

ANTIGUA AND BARBUDA



ANIMAL HEALTH BILL, 2017

2017, No.

ANTIGUA AND BARBUDA
ANIMAL HEALTH BILL, 2017
ARRANGEMENT OF CLAUSES

CLAUSES

PART I

PRELIMINARY

1. Short title
2. Interpretation

PART II

ADMINISTRATION

3. Minister responsible for administration of Act
4. Animal Movement and Disease Advisory Council
5. Veterinary Authority
6. Delegation of functions
7. Official and reference laboratory
8. Designation of facilities
9. Designation of veterinary inspectors
10. Animal health measures

PART III

ANIMAL DISEASE CONTROL

11. List of notifiable diseases
12. Animal disease surveillance system
13. Declaration of infected zone
14. Revocation of declaration of an infected zone
15. Declaration of animal disease emergency
16. Emergency response plans
17. Designation of free zones, containment zones, free compartments and surveillance zones
18. Segregation and notification of diseased animals
19. Movement permit
20. Slaughter of diseased animals
21. Control measures

22. Disposal of animals
23. Compensation
24. Animal identification and traceability
25. Veterinary medicinal products

PART IV

IMPORT, EXPORT AND TRANSIT

26. International border inspection point
27. Import requirements
28. Import permit
29. Restriction on importation
30. Arrival notification
31. Inspection of imports
32. Transport of animals
33. Export of animals, animal products or animal-related items

PART V

ANIMAL QUARANTINE

34. Quarantine stations
35. Quarantine of animals

PART VI

ANIMAL WELFARE AND STRAY ANIMALS

36. Prohibition of maltreatment
37. Welfare of animals
38. Stray animals

PART VII

ENFORCEMENT

39. Powers of a veterinary inspector
40. Storage and removal of seized animals
41. Prohibition on the interference with seized animals
42. Detained animal, animal product or animal-related item
43. Disposal of infected or contaminated animal, animal product or animal-related item
44. Mail
45. Offences and penalties
46. Offences by officials and penalties
47. Procedure for offences

- 48. Administrative penalties
- 49. Fixed penalty notice for prescribed offences
- 50. Forfeiture
- 51. Evidence
- 52. Limitation on liability
- 53. Good faith defense

PART VIII

MISCELLANEOUS

- 54. Duty to assist and cooperate
- 55. Regulations
- 56. Standards for Animal Health and Welfare
- 57. Repeal and savings
 - First Schedule
 - Second Schedule

ANTIGUA AND BARBUDA
ANIMAL HEALTH BILL 2017

NO. OF 2017

AN ACT to control the movement of animals, animal products and animal-related items into and within Antigua and Barbuda in order to prevent the introduction and spread of notifiable animal diseases within Antigua and Barbuda and other countries; to safeguard animal health; to facilitate veterinary public health; to establish standards for animal welfare in Antigua and Barbuda; and for other incidental matters.

ENACTED by the Parliament of Antigua and Barbuda as follows:

1. Short title

This Act may be cited as the Animal Health Act, 2017.

2. Interpretation

In this Act, unless the context otherwise requires—

“animal” includes—

- (a) any mammal;
- (b) birds and poultry;
- (c) fish;
- (d) reptiles and amphibians;
- (e) eggs of any kind of animal;
- (f) all other animals of whatever kind, domestic or wild, terrestrial or aquatic, be they genetically engineered or altered or otherwise similar to the animals referred to in paragraphs (a) to (e) or not.

