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I assent,

CUTHBERT M SEBASTIAN

*Governor-General.*

5<sup>th</sup> March, 2012.

## **SAINT CHRISTOPHER AND NEVIS**

### **No. 7 of 2012**

ANACT to provide for the control of the movement of animals and animal related items into and within St. Christopher and Nevis; to prevent the introduction and spread of prescribed animal diseases within St. Christopher and Nevis and other countries; to ensure the safe and humane movement of animals to and from St. Christopher and Nevis; and to provide for related or incidental matters.

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BE IT ENACTED by the Queen's Most Excellent Majesty, by and with the advice and consent of the National Assembly of Saint Christopher and Nevis, and by the authority of the same as follows:

#### **PART I - PRELIMINARY**

##### **1. Short title and commencement.**

This Act may be cited as the Animals (National and International Movement and Prescribed Diseases Prevention) Act, 2012.

##### **2. Interpretation.**

In this Act, unless the context otherwise requires:

“animal” includes bovine, canine, feline, equine, goat, monkey, rabbit, sheep, swine, birds, poultry, fish, reptiles, insects, amphibians, eggs of any kind and all other animals of whatever kind, domestic or wild, terrestrial or aquatic, be they genetically engineered or altered or otherwise;

“animal carcass” includes the carcass and meat of an animal and such of its offal as is intended for human or animal consumption;

“animal disease” includes anthrax, avian influenza, bovine spongiform encephalopathy, brucellosis, contagious bovine plueropneumonia, equine encephalomyelitis, equine infectious anaemia, epizootic abortion, foot and mouth disease, glanders and farcy; haemorrhagic septicaemia, infectious laryngotracheitis, mange ovine (commonly known as “sheep scab”), melitensis infection (commonly known as “Malta fever”), Newcastle disease

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- (commonly known as “fowl pest” or “fowl plague”), paralytic rabies (which are bat transmitted), psittacosis, rabies, rinderpest, sarcoptic mange in horse, scrapie, swine erysipelas, swine fever including African swine fever and hog cholera, tuberculosis, trypanosomiasis including dourine, mal de caderas, surra and trypanosoma vivax infection, variola ovina, variola vaccinia, and such other diseases as set out in the Schedule to this Act or which the Minister may by Order declare to be an animal disease;
- “animal products” means the derivatives of animals intended for human or animal consumption or for pharmaceutical, agricultural, industrial or domestic use;
- “animal parts” means the bones and the bone-meal, untanned hides and skins, flashings, hooves, horns, claws, hair bristles, wool, feathers, offal, whether fresh or dehydrated blood, meat scraps of an animal or any other part of an animal other than the meat or offal, intended for human or animal consumption which has been separated from the carcass;
- “animal-related items” includes animal carcass, animal products, animal parts, veterinary biological products, fodder and litter;
- “Authority” means the
- (a) Veterinary Authority established under section 3; or
  - (b) Public Authority or public officer of any other country charged with the duty of administering the laws of that country with respect to the importation and quarantine of animals;
- “bee disease” includes Acariasis of bees, American foul brood, European foul brood, Nosema of bees, Varroasis and any other disease which the Minister may by Order declare to be bee disease;
- “captain” includes the master or person in charge or control of a sea-going vessel;
- “Chief Veterinary Officer” means the Chief Veterinary Officer appointed under section 3 of the Act;
- “Council” means the Veterinary Advisory Council established under section 8;
- “disinfection” means the utilization of any approved substance or process designed to prevent, eliminate or reduce any pest or micro-organisms with which animals, animal carcasses or animal products, may be affected;
- “equine” includes donkeys and mules;
- “equipment” includes a container or utensil;
- “fish” includes crustacea and turtles;
- “fish disease” includes Bonamiosis, Epizootic haematopoietic necrosis, Haplosporidiosis, Infectious haematopoietic necrosis, Iridovirus, Martelliosis, Mickocytosis (*Mikrocytos mackini*), Oncorhynchus masou virus disease,

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- Perkinosis, Spring viraemia of Carp, Viral haemorrhagic septicaemia and any other disease which the Minister may by Order declare to be a fish disease;
- “fodder” means grass, hay or any other substance commonly used as food for animals;
- “Foreign Authority” means the local authority of any other country charged with the duty of administering the laws of that country with respect to the importation and quarantine of animals;
- “functions” include duties;
- “import” means bringing into St. Christopher and Nevis by any means whatever;
- “infected area” means an area declared by the Minister by Order under section 22 to be infected by animal disease;
- “infected place” means a place declared by the Minister by Order under section 23 to be infected by animal disease;
- “insect” includes members of the class Insecta and of the class Arachnida;
- “inspector” means an inspector appointed under section 7;
- “landing permit” means a permit issued in the prescribed form;
- “litter” means straw or any other substance commonly used as bedding for, or otherwise used in respect of animals;
- “Minister” means the Minister responsible for livestock and veterinary services;
- “owner” in relation to any land, means the person who for the time being is receiving the rent for the land, whether on his own account or as agent or representative for any other person, or who would receive the rent if the land was let for rent;
- “OIE Code” means the World Organisation for Animal Health Code also known as the International Office of Epizootics Code;
- “package” means any container, box, covering wrapper or any other thing whatever in which animals, or animal-related items are or have been or, are capable of being, imported, kept or conveyed from one point to another;
- “port of entry” means a prescribed port of entry;
- “poultry” means domestic fowl, turkey, geese, duck, guinea fowl, pheasant, pigeon or quail and includes any bird reared for meat or eggs;
- “prescribed” means prescribed by this Act or Regulations made under this Act;
- “prescribed disease” means
- (a) any disease specified in the Schedule or declared by the Minister to be an animal, bee or fish disease;
  - (b) any other disease prescribed for the purposes of this Act; or

(c) any other disease which the Minister after consultation with the Veterinary Authority, by Order declares to be a prescribed disease;

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

“refuse” includes dung;

“regulated articles” includes any package, equipment or other thing used in connection with an animal or animal related item;

“veterinary biological product” includes any substance commonly known as antibiotics, chemotherapeutic agents, hormones, vaccines, sera, toxins, anti-toxins, antigens and micro-organisms and parts of micro-organisms living or killed or any other biological substance which is intended solely for use in the practice of veterinary medicine, and includes germplasm of animals for use in artificial insemination, and embryo transfer.

