as follows –

Short Title **1.** This Act may be cited as the Animals (Diseases and Importation) Ordinance (Amendment) Act, 1994 and shall be read as one with the Animals (Diseases and Importation) Ordinance (hereinafter referred to as the principal Ordinance).

Repeal and Replacement of section 2 of the principal ordinance **2.** Section 2 of the principal Ordinance is repealed and replaced by the following new section –

“Interpretation. **2.** In this Ordinance:

“animal” means any bovine, canine, equine, feline, goat, guinea pig, monkey, rabbit, sheep and swine and any bird (including poultry), fish, insect (including bees and any member of the class Insecta and of the class Arachnida), reptile and any other animal whatsoever, whether similar to the foregoing or not;

“animal carcass” means the carcass of any animal and includes the meat of the animal and such of its offal as is intended for consumption by humans or animals;

“animal parts” means the bones and bonemeal, untanned hides and skins flashings, hooves, horns, claws, hair, bristles, wool, feathers, offal, blood, whether fresh or dehydrated, meat scraps of an animal or any other parts of an animal other than the meat or offal for consumption by humans or animals, which have been separated from the carcass;

“country” includes territory;

“fish” includes crustacea and turtle;

“fodder” means grass, hay or any other like substance commonly used as animal feed;
“inspector” means an inspector designated by the Minister under section 3

“litter” means straw or any other substance commonly used as bedding for, or otherwise used for or about animals and includes any such substance when used as packing materials;

“Member State” means a Member State for the time being of the Caribbean Common Market as established by the Annex to the Treaty establishing the Caribbean Community, done at Chaguaramas, 4th July, 1973;

“Minister” means the Minister responsible for Agriculture;

“part of entry” means a prescribed port of entry and includes an airport of entry

“poultry” means domestic fowl, turkey, goose, duck, guinea fowl, pheasant, pigeon or quail prescribed disease means –

(a) any of the diseases specified in the Seventh Schedule;

(b) any other disease prescribed for the purposes of this Act

(c) any other disease which the Minister or the Veterinary Authority with the approval of the Minister, directs in writing to be a prescribed disease and notice of which is published in the Gazette and in a newspaper as soon as practicable after the direction has been given;

“prescribed port area” means the area of any port of entry, the limits of which are prescribed;

“suspected animal” means any animal suspected of suffering from a prescribed disease;

“Regulations” means the Regulations made under this Ordinance;

“Veterinary Authority” means

(a) the Chief Veterinary Officer designated by the Minister for the purpose of this Ordinance

(b) in relation to any other Member State, the Authority appointed to administer the legislation of that State enacted for purposes corresponding to the purposes of this Ordinance;

“Veterinary biological product” means any substance commonly known as hormones, vaccines, sera, toxins, anti-toxins, antigens anti-minimal organisms living or killed, or any other biological substance which is intended solely for use in the practice of veterinary medicine, and includes semen of animals for use in artificial insemination.

Repeal and Replacement of section 3 of the principal Ordinance 3. Section 3 of the principal Ordinance is hereby repealed and replaced by the following new section –

“Veterinary Authority and Inspectors 3.—(1) The Minister shall in writing designate the Chief Veterinary Officer the Veterinary Authority for the purpose of this Ordinance.

(2) It shall be the duty of the Veterinary Authority to administer this Ordinance and the Regulations.

(3) The Veterinary Authority shall, on application in writing by an exporter of any animal, animal carcass, animal parts, veterinary biological product, fodder or litter, which is to be exported from Saint Lucia and on the payment of the prescribed fee (if any), provide the exporter with such certificate relating to the health, or to any period of

quarantine in Saint Lucia, of any animal or relating to the carcase, animal parts, veterinary biological product, fodder or litter, as is

[relevant sections not available]

(2) No person shall in relation to any animal suffering from a prescribed disease or suspected animal

(a) expose any such animal in any market, fair, sale, yard or in any other place where animals are exposed for sale

(b) place any such animal in any place adjacent to any market, fair, sale, yard or other place at which animals are exposed for sale

(c) carry, lead or drive or cause to be carried, led or driven, on any highway, road or thoroughfare, any such animal exposed for sale;

(d) place, keep or graze, or permit to be placed, kept or grazed any such animal on the sides of any public road, or on any land adjoining a public road which is unfenced or insufficiently fence; or

(e) allow any such animal to stray on to a public road or on the sides thereof or to be on any land not enclosed or in any field or place which is insufficiently fenced.