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

“animal disease” means the clinical and pathological manifestations of infection or infestation in an animal, and animal diseases for the purposes of this Act shall be set out in the Schedule referred to in section 10;

“animal feed” means a mixture of nutrients that are produced under hygienic conditions that comply with the requirements of each species age and type and produced either as the only source of feed or as a supplement;

“animal health status” means the status of a country or a zone with respect to an animal disease in accordance with the criteria listed in the OIE Code dealing with the disease;

“animal identification” means the combination of the identification and registration of an animal individually, with a unique identifier, or collectively by its epidemiological unit or group, with unique group identifier;

“animal products” means the derivatives from the body of an animal, 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 which has been separated from the carcass, and which is intended for human or animal consumption. which has been separated from the carcass;

“animal-related items” includes animal carcass, animal genetic material, animal parts, feed, litter; and any packaging, container, equipment, or other appliances used on animals, as well as objects or materials capable of harboring or spreading animal diseases;

“animal traceability” means the ability to follow an animal or group of animals during all stages of their lives until destroyed or killed;

“Authority” means the—

- (a) Veterinary Authority established under section 5; 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;

“captain” includes the master or person in charge or control of a sea-going vessel;

“compartment” means an animal subpopulation contained in one or more establishments under a common biosecurity management system with a distinct health status with respect to a specific disease or specific diseases for which required surveillance, control and biosecurity measures have been applied for the purpose of international trade;

“containment zone” means a defined zone around and including suspected or infected establishments, taking into account the epidemiological factors and results of investigations, where control measures to prevent the spread of the infection are applied;

“disease” means the clinical or pathological manifestation of an infection or infestation;

“disinfection” means the application, after thorough cleansing, of procedures intended to destroy the infectious or parasitic agents of animal diseases, including zoonoses; this applies to premises, vehicles and different objects which may have been directly or indirectly contaminated.;

“early detection system” means a system under the control of the Authority for the timely detection and identification of an incursion or emergence of diseases or infections in a country, zone or compartment;

“establishment” means premises where there are animals, animal products, animal genetic material and animal related items;

“free compartment” means a compartment in which the absence of the animal pathogen causing the disease under consideration has been demonstrated by all requirements specified in the OIE Code for free status being met;

“free zone” means a zone in which the absence of the disease under consideration has been demonstrated by the requirements specified in the OIE Code for free status being met;

“import” means bringing into Antigua and Barbuda by any means, and importation has a corresponding meaning;

“importer” means anyone who, whether as owner, consignor, consignee, agent, broker or otherwise, is in possession of or in any way entitled to the custody of any animal, animal product or animal-related item landed or likely to be landed in Antigua and Barbuda from another country;

“infected zone” means a zone in which a disease has been declared;

“international transportation undertaking” means an airport that receives any aircraft operating on an international flight, an undertaking that transports persons, animals, animal-related items or things internationally; a port that receives any ship sailing on an international voyage; or a warehouse or other facility that receives any packages for international air, water, rail or road traffic;

“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;

“notifiable disease” means a disease listed by the Authority, and that, as soon as detected or suspected, should be brought to the attention of this Authority, in accordance with this Act;

“official control programme” means a programme which is approved, and managed or supervised by the Authority for the purpose of controlling a vector, pathogen or disease by specific measures applied throughout Antigua and Barbuda, or within a zone or compartment of Antigua and Barbuda;

“occupier” in relation to any land or building, means the person in actual occupation thereof, or if there is no person in actual possession, the owner of the land or building;

“owner” in relation to anything, includes any person having for the time being the possession, custody or control thereof;

“OIE” means the World Organization for Animal Health;

“OIE Standard” means the Terrestrial Animal Health Code of the OIE, the Manual of Diagnostic Tests and Vaccines for Terrestrial Animals, the Aquatic Animal Health Code and the Mammal of Diagnostic Tests for Aquatic Animals, as adopted and published by the OIE;

“package” means any container, box, covering wrapper or any other thing whatever in which animals products, 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 designated port of entry;

“premises” includes any building, tent or other structure, permanent or otherwise, together with the land on which the same is situated and any adjoining land employed in connection therewith, used for activities carried out in relation to animals, animal products or animal-related items;

“prescribed” means prescribed by this Act or Regulations made under this Act;

“quarantine station” means an establishment under the control of the Authority where animals are maintained in isolation with no direct or indirect contact with other animals, to ensure that there is no transmission of specified pathogen(s) outside the establishment while the animals are undergoing observation for a specified length of time and, if appropriate, tested and treated.