## PART II ADMINISTRATION

### 3. Establishment of the Veterinary Authority.

(1) There is hereby established the Veterinary Authority which shall be the Chief Veterinary Officer.

(2) The Minister may, by Order designate such other persons or such public authority as he thinks fit, to be the Veterinary Authority for the purposes of this Act.

(3) The functions of the Authority shall be to

- (a) administer and enforce this Act or any subsidiary legislation made thereunder;
- (b) be responsible for the inspection and certification of animals, animal products, genetic material, including semen and embryos, livestock feeds, veterinary biologicals and veterinary drugs imported or exported into St. Christopher and Nevis;
- (c) carry out detection activities and maintain up-to-date information on the animal health status of St. Christopher and Nevis;
- (d) cause to be conducted and maintained antemortem and postmortem inspection of slaughtered animals in accordance with the Recommended International Code for Ante-Mortem and Post-Mortem Inspection of Slaughter of Animals and for Ante-Mortem and Post-Mortem Judgment of Slaughter of Animals and Meat provided within the framework of the OIE Code;
- (e) coordinate animal health epidemiological surveillance activities;
- (f) develop animal health diagnostic and analytical capabilities as well as to establish laboratories;
- (g) distribute information regarding prescribed animal diseases and the means of their prevention and control;

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- (h) evaluate and establish areas free of, or with low prevalence of animal pests and diseases;
- (i) facilitate the inspection and certification of exports of animals, animal products and animal-related items from St. Christopher and Nevis;
- (j) furnish certificates and documentation, on application in writing by an exporter of any animal or animal-related item and on payment of the prescribed fee;
- (k) issue a certificate relating to the health or to any period of quarantine of any animal in St. Christopher and Nevis, and any information relating to animal-related items as is required by the law of any country importing an animal, or animal-related item from St. Christopher and Nevis;
- (l) monitor, evaluate and establish areas free of, or with low prevalence for, animal pests and diseases;
- (m) oversee the training and development of inspectors;
- (n) provide documentation or information as may be required by a Foreign Authority which appears to be necessary in preventing the introduction of any prescribed disease into that country or the spread therein of any disease as a consequence of the movement of any animal, or animal-related item or any refuse from St. Christopher and Nevis to that country, or which relates to the safe and humane movement of animals between St. Christopher and Nevis and that country;
- (o) provide, in consultation with the Council, policy guidelines for all inspections of animals slaughtered in St. Christopher and Nevis;
- (p) provide information regarding import and export regulations in force, and technical requirements for animals, and animal-related items, on request from any interested international or regional organization, or country;
- (q) undertake, in consultation with the Ministry responsible for Health, emergency quarantine action where circumstances arise from the presence or likely presence of a hazard that may pose a risk to human, or animal health;
- (r) undertake or cause to be undertaken risk assessment studies as may be required under the Act or Regulations or any international trade instrument to which Saint Christopher and Nevis is a party to; and
- (s) recommend to the Minister the establishment of quarantine stations at any place as may be deemed necessary.

(4) For the purpose of providing any certificate provided for under this Act or the Regulations, the Authority may direct that any animal, or animal-related item shall be examined or inspected by an inspector.

(5) The Authority may in writing designate any duly qualified veterinarian to perform any of its duties under this Act or the Regulations.

#### **4. Operation of services and facilities.**

The Authority may approve, provide or operate any diagnostic, research, laboratory or other services required for the purposes of this Act or the Regulations.

#### **5. Designation of facilities.**

The Authority may designate areas, offices, laboratories or other facilities for a specified purpose or generally for the administration of this Act or the Regulations and may at any time amend, cancel or reinstate any such designation.

#### **6. Definition of international transportation undertaking”.**

(1) For the purposes of this section, “international transportation undertaking” means

- (a) an airport that receives any aircraft operating on an international flight;
- (b) an undertaking that transports persons, animals, animal-related items or things internationally;
- (c) a port that receives any ship sailing on an international voyage; and
- (d) a warehouse or other facility that receives any packages for international air, water, rail or road traffic.

(2) The owner or operator of an international transportation undertaking shall, where required in writing by the Minister, provide and maintain adequate areas, offices, laboratories and other facilities, including buildings, accommodation, equipment, furnishings and fixtures, for inspection or for any other purpose related to the administration of this Act or the Regulations.

(3) The Minister may

- (a) cause to be made improvements he or she considers desirable to any area, office, laboratory or other facility provided pursuant to subsection (2);
- (b) post, on or about the area, office, laboratory or other facility for as long as is required, a notice of the requirements of this Act or the Regulations.

(4) Where an area, office, laboratory or other facility that is provided by an owner or operator of an international transportation undertaking pursuant to subsection (2) is not adequate for the purposes mentioned in that subsection, the Minister may require the owner or operator to carry out any construction or repairs in order to render the area, office, laboratory or other facility adequate for those purposes.

(5) The Minister may make Regulations for determining the adequacy of any area, office, laboratory or other facility for the purposes mentioned in subsection (2).

#### **7. Appointment of inspectors.**

(1) The Minister may appoint inspectors as may be necessary for the purposes of this Act and the Regulations from persons who are qualified veterinarians or who, by training and experience, are in his opinion qualified to be so appointed.

(2) An inspector appointed under sub section (1) shall perform the functions required of him in carrying out the provisions of this Act and the Regulations.

## **8. Establishment of the Veterinary Advisory Council.**

(1) The Minister shall appoint a Veterinary Advisory Council to advise him on any matter pertaining to the administration of this Act and the Regulations.

(2) The Council shall consist of

- (a) the Chief Veterinary Officer;
- (b) the Chief Environmental Health Officer;
- (c) the Director of Agriculture;
- (d) the Chief Medical Officer;
- (e) the Comptroller of Customs;
- (f) one person representing the private sector;
- (g) a farmer who is engaged in livestock farming;
- (h) a person who in the opinion of the Minister represents primate facilities;
- (i) a person who in the opinion of the Minister represents a regional or international agricultural entity with offices or presence in St. Kitts and Nevis.