(3) Any person who contravenes the provisions of subsection (1) or (2) is guilty of an offence.

(4) In addition to any penalty imposed against any person convicted of an offence against this section, every animal found in any place in contravention of the provisions of this section may be moved by or at the directions of the Veterinary Authority to some convenient place and there detained and isolated.

(h) by the repeal of section 11 and replacing it with the following new section—

Amendment of Seventh Schedule by Regulations 11. The Minister may from time to time by Regulations vary or amend the Seventh Schedule to this Ordinance or substitute a new schedule therefor. .

Repeal and Replacement of Part III of the principal Ordinance 5. Part III of the principal Ordinance is hereby repealed and replaced by the following:

“PART III
*Regulation of Importation of Animals
and other things*

Restrictions on importation of animals, animal carcasses and other things 13.—(1) No animal, animal carcass, animal parts, veterinary biological products, fodder or litter shall be imported into Saint Lucia, unless imported from a prescribed country or any part thereof and in accordance with an import permit issued by the Veterinary Authority.

(2) Any person who wishes to import into Saint Lucia any animal or any of the things mentioned in subsection (1) shall apply to the Veterinary Authority in the prescribed manner.

(3) On receipt of an application made in accordance with subsection (2), the Veterinary Authority may, subject to such terms and conditions as he thinks fit to impose, issue to the applicant an import permit which shall be in the prescribed form.

Penalties for importation of animals, animal carcasses and other things without a permit 14.—(1) Any person importing any animal, animal carcass, animal parts, veterinary biological products, fodder or litter into Saint Lucia —

(a) who has not obtained, in respect thereof, an import permit issued under section 13, or
(b) who contravenes or fails to comply with any term or condition contained in the import permit issued in respect thereof under section 13, shall be guilty of an offence.

(2) Any animal, animal carcass, animal parts, veterinary biological products, fodder or litter in respect of which an offence under subsection (1) is alleged to have been committed may be seized by an inspector and, on conviction of any persons who may be charged with the offence, shall be forfeited to the Crown and may be detained, destroyed or otherwise disposed of as the Minister shall direct without liability in the Crown for any such detention, destruction or disposal.

Regulations concerning importation of animals, animal carcasses and other things 15.—(1) The Minister may, for the purposes of this Ordinance, make Regulations prescribing the conditions under which, and the countries or parts of countries, from which animal carcasses, animals, animal parts, veterinary biological products, fodder, litter, dung and other similar things may be imported into Saint Lucia.

(2) Without prejudice to the generality of subsection (1), the Regulations may, in particular, make provision —

(a) proscribing the ports of entry where animals and the things mentioned in that subsection which are to be imported into Saint Lucia may be landed;

(b) prescribing in respect of such ports of entry the limits of the areas which may be used in connection with animals and the things mentioned in subsection (1) which are to be imported into Saint Lucia;

(c) prohibiting, restricting, or regulating the movement into, within or out of a prescribed port area, of animals which are to be imported into Saint Lucia;

(d) providing for the cleansing and disinfecting, and the subjecting to quarantine, of vessels and aircraft used for the transportation of animals to Saint Lucia;

(e) prescribing and regulating the examination, inspection, seizure and detention of any animal or thing mentioned in subsection (1) prior or subsequent to its landing in Saint Lucia

(f) prescribing the documentation to be provided in connection with the importation into or landing in Saint Lucia of any animal or thing mentioned in subsection (1), including the certificate to be issued by the Veterinary Authority of the country from which such animals or things are to be imported

(g) prescribing and regulating the testing of any veterinary biological product which is to be, or may be, imported in Saint Lucia

(h) prescribing the times at which and conditions under which animals may be slaughtered in a prescribed port area ;

(i) prohibiting or regulating the movement of any of the things, other than animals, mentioned in subsection (1) and any utensil used in connection therewith into, within or

out of a prescribed port area and regulating the disposal of any such thing or utensil;
(j) requiring and regulating the mode of cleaning and disinfecting in a prescribed port area of any items whatsoever, including the hands or feet, the wearing apparel or articles in the possession of any persons arriving in Saint Lucia on any vessel or aircraft, being used for the transportation of animals or from any country in which there is an outbreak of a prescribed or any other infectious or contagious disease affecting animals;
(k) prescribing the marking of any animals imported into Saint Lucia by tagging or in any other manner, whether as a condition of lauding or otherwise ; and
(1) providing for the application to animals imported into Saint Lucia of any test for any proscribed or other infectious or contagious disease or of any treatment or vaccination or inoculation for any such disease.