“risk analysis” means a process composed of hazard identification, risk assessment, risk management and risk communication in accordance with internationally accepted procedures and standards;

“risk assessment” means the processes of identifying and estimating the risks associated with the importation of a commodity and evaluating the biological and economic consequences of those risks;

“sell” includes to offer, advertise, keep, store, display, transmit, consign, convey or deliver for sale, or to exchange or to dispose of to any person in any manner whether for a consideration or otherwise, and “sold”, “selling” and “sale” shall have corresponding meanings;

“stray animal” means any animal not under direct control or ownership by a person, or not prevented from roaming;

“vehicle” means an aircraft, train, vessel, motor vehicle, or other thing used to transport animals, animal products or animal-related items to which this Act applies.

“veterinarian” means a person qualified and registered or licensed by the Veterinary Board of Antigua and Barbuda under section 3 of the Veterinary Act;

“veterinary inspector” means a person authorised by the Chief Veterinary Officer to carry out designated tasks under the responsibility and direction of a Veterinarian;

“veterinary medicinal product” means any product with approved claim(s) to having a prophylactic, therapeutic or diagnostic effect or to alter physiological functions when administered or applied to an animal;

“zoonoses” means diseases that can be transmitted to human from animals.

PART II

ADMINISTRATION

3. Minister responsible for administration of Act

- (1) The Minister shall have primary responsibility for the administration of this Act.
- (2) The Minister shall—
 - (a) declare a state of disease emergency;
 - (b) declare a free zone;
 - (c) designate veterinary inspectors;
 - (d) designate official and reference laboratories;
 - (e) make regulations under this Act; and
 - (f) carry out other tasks, as prescribed by this Act.

4. Animal Movement and Disease Advisory Council

- (1) There is established the Animal Movement and Disease Advisory Council.
- (2) The Advisory Council shall give advice to the Minister and the Authority on matters relating to this Act.
- (3) The provisions of the First Schedule shall have effect to the constitution, procedure and the functions of the Animal Movement and Disease Advisory Council.

5. Veterinary Authority

- (1) There is hereby established the Veterinary Authority (referred to as the “Authority”) which shall be headed by the Chief Veterinary Officer.
- (2) The functions of the Authority shall be to—
 - (a) enforce this Act or any subsidiary legislation made thereunder;
 - (b) prevent and control the introduction, establishment or spread of notifiable diseases within Antigua and Barbuda;
 - (c) develop and update the list of notifiable diseases for Antigua and Barbuda;
 - (d) carry out inspection and certification;
 - (e) carry out surveillance and detection activities and maintain up-to-date information on the animal health status of Antigua and Barbuda;
 - (f) in coordination with food safety authorities, regulate and carry out inspections in slaughterhouses and carry out ante-mortem inspection of animals to be slaughtered for food and post-mortem inspection of slaughtered animals;

- (g) develop animal health diagnostic and analytical capabilities;
- (h) distribute information regarding notifiable animal diseases and the means of their prevention and control;
- (i) carry out the inspection and certification of animals, animal products and animal-related items routinely;
- (j) issue a certificate relating to the health or to any period of quarantine of any animal in Antigua and Barbuda, and any information as is required by any country importing an animal, animal product, or animal-related item from Antigua and Barbuda;
- (k) monitor, evaluate and establish free zones, free compartments, infected zones and containment zones, and areas with low prevalence for animal diseases;
- (l) develop a system of requirements and controls for animals and animal products produced, distributed and sold in Antigua and Barbuda, including but not limited to border and inter-island controls;
- (m) oversee the training and development of inspectors;
- (n) set up a early warning system and undertake emergency action for diseases, and pathogen outbreaks and toxic substances;
- (o) establish, monitor, carry out, coordinate and evaluate detection, surveillance and monitoring programs relating to animal health and epidemiological matters;
- (p) develop and implement systems for animal identification and animal traceability;
- (q) notify the OIE of outbreaks of notifiable diseases and comply with other international reporting requirements under regional and international bodies;
- (r) 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, and comply with any reporting requirements;
- (s) inform and collaborate with the Ministry responsible for Health or any other relevant agency, on any actions needed where an animal disease or threat may present a health hazard to humans;
- (t) carry out risk analysis;
- (u) evaluate equivalence of sanitary measures taken by trading partners;
- (v) recommend to the Minister the imposition of quarantine at any place as may be deemed necessary;
- (w) participate in the work of the OIE and its subsidiary bodies, and other international and non-governmental and regional entities;
- (x) establish animal welfare based on OIE standards;
- (y) coordinate with the ministry responsible for health the authorization and use of veterinary medicinal products;