(3) The Minister shall make Regulations specifying the powers, duties and procedure of the Council.

## **PART III**

### **IMPORTATION AND EXPORTATION OF ANIMALS AND ANIMAL-RELATED ITEMS**

## **9. Restriction on importation.**

(1) A person shall not import an animal or animal related item unless

- (a) the importation is in accordance with an import permit issued by the Authority; and
- (b) the relevant Authority of the exporting country issues an international veterinary certificate in respect of the importation.

(2) Any person who wishes to import any animal or animal-related item into St. Christopher and Nevis shall apply to the Authority in the form prescribed and shall pay the specified fee.

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

(4) In considering an application for an import permit, the Authority may take into consideration only those scientifically justified conditions as are specified in the Regulations, or any conditions established in accordance with international standards.

(5) The Minister shall, by Order, on the recommendation of the Authority, specify the countries from which a person may import animals or animal-related items.

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(6) Notwithstanding the provisions of this section a person shall not import an animal or animal-related item from any country other than a country specified under subsection (5)

(7) The Minister may, on the recommendation of the Authority, prohibit the importation into St. Christopher and Nevis of any animal or animal-related item where the importation

- (a) in the opinion of the Minister would result in the introduction or spread of any vector, disease or toxic substance;
- (b) is not done in accordance with established international standards and guidelines issued from time to time by the World Trade Organization and other international organizations.

**10. Inspection of imports.**

(1) Animals, animal-related items and other regulated articles shall, upon importation into St. Christopher and Nevis, be subject to inspection by an inspector at the port of entry.

(2) Upon application by the importer and payment of the prescribed fee, and where the container has been sealed and marked as prescribed, certain animals, animal-related items and other regulated articles may be inspected by an inspector at the final destination

**11. Times for inspection.**

Inspections under section 10 shall be carried out during regular business hours, except where the articles to be inspected are goods in transit or are extremely perishable, in which case, on application by the importer and on payment of the prescribed fee, the Minister may agree to an inspection being carried out at any other time.

**12. Action to be taken after inspection.**

(1) Where upon inspection carried out in accordance with section 10 or 11, the inspector determines that the imported material is not accompanied by any relevant documentation required by the Act or the Regulations, or presents any risk for the introduction or spread of disease, he shall inform the Authority in writing of his findings and the Authority may require by written notice served on the importer that the imported material be subject within five days to

- (a) appropriate treatment or disinfection in order to remove the risk;
- (b) re-exportation;
- (c) seizure; or
- (d) destruction by a means specified in the notice.

(2) The Authority may forgo notice and carry out any of the actions specified under subsection (1) where in the opinion of the Authority the destruction of the imported material is urgently required or the giving of notice is impracticable.

(3) Where the imported material lies unclaimed for two or more weeks after their entry into St. Christopher and Nevis or after treatment, the Authority may take action to destroy them.

(4) The costs and responsibility for any action taken under sub-section (1), (2), or (3) shall be borne by the importer.

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(5) The Government shall bear no liability for the destruction or disposal of animals, animal carcasses and animal-related items imported into St. Christopher and Nevis in contravention of this Act.

(6) Where upon inspection carried out under section 10 or 11 the inspector determines that the imported material does not present any risk for the introduction and spread of disease, he may release the imported material to the importer.

**13. Penalty for importation of animals, etc, without a permit.**

(1) Any person who imports an animal, animal-related item or other regulated article into St. Christopher and Nevis.

- (a) who has not obtained an import permit issued under section 9; or
- (b) who contravenes any term or condition contained in an import permit issued under section 9.

commits an offence.

(2) Any imported material in respect of which an offence under subsection (1) is alleged to have been committed, may be seized by an inspector and, on the conviction of any person who may be charged with that offence, may be

- (a) forfeited to the Crown; and
- (b) be retained, destroyed or otherwise disposed of as the Minister may direct without liability to the Crown for the retention, destruction or disposal of that imported material.

(3) A person who commits an offence under this section is liable on conviction to a fine of ten thousand dollars or to imprisonment for one year..

**14. Regulations controlling the importation of animals, etc.**

(1) The Minister may, on the recommendation of the Authority, for the purpose of preventing the introduction or spread of any animal disease into St. Christopher and Nevis, make Regulations prohibiting, controlling or regulating the importation of animals or animal-related items or other regulated article.

(2) Without prejudice to the generality of subsection (1) Regulations made thereunder may make provision with regard to

- (a) specifying and defining the ports at which animals or animal-related items or other regulated articles, may be landed;
- (b) controlling, prohibiting or regulating the movement of animals or animal-related items or other regulated articles into, within, or out of, any prescribed port area;
- (c) controlling the examination, cleansing, destruction, disposal, seizure and detention of any animal or animal-related item or other thing, in any prescribed port;

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- (d) prescribing risk assessment studies as the basis for making decisions regarding the importation of animals or animal-related items;
- (e) prescribing the documents and their contents, which are to be provided in connection with the importation or landing of any animal or animal related item, as well as the certificate which is to be issued by the Authority of the country from which such animal or animal-related item is to be exported; and
- (f) the fees and expenses to be 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.

**15. Import permit for animals, etc, to perform at circus, exhibition, etc.**

(1) The Authority may grant to any person a permit to import any animal into St. Christopher and Nevis for the purposes of any exhibition, performance or circus.

(2) Any permit granted under this section may contain such terms and conditions as the Authority thinks necessary.

(3) Every person desirous of applying for a permit under this section shall make application to the Authority in the prescribed form.

**16. Export of animals and animal related-items.**

(1) Any person who intends to export an animal or animal related-item from St. Christopher and Nevis shall submit the animal or animal-related item, and any document prescribed, for examination by the Authority.

(2) Where upon examination, the Authority, taking into consideration the requirements of the importing country

- (a) is satisfied that the conditions of the issuance of an international veterinary certificate have been met, the Authority shall issue the certificate;
- (b) is not satisfied that the animal or animal-related item 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 the animal or animal -related item shall be
  - (i) subject to appropriate treatment in order to remove the risk; or
  - (ii) destroyed or otherwise disposed of at the expense of the exporter.