Power of Minister by Order to prohibit animals, animal carcasses and other things in certain cases 16.—(1) Notwithstanding the provisions of any Regulations, the Minister whenever he deems it necessary in order to prevent the introduction of any prescribed disease in Saint Lucia or the spread of any such disease therein may, by Order, prohibit the landing in Saint Lucia of such animals, animal carcasses, animal parts, veterinary biological products, fodder, litter, dung or other similar things as he shall specify in the Order, which have been or may be brought to Saint Lucia from such country or such part of any country, as he shall specify in the Order.
(2) The Minister shall, as soon as practicable after making an Order under subsection (1), send notice of the prohibition and, as soon as practicable after the removal of the prohibition, send notice thereof, to the Veterinary Authority in every other Member State,

Regulation of importation of cooked meats, canned meats and meats by products 17. The Minister may prescribe conditions under which, and countries from which cooked meats, cooked canned meats and by-products of cooked meat may be imported into Saint Lucia

Regulation of importation of equipment used in connection with animals, animal carcasses and other things 17A. The Minister may make Regulations, prohibiting or regulating the importation in Saint Lucia of any equipment, container or utensil which has been used in connection with any animal, animal carcass, animal parts, fodder or litter, dung or similar thing and which is capable of transmitting any prescribed or other infectious or contagious disease affecting animals.

Regulation of animal movement in the interest of safety 17B.—(1) The Minister may, for the purpose of the safe and humane movement of animals between Saint Lucia and another country, prescribe the conditions under which such animals may be moved by vessel or by aircraft, into Saint Lucia from another country, and from Saint Lucia to another country, and in particular, the Regulations may make provision —
(a) for ensuring for such animals a proper supply of water and feed and proper ventilation during their transportation from Saint Lucia or upon their landing in Saint Lucia, as the case may be;
(b) for protecting such animals from unnecessary suffering on being loaded or unloaded

in Saint Lucia and during their transportation from Saint Lucia.

(2) The Minister whenever he deems it necessary for the safe and humane treatment of animals which are to be moved from Saint Lucia to another country, may, by Order, prohibit, or require the postponement for such period as he shall specify in the Order of—

(a) the movement from Saint Lucia of such animal as he shall specify in the Order ; or
(b) the transportation from Saint Lucia of any animals on such vessel or aircraft as lie shall specify in the Order.

Quarantine stations 17C.—(1) The Minister may prescribe the stations which may be used for the

quarantining of animals for the purpose of this Ordinance and different stations may be prescribed for the quarantining of different categories of animals.

(2) The Minister may not prescribe a station unless lie is satisfied that the station meets international standards for the reception and quarantining of the animals to be received there and, in particular, that an inspector or duly qualified veterinarian authorised for the purpose by the Minister is available to provide veterinary attention at the station daily.

Requirement of quarantine and therefrom 17D.—(1) Every animal which is imported into Saint Lucia shall, unless exempted by virtue of Regulations, upon being landed be placed in. quarantine for such period and subject to such other conditions as may be prescribed.

(2) The Minister may make Regulations in respect the quarantining of animals that are subject to the requirement of being placed in quarantine under sub-section (1) and without prejudice to the generality of such power, may by such Regulations prescribe, in relation to such categories of animals as are specified therein, the period of time during which, and the conditions under which, such animals shall be kept in quarantine and he may prescribe different periods and different conditions for different categories of animals.

(3) The Minister may prescribe the categories of animals which shall be exempted, and the conditions under which such animals shall be exempted from the requirement of being placed in quarantine under subsection (1).