- (z) control importation and manufacture of animal feed and animal feed ingredients;
- (aa) authorize the importation and manufacture of veterinary medicinal products and monitor their distribution and use in coordination with the Ministry responsible for health; and
- (bb) propose to the Minister any regulations to be made under this Act.

6. Delegation of functions

(1) The Authority may in writing designate any public or private veterinarian or any veterinary inspector to perform any of its duties under this Act or the Regulations.

(2) The procedures for making a delegation under this section shall be prescribed by regulations.

(3) The agreement between the Authority and the veterinarian to which a function has been delegated in this section shall detail the terms and conditions of such delegation, including at least the following—

- (a) the scope of any delegated functions to be performed including the duration and the geographic area to be covered by such services;
- (b) remuneration arrangements;
- (c) the means of supervision by the Authority;
- (d) the minimum qualifications required to perform the delegated function; and
- (e) the conditions of withdrawals of delegations.

(4) The Authority shall not delegate any of the following functions—

- (a) official liaison duties with other Ministries, or foreign authorities or any notification responsibilities;
- (b) approval of standards, requirements, rules or sanitary measures;
- (c) designation of emergencies, free compartments, free zones, containment zones or infected zones; or
- (d) other functions as may be prescribed by regulations.

7. Official and reference laboratory

(1) The Minister shall on the recommendation of the Authority designate any diagnostic, research or other laboratory as an official or reference laboratory as may be required for purposes of this Act.

(2) A laboratory designated under subsection (1) shall meet the requirements prescribed in regulations, including the requirements of impartiality and independence.

8. Designation of facilities

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

9. Designation of veterinary inspectors

(1) The Minister shall, upon the advice of the Chief Veterinary Officer, designate veterinary inspectors for the purposes of this Act from persons who are qualified veterinarians or veterinary paraprofessionals who, by training and experience, are qualified to be so appointed.

(2) The Minister shall, upon the advice of the Chief Veterinary Officer, prescribe the qualifications and experience required of a veterinary inspector in regulations.

(3) Any person who is appointed as a veterinary inspector and who has any actual or reasonably perceived interest in a matter or other action to be taken by the Authority, whether such interest is direct or indirect shall communicate this interest to the Chief Veterinary Officer, and where such interest is in conflict with the impartiality and independence of inspectors, the Chief Veterinary Officer shall recommend to the Minister to withdraw the appointment of that person as a veterinary inspector.

10. Animal health measures

(1) The animal health measures approved for the purposes of this Act shall take into consideration the principles of—

- (a) harmonization with the international standards;
- (b) risk assessment and science-based measures;
- (c) regionalization;
- (d) being least-trade restrictive, necessary and proportional to the risk.

PART III

ANIMAL DISEASE CONTROL

11. List of notifiable diseases

(1) The Authority shall develop a list of notifiable diseases based on risk analysis, and shall regularly update and publish this list.

(2) The Minister shall cause for such list to be published in a Schedule to this Act.

(3) The Minister may, after consultation with the Veterinary Authority, by order amend from time to time the list of notifiable diseases set out in the Schedule referred to in subsection (1).

12. Animal Disease Surveillance System

(1) The Authority shall establish an animal disease surveillance system with at least the following characteristics—

- (a) representative coverage of target animal populations by field services;
- (b) effective disease investigation and reporting;
- (c) laboratories capable of diagnosing and differentiating relevant diseases.