(3) Any person who exports an animal or animal-related item contrary to subsection (1) and (2) commits an offence and is liable on conviction to a fine of ten thousand dollars or to one year's imprisonment.

**17. Prohibition on the Movement of animals.**

(1) The Minister may, whenever he or she thinks it necessary, in order to ensure the safe and humane treatment of animals which are to be moved from one district to another within St. Christopher and Nevis to another country, by Order prohibit or require the postponement of, for the period he or she specifies in the Order

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- (a) the movement from St. Christopher and Nevis of such animals as he or she shall specify;
  - (b) the movement from St. Christopher and Nevis of any animal on such vessel as he or she shall specify; and
  - (c) the movement from one district or locality to another within St. Christopher and Nevis of any animal on any vehicle as he or she may specify.
- (2) Where an animal is moved contrary to subsection (1), the Authority may order
- (a) that the animal be placed in quarantine;
  - (b) that the animal, be returned to its place of origin; or
  - (c) the disposal or destruction of the animal where there is a risk of spread of prescribed diseases.

#### PART IV

#### ANIMAL QUARANTINE

#### 18. Quarantine Stations.

(1) The Minister may prescribe quarantine stations in such places as the Minister may deem necessary and all animals required to be quarantined under this Act or the Regulations, or under any import permit granted thereunder, shall be placed within such stations in accordance with the orders of an inspector.

(2) An inspector shall order an animal to be placed within a quarantine station pursuant to subsection (1) where the animal may

- (a) be suffering from an animal disease;
- (b) have been in contact with another animal
  - (i) suffering from an animal disease; or
  - (ii) which has not been tested or inspected to determine if it is suffering from an animal disease.

(3) Where the Minister 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) have available an inspector or a duly qualified veterinarian authorized by the Veterinary Authority to provide veterinary attention at the station daily.

#### 19. Quarantine of animals.

(1) Every animal which is imported, where required by the Authority, shall on being landed, be placed in quarantine for such period and subject to such conditions as may be prescribed.

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(2) Notwithstanding that any imported animal is exempted from the requirements of subsection (1), an inspector who has cause to suspect that the animal

- (a) may be suffering from a prescribed or other infectious or contagious animal disease; or
- (b) may have been in contact, during its transportation to St. Christopher and Nevis, with any animal which is or may be suffering from a prescribed or other infectious or contagious animal 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 prescribed or other infectious or contagious animal disease,

may, with the approval of the Authority, direct that the animal shall on being landed, be placed in quarantine.

(3) Nothing in this section shall be construed as restricting the power of the Authority to impose, as a condition in an import permit issued under section 9 in respect of any animal to be imported into St. Christopher and Nevis, the requirement that the animal be placed in quarantine for such period and subject to conditions as the Authority may specify in the import permit.

**20. Prescribed quarantine station.**

(1) An animal which is, by virtue of this Act or any regulations, subject to quarantine, shall on being landed, be placed in a prescribed quarantine station and be under the control of an inspector.

(2) Any animal which develops any prescribed or other infectious or contagious animal disease while in a quarantine station or, in the opinion of the inspector, shows symptoms of any disease, the spread of which would endanger animal health in St. Christopher and Nevis may, with the approval of the Authority, be destroyed pursuant to Part V without payment of any compensation.

**PART V**

**CONTROL AND DESTRUCTION OF DISEASED ANIMALS**

**21. Segregation and notification of diseased animals.**

(1) Every person having in his possession or under his charge an animal suffering from a prescribed disease shall

- (a) keep the animal isolated from other animals which are not diseased; and
- (b) as soon as possible but not later than twenty-four hours, give notice of the fact of the animal being diseased to the nearest inspector, or to the person in charge of the nearest police station.

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

## **22. Infected areas.**

The Minister may by Order, whenever it appears necessary or expedient to do so by reason of the existence of any animal disease, declare any area of St. Christopher and Nevis to be infected with that animal disease, and any Order so made shall specify

- (a) the limits of the infected area;
- (b) that no international trade in animals, animal products or animal-related items shall be conducted in or from St. Christopher and Nevis in respect of animals in the infected area.

## **23. Infected places.**

(1) Where the Authority suspects that any animal disease exists in any place within St. Christopher and Nevis, it shall forthwith sign a notice to that effect and the notice shall contain a declaration that the place, the limits whereof shall be specified therein, is an infected place.

(2) The notice referred to in subsection (1) shall be served by an inspector upon the owner or occupier of the place.

(3) Upon service of the notice, the place therein specified shall be an infected place subject to confirmation by the Minister pursuant to the provisions of subsection (5):

(4) Notwithstanding subsection (3) the Authority may, at any time within twenty days of such service and after further investigation by an inspector but before confirmation by the Minister pursuant to subsection (6), withdraw the notice and thereafter the place shall cease to be an infected place.

(5) The Authority shall with all practicable speed send a copy of the notice issued under subsection (1) to the Minister, and where the notice has been withdrawn pursuant to subsection (4) the Authority shall forthwith inform the Minister of that fact.

(6) Upon receipt by the Minister of the copy of the Notice issued by the Authority under subsection (1), the Minister shall, unless the notice has been withdrawn, forthwith consider the matter and where he or she is satisfied that such course is expedient or necessary, cause the Notice to be published in the *Gazette* declaring the place specified in the notice to be an infected place and may also declare at the same time that any other place containing, adjoining or surrounding the infected place is an infected area for the purpose of section 22.

## **24. Declaration that a place is no longer infected.**

(1) A place, or part of a place, that has been declared to be an infected place ceases to be an infected place when on the advice of the Authority the Minister declares in writing that the animal disease described in the declaration no longer exists in the place or any part thereof.

(2) Where the Minister makes such a declaration then he or she shall cause a Notice to that effect to be published in the *Gazette*.

**25. Animals, etc., not to be taken or removed from infected place without licence of inspector.**

(1) Subject to any Regulations made under this Act, no person shall, without a licence issued by an inspector, remove from or take into an infected place any animal or animal related item or other thing.

(2) Where an inspector believes on reasonable grounds that any animal or animal-related item, or other thing has been removed from or taken into an infected place in contravention of subsection (1), the inspector may, whether or not the animal or animal-related item or other thing is seized -

- (a) return it to, or remove it from the infected place, or move it to any other place; or
- (b) require its owner or the person having the possession, care or control of it to return it to, or remove it from the infected place, or move it to any other place.

(3) A request under subsection (2) (b) shall be communicated by personal delivery of a notice to the owner or the person having the possession, care or control of the animal or animal-related item or other thing.

(4) Where a request under subsection (2) (b) cannot be communicated by personal delivery, the notice shall be sent to the owner or the person having the possession, care or control of the animal or animal-related item or other thing.

(5) A notice in respect of a request under subsection (2) (b) may specify the period within which and the manner in which the animal or animal-related item is to be returned, moved or removed.

**26. Slaughter of diseased animals.**

(1) An inspector, with the approval of the Authority, may cause any animal

- (a) suffering from a prescribed disease;
- (b) reasonably suspected of having a disease; or
- (c) which has been in the same place, or upon the same land, or in the same herd, flock or group as, or in contact with, any diseased animal or any animal suspected of having a disease, whether or not the place, land or area has been declared to be an infected place or area,

to be slaughtered in order to prevent the spread of any animal disease; and for that purpose the inspector may give all necessary directions.

(2) An inspector may, for the purpose of observation and treatment, take possession of and retain any animal liable to be slaughtered under this section, or order the removal of that animal to a quarantine station.

**27. Disposal of animals.**

(1) Any animal slaughtered pursuant to section 26 (1) of this Act or any Regulations made hereunder, or which dies as the result of disease, shall be destroyed, buried or otherwise

properly disposed of in a sanitary manner and as soon as practicable, in such manner as may be prescribed and in accordance with international standards and guidelines for the disposal of such animals.

(2) An inspector and the owner of an animal shall comply with subsection (1).

## **28. Compensation.**

(1) The Minister may award compensation under subsection (2) to the owner of any healthy animal slaughtered pursuant to section 26 (1).

(2) It shall be lawful for the Minister, out of moneys approved for that purpose by the National Assembly, to make grants by way of compensation to occupiers and owners, according to their respective interests, in respect of healthy animals destroyed in order to achieve eradication, control or prevention of the further spread in or introduction into St. Christopher and Nevis of an animal disease.

(3) The amount of compensation for each animal slaughtered pursuant to section 26 (1) shall not exceed the fair market 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 been found guilty in relation to the animal, of an offence under this Act or the Regulations.

(4) No compensation shall be payable in respect of an animal compulsorily slaughtered while in a quarantine station if, in the opinion of the Authority that animal was diseased at the time of importation into St. Christopher and Nevis.

## **29. Amendment of definition of “disease”.**

The Minister may, on the recommendation of the Authority, from time to time by Order add any particular animal, bee or fish disease to, or remove any particular animal, bee or fish disease from, the definition of animal, bee or fish disease contained in section 2 and in the Schedule.

## **PART VI**

### **POWERS OF INSPECTORS**

#### **30. Power of apprehension.**

(1) Where any person fails to comply with any requirement of this Act or the Regulations relating to the

- (a) importation or landing into St. Christopher and Nevis of any
  - (i) animal, or animal-related item;
  - (ii) refuse; or
  - (iii) equipment which has been used in connection with any animal or animal related- item or refuse;
- (b) placing of any animal in quarantine;
- (c) keeping or retention of any animal in quarantine, or its removal therefrom or any condition imposed pursuant thereto; and

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(d) disinfection of any animal, or animal-related item, or refuse or any equipment, a police officer or an inspector may, without a warrant, stop and detain the person, and if his name and address cannot reasonably be ascertained, may arrest him without a warrant.

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

(3) A person arrested under this section shall be taken as soon as practicable before a magistrate and in any event within seventy-two hours of his or her arrest.

### **31. Power of Inspection.**

(1) For the purpose of detecting animal diseases or toxic substances or ensuring compliance with this Act and the Regulations, an inspector with or without the assistance of a police officer may

- (a) conduct any tests or analyses or take any measurements;
- (b) examine any animal, or animal-related item in respect of which this Act or the Regulations apply and take samples of it;
- (c) open any receptacle, baggage, package, cage or other thing that the inspector or police officer believes on reasonable grounds contains any animal or animal-related item in respect of which this Act or the Regulations apply;
- (d) require any person to present any animal or animal-related item for inspection in the manner and under the conditions that the inspector considers necessary to carry out the inspection;
- (e) require any person to produce for inspection or copying, in whole or in part, any record or document that the inspector or police officer believes on reasonable grounds contains any information relevant to the administration of this Act or the Regulations; and
- (f) subject to section 11, at any reasonable time, enter and inspect any place, or stop any conveyance, in which the inspector believes on reasonable grounds there is any animal or animal-related item in respect of which this Act or the Regulations apply.

(2) In carrying out an inspection at any place or in discharging his duties under this Act or the Regulations, an inspector may

- (a) in relation to any animal, make examinations, apply tests, take samples, use vaccines or serum and apply marks as may be reasonably necessary, or as may be required or prescribed by this Act or the Regulations or required by the Authority;
- (b) enter any land or premises for the purpose of examining, testing, sampling or marking any animal;
- (c) require any person, being the owner or being in charge of animals or the owner or occupier of or employed on lands or premises so entered, to give

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- (i) assistance or to carry out instructions as may be reasonably necessary for the purpose of examining, testing, sampling or marking; or
- (ii) information as may be reasonably necessary in connection with the furtherance of the eradication of any animal disease or for the administration of this Act.

(3) In carrying out an inspection at any place in accordance with this section, an inspector may -

- (a) use or cause to be used any data processing system at that place to examine any data contained in or available in the system;
- (b) reproduce any record or cause it to be reproduced from the data in the form of a print-out or other intelligible output and take the print-out or other output for examination or copying; and
- (c) use or cause to be used any copying equipment at that place to make copies of any record or other document.

### **32. Power of entry and search.**

(1) An inspector may, without a warrant, at any time enter and search any land, building or place and may stop, detain and examine any vessel or vehicle where he has reasonable grounds to believe that there is in that place, vehicle or vessel any

- (a) animal, animal related item, refuse or equipment with which has been landed or imported into St. Christopher and Nevis in contravention of this Act or the Regulations or an import permit or in respect of which there has been a failure to comply with any requirement imposed pursuant thereto;
- (b) animal that has been removed from, or has not been placed, kept or retained in quarantine as required by the provisions of this Act or the Regulations or an import permit, 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, properly identify himself and at the request of the owner, occupier or other person in charge of the premises, vehicle or vessel, state in writing his reasons for the exercise of that power.

### **33. Power to seize and detain.**

(1) For the purpose of enforcing the provisions of this Act, an inspector may seize and detain, on reasonable grounds and for such time as may be necessary, any animal or animal-related item or other thing

(2) An inspector or police officer who seizes and detains an animal or animal-related item or other thing under this Act or the Regulations shall, immediately or as soon as is practicable, notify its owner or the person having possession, care or control of the reason for the seizure.

### **34. Storage and removal of seized animals etc.**

An inspector or police officer who seizes and detains an animal or animal-related item or other thing under this Act or the Regulations, or any person designated by the Authority, may for the purposes of storage

- (a) require its owner or the person having the possession, care or control of it at the time of the seizure to remove it to any place; or
- (b) store it at the place where it was seized or remove it to any other place.

### **35. Prohibition on the interference with seized animals etc.**

Except authorized in writing by the Authority, no person shall remove, alter or interfere in any way with any animal or animal-related item or other thing seized and detained under this Act or the Regulations.

### **36. Provisions relating to detained animals etc.**

An animal, animal-related item or other thing seized and detained under this Act or the Regulations shall not be detained after

- (a) a determination by an inspector that the animal or animal-related item or other thing is in conformity with the provisions of this Act or the Regulations; or
- (b) the expiration of one hundred and eight days after the day of seizure, or any other period as may be prescribed, unless before that time proceedings are instituted in relation to the animal or animal-related item or other thing, in which case it, or the proceeds from its disposition, may be detained until the proceedings are finally concluded.

### **37. Power to detain vessels.**

(1) Where the Authority is satisfied that there has been a failure on the part of the captain of any vessel in a prescribed port to comply with a requirement of this Act or the Regulations, or with a condition imposed pursuant thereto, the Authority may cause the vessel to be detained until the Minister otherwise directs.

(2) The Authority shall forthwith deliver, in writing, to the captain of the vessel, particulars of the non-compliance, which have resulted in the detention of the vessel.

## **PART VII**

### **ENFORCEMENT**

### **38. Inability to locate owner or occupier.**

Where no person is in actual occupation of any land, or where the occupier or owner cannot be located, service of any notice under this Act or the Regulations shall be made by affixing the notice to a conspicuous place on the land, and publishing the notice in a newspaper of general circulation.

### **39. Arrival notification.**

A customs officer shall

- (a) promptly notify the Authority of the arrival of any animal, or animal-related item or other thing regulated by this Act or the Regulations; and
- (b) not release or dispose of the animal, animal related item or other thing unless authorised by the Authority.

### **40. Detection of animal disease and imposition of quarantine.**

(1) Where an inspector has reasonable cause to believe that an animal disease may be present on any land, he shall have the power to enter on the land without warrant to carry out survey and detection programmes as well as to treat, destroy or remove animals or animal related items or other things contaminated with the disease.

(2) An inspector, in exercising the powers conferred by subsection (1), shall inform the occupier, if present at the time, of the intention to enter and search, examine, treat, seize or destroy any animal or animal related item or other thing.

(3) An inspector shall also have the power to apply immediate quarantine measures which may be confirmed by the Minister by Order made on the recommendations of the Authority within twenty-one days after the imposition of the quarantine measures.

### **41. Mail.**

Any animal-related item moving by mail shall be subject to Regulations administered jointly by the postal service and the Authority.

### **42. Disposal of affected or contaminated animals, animal-related items etc.**

Notwithstanding any other provision of this Act to the contrary, the Authority or any person acting on its behalf may dispose of an animal or animal-related item or other thing, or require its owner or any person having the possession, care or control of it to dispose of it, where the animal or animal-related item or other thing

- (a) has been in contact with or in close proximity to another animal or animal-related item or other thing that was, or is suspected of having been, affected or contaminated by a disease or a toxic substance at the time of contact or close proximity;
- (b) is, or is suspected of being, affected or contaminated by a disease or a toxic substance; or
- (c) is, or is suspected of being, the causative agent of a disease or a toxic substance.

### **43. Forfeiture.**

(1) Where a person is convicted of an offence under this Act, the court may, on its own motion or at the request of any party to the proceedings, in addition to any punishment imposed, order that any animal or animal-related item or other thing by means of or in

relation to which the offence was committed or any proceeds realized from its disposition, be forfeited to the Crown.

(2) Where the owner of an animal or animal-related item or other thing seized and detained under this Act or the Regulations consents to its forfeiture, it is thereupon forfeited to the Crown and shall be disposed of as the Authority directs.

#### **44. Forfeiture upon conviction.**

(1) Where proceedings are instituted, and the court orders the forfeiture of an animal or animal-related item or other thing that was seized and detained, it shall be disposed of as the Authority directs.

(2) Where the court does not order the forfeiture of an animal or animal-related item or other thing, then the animal or animal-related item or other thing, or any proceeds realized from its disposition shall be returned to the owner of the animal or animal-related item or other thing or the person having the possession, care or control of it at the time of its seizure.

(3) Where the owner of an animal or animal-related item or other thing or the person having the possession, care or control of it at the time of its seizure is convicted of an offence under this Act and a fine is imposed

- (a) the animal or animal-related item or other thing may be detained until the fine is paid; or
- (b) the animal or animal-related item or other thing may be sold under auction in satisfaction of the fine.

### **PART VIII**

#### **OFFENCES**

#### **45. General Offences.**

Any person who either personally or indirectly through an employee or agent

- (a) assaults, resists, threatens, or wilfully obstructs any inspector or the Authority while exercising lawful powers under this Act or the Regulations;
- (b) fails to comply with any order or direction lawfully made or given under this Act;
- (c) imports any animal or animal-related item at a port of entry not specified in the Regulations;
- (d) imports any animal or animal-related item contrary to any requirements specified under this Act or the Regulations;
- (e) fails to allow a search or inspection authorised under this Act;
- (f) knowingly or recklessly provides information which is false, for the purpose of obtaining any document under this Act or the Regulations; or
- (g) alters, forges, defaces, or destroys any document issued under this Act or the Regulations,

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commits an offence and is liable on conviction to a fine of ten thousand dollars and six months imprisonment.

**46. Offences by inspectors.**

Any inspector who

- (a) acts in contravention of the provisions of this Act or any regulations made pursuant thereto;
- (b) agrees to do or abstain from doing, permits, conceals, or connives in doing any act or thing contrary to the proper execution of his official duties under this Act or its regulations;
- (c) discloses any confidential information acquired in the performance of his official duties relating to any person, firm, or business, except when required to do so as a witness in any court or under the authority of this Act; or
- (d) in connection with any official duty directly or indirectly demands or takes any payment, gratuity or other reward to which that inspector is not entitled,

commits an offence and is liable on conviction to a fine of thirty thousand dollars and to imprisonment for one year. .

**47. Offences by captain etc. of a vessel.**

When an animal, animal-related item, refuse, or any equipment which has been used in connection therewith is landed from any vessel in contravention of this Act or the Regulations, the captain of the vessel and the owner thereof commit an offence under this Act.

**48. Offences by officers, directors Etc..**

Where a corporation commits an offence under this Act, any officer, director or agent of the corporation who directed, authorised, assented to, acquiesced or participated in the commission of the offence commits an offence and is liable on conviction to the punishment provided for the offence whether or not the corporation has been prosecuted or convicted.

**49. Offences by employees and agents.**

In any prosecution for an offence under this Act, it is sufficient proof of the offence to establish that it was committed by an employee or agent of the accused, whether or not the employee or agent is identified or has been prosecuted for the offence, unless the accused establishes that

- (a) he or she exercised all due diligence to prevent the commission of the offence; and.
- (b) the offence was committed without his or her knowledge or consent.

**50. Penalty.**

A person who commits an offence under this Act shall, where no other penalty is provided, be liable on conviction to a fine of five thousand dollars and six months imprisonment.

## **51. Evidence.**

(1) In any prosecution for an offence under this Act or the Regulations, a declaration, certificate, report or other document of the Authority or an analyst, inspector or police officer, purporting to have been signed on behalf of the Authority or the analyst, inspector or police officer, is admissible in evidence without proof of the signature or official character of the person appearing to have signed it and, in the absence of evidence to the contrary, is proof of the matters asserted in it.

(2) In any prosecution for an offence under this Act or the Regulations, a copy of an extract from any record or other document that is made by the Authority or an analyst, inspector or police officer under this Act or the Regulations and that appears to have been certified under the signature of the Authority or the analyst, inspector or police officer as a true copy or extract is admissible in evidence.

(3) Any document referred to in subsection (1) or (2) shall, in the absence of evidence to the contrary, be deemed to have been issued on the date that it bears.

(4) Any declaration, certificate, report, copy, extract or other document referred to in this section shall not be received in evidence unless the party intending to produce it has, before the trial, served on the party against whom it is intended to be produced notice of that intention, together with a duplicate of the declaration, certificate, report, copy or extract.

## **PART IX**

### **GENERAL**

## **52. Regulations for the humane transportation of animals.**

The Minister may make Regulations

(a) for protecting animals carried by air, land or sea and for ensuring that such animals are given adequate food and water and proper ventilation during the journey;

(b) prescribing and regulating the construction and fittings of the parts of vessels, aircraft or other forms of transportation used for the carriage of animals; and

(c) prohibiting the conveyance of animals by any specified vessel or aircraft for such time as the Minister may consider expedient;

## **53. General regulations for animals, animal-related items etc.**

(1) The Minister may, for the purposes of this Act, make Regulations

(a) prescribing and regulating the examination, inspection, seizure and detention of any animal, or animal-related item, prior or subsequent to its being landed in St. Christopher and Nevis;

(b) prescribing the marking by tagging or in any other manner of any animal and other thing imported into St. Christopher and Nevis whether as a condition of landing or otherwise;

(c) prescribing animal identification systems and packaging and labelling of animal products for trace back to the country of origin;

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- (d) providing for the application to animals imported into St. Christopher and Nevis of any test for any prescribed or other infectious or contagious disease or of any treatment, vaccination or inoculation;
- (e) prohibiting or regulating the importation of any equipment and other thing, which has been used in connection with any animal, animal related item, or refuse and which is capable of transmitting any prescribed or other infectious or contagious disease affecting animals;
- (f) prescribing and regulating the testing of any veterinary biological product which is to be, or may be, imported into St. Christopher and Nevis;
- (g) prescribing the conditions under which the countries from which, cooked, frozen or fresh meat, may be imported into St. Christopher and Nevis;
- (h) prescribing the conditions under which animals may be imported into St. Christopher and Nevis particularly the necessary conditions relating to the provision of food, water and ventilation, and the protection during loading and unloading for different categories of animals;
- (i) regulating the quarantining of animals, the duration of the quarantine to be imposed on each category of animal, the category of animals to be exempted, and the circumstances under which exemption may be granted;
- (j) prescribing the stations to be used for animal quarantine, and designating different stations where quarantine may be done;
- (k) providing for the cleansing and disinfection, and the subjection to quarantine of vessels used for the transportation of animals to St. Christopher and Nevis;
- (l) regulating emergency quarantine actions;
- (m) requiring and regulating the mode of cleaning and disinfection in a prescribed port area of any item including the hands or feet, the wearing apparel or articles in the possession of any person arriving in St. Christopher and Nevis on any vessel being used for the transportation of animals from any country in which there is an outbreak of a prescribed disease or any other infectious or contagious disease;
- (n) prescribing the time at which, and prescribing and regulating the mode and conditions under which, animals may be slaughtered in a prescribed port area;
- (o) prescribing and regulating the notice to be given to the Authority of proposed exports of animals;
- (p) prohibiting except under licence, the export of animals;
- (q) prescribing and regulating the conditions in respect of the detention, testing and inspection of animals prior to export;
- (r) declaring the establishment of areas free of, or with low prevalence for animal pests and diseases;
- (s) prescribing the diseases to be classified as prescribed diseases;
- (t) prohibiting or regulating testing for prescribed diseases;

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- (u) for causing or requiring notice to be given of the appearance of any disease or toxic substance among animals;
- (v) prescribing and regulating the publication, in relation to a place or area declared infected;
- (w) prohibiting or regulating the movement of persons and conveyances within, into or out of, infected places or areas;
- (x) prohibiting or regulating the removal of carcasses, eggs, fodder, litter, utensils, pens, hurdles, dung, or other things into, within, or out of an infected place or area;
- (y) for purifying any place or thing that is likely to contain a vector or to be contaminated by any disease or toxic substance;
- (z) regulating the procedure by which duly authorised and certified cats or dogs may enter St. Christopher and Nevis and be kept for limited periods in restricted areas;
- (aa) prescribing charges, fees, which may be charged or levied for any purpose under this Act, the persons by whom and to whom they are to be paid and the manner in which they may be recovered ;
- (bb) prescribing sanitary and health measures for establishments in which animal semen and animal embryos are collected, stored, frozen or processed;
- (cc) for the registration, sale and distribution of animal fodder, including the prescription of authorised levels of toxins or other additives to such fodder;
- (dd) prescribing or regulating anything which is required or authorised by this Act to be prescribed or regulated generally for the better carrying out of the provisions of this Act.

(2) Regulations made under subsection (1) shall comply with the OIE Code, and where there is any inconsistency between the Regulations and the OIE Code, the relevant standards prescribed in the OIE Code shall prevail.

#### **54. Repeal.**

(1) The Animals (International Movement and Diseases) Act Cap. 9.03 is hereby repealed.

(2) Until varied or revoked by Regulations made by the Minister under the provisions of this Act, the Regulations made under the Animals (International Movement and Diseases) Act, Cap. 9.03 shall remain in force.

## SCHEDULE

### (Section 2)

### PRESCRIBED DISEASES

#### General

- Foot and mouth disease
- Swine vesicular disease
- Peste de petits ruminants
- Lumpy skin disease
- Bluetongue
- African horse sickness
- Classical swine fever
- Newcastle disease
- Vesicular stomatitis
- Rinderpest
- Contagious bovine pleuropneumonia
- Rift Valley fever
- Sheep pox and goat pox
- African swine fever
- Highly pathogenic avian influenza

#### **Multiple species disease**

- Anthrax
- Aujeszky s disease
- Echinococcosis/hydatidosis
- Heartwater
- Leptospirosis
- New World screwworm (*Cochliomyia hominivorax*)
- Old world screwworm (*Chrysomya bezziana*)
- Paratuberculosis
- Q fever
- Rabies
- Trichinellosis

#### **Cattle disease**

- Bovine anaplasmosis
- Bovine babesiosis
- Bovine brucellosis
- Bovine cysticercosis
- Bovine general ca.pylobacteriosis
- Bovine spongiform encephalopathy
- Bovine tuberculosis
- Dermatophilosis

- Enzootic bovine leucosis
- Haemorrhagic septicaemia
- Infectious bovine rhinotracheitis/infectious pustular vulvovaginitis
- Malignant catarrhal fever
- Theileriosis
- Trichomonosis
- Trypanosomosis (tsetse-borne)

### **Sheep and goat diseases**

- Caprine and ovine brucellosis (excluding *B. ovis*)
- Caprine arthritis/encephalitis
- Contagious agalactia
- Contagious caprine pleuropneumonia
- Enzootic abortion of ewes (ovine chlamydiosis)
- Maedi-visna
- Nairobi sheep disease
- Ovine epididymitis (*Brucella ovis*)
- Ovine pulmonary adenomatosis
- Salmonellosis (*S. abortusovis*)
- Scrapie

### **Equine disease**

- Contagious equine metritis
- Dourine
- Epizootic lymphangitis
- Equine encephalomyelitis (Eastern and Western)
- Equine infectious anaemia
- Equine influenza
- Equine piroplasmosis
- Equine rhinopneumonitis
- Equine viral arteritis
- Glanders
- Horse mange
- Horse pox
- Japanese encephalitis
- Surra (*trypanosoma evans*)
- Venezuelan equine encephalomyelitis

### **Swine disease**

- Atrophic rhinitis of swine
- Enterovirus encephalomyelitis
- Porcine brucellosis
- Porcine cysticercosis
- Porcine reproductive and respiratory syndrome
- Transmissible gastroenteritis

### **Avian diseases**

- Avian chlamydiosis
- Avian infectious bronchitis
- Avian infectious laryngotracheitis
- Avian mycoplasmosis (*M. gallisepticum*)
- Avian tuberculosis
- Duck virus enteritis
- Duck virus hepatitis
- Fowl cholera
- Fowl pox
- Fowl typhoid
- Infectious bursal disease (Gumboro disease)
- Marek's disease
- Pulum disease

### **Lagomorph disease**

- Myxomatosis
- Rabbit haemorrhagic disease
- Rularemia

### **Bee diseases**

- Acariosis of bees
- American foulbrood
- European foulbrood
- Nosemosis of bees
- Varroosis

### **Fish diseases**

- Epizootic haematopoietic necrosis
- Infectious haematopoietic necrosis
- *Oncorhynchus masou virus disease*
- Spring viraemia of carp
- Viral haemorrhagic septicaemia

### **Mollusc diseases**

- Bonamiosis (*Bonamia ostrea*, *B. exitiosus*, *Mikrocytos roughleyi*)
- Marteiliiosis (*Marteilia refringens*, *M. sydneyi*)
- Mikrocytosis (*Mikrocytos mackini*)
- MSX disease (*Haplosporidium nelsoni*)
- Perkinsosis (*Perkinsus marinus*, *O. olseni/atlanticus*)

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**Crustacean diseases**

- Taura syndrome
- White spot disease
- Yellowhead disease

**Other diseases**

- Leishmaniosis

CURTIS A. MARTIN  
*Speaker*

Passed by the National Assembly this 24<sup>th</sup> day of February, 2012.

JOSÉ LLOYD  
*Clerk of the National Assembly*