(4) Notwithstanding that any animal to be imported into Saint Lucia exempted from the requirement of being g placed in quarantine under subsection (1), an inspector who has cause to suspect that—

(a) the animal may be from a prescribed or other infectious or contagious disease;
(b) the animal may have been in contact during its transportation to Saint Lucia with any other animal which is or may be suffering from such a disease or with any other animal which is not so exempted from the requirement of being placed in quarantine ; or
(c) the animal has otherwise been exposed to the risk of contracting such a disease may in his discretion direct that the animal shall, on being landed, be subject to the requirement of being placed in quarantine.

(5) Nothing in this section shall be construed as restricting the power of the Veterinary Authority to impose as a condition in an import permit issued under section 13 in respect of any animal to be imported into Saint Lucia the requirement that the animal be placed in. quarantine and to give directions therein with respect to the period and conditions of quarantine of that animal.

Quarantining of the animals 17E—(1) An animal which is, by virtue of this Ordinance, subject to requirement of being placed in quarantine shall, on being landed, be placed in such prescribed quarantine station as the inspector who inspects the animal prior to it being landed in Saint Lucia shall direct.

(2) Any animal which, whilst in a quarantine station by virtue of subsection (1), develops any prescribed or oilier infectious or contagious disease or, in the opinion of the inspector, shows symptoms of any such disease, the spread of which would endanger animal health Saint Lucia may with the approval of the Minister, be destroyed without payment of any compensation.

Amendment of section 18 of the principal Ordinance 6. Section 18 of the principal Ordinance is hereby amended by inserting immediately after the word “constable” wherever it appears, the words or “inspector”.

Amendment of section 19 of the principal Ordinance 7 Section 19 of the principal Ordinance is hereby amended as follows —

(a) by the substitution for the words “The inspector shall have all the powers given to a constable under section 18 of the Ordinance and “ of the words “ A constable or inspector”

(b) by renumbering section 19 as section 19 (I), and adding the following new subsections as subsections (2), (3) and (4) —

(2) A constable or inspector exercising any of the powers mentioned in subsection (1) shall, if required by the owner, occupier or other person in charge or control of the pen, building, land, place, vehicle, vessel, state in writing his reason for the exercise of such power.

(3) Where the veterinary authority is satisfied that an offence against this Ordinance has been committed on board any vessel in a prescribed port such vessel may be detained for such time as may be necessary to bring a charge relating to such offence before a court.

(4) The veterinary authority shall deliver in writing to the master or captain of any vessel detained under the provisions of subsection (3) particulars of the offence for which it is detained as soon as possible after such detention.”

8. Section 20 of the principal Ordinance is hereby amended by inserting immediately after paragraph (h), the following new paragraphs as paragraphs (i) and(j) —

(i) being the master or captain or owner of a vessel, causes, requires or permits the landing of any animal, animal carcass, animal parts, veterinary biological pro—duet, fodder or litter or any equipment, container or utensil which has been used in connection with any animal or any thing mentioned in this subsection

(j) in any way contravenes or fails to comply with any requirement of this Ordinance or the Regulations.

9. Section 21 of the principal Ordinance is hereby amended by the substitution for the words “two hundred and forty dollars” of the words “ five thousand dollars”.

10. Section 21A of the principal Ordinance is hereby amended by the substitution for the

words “one hundred and twenty dollars” of the words “five thousand dollars or imprisonment for six months “.

11. Sections 25 and 26 of the principal Ordinance are hereby repealed.

12. The following new section is hereby added to the principal Ordinance as section 25:

“**Regulations** 25. The Minister may make Regulations—
(a) prescribing anything which is required by this Ordinance to be prescribed
(b) prescribing the fees which may be charged for any purpose under this Ordinance and the Regulations; the persons by whom and to whom they are to be paid and the names in which they may be recovered.
(c) generally, for the better carrying out of the provisions of this Ordinance.”

Addition of Seventh Schedule to principal Ordinance 13. The principal Ordinance is hereby amended by the addition thereto of the following Schedule as the Seventh Schedule..

Passed in the House Assembly this 1st day of November, 1994

W. ST.CLAIR-DANIEL
Speaker

Passed in the Senate this 20th day of December, 1994

E. NEVILL CENAC
President

[Seventh Schedule not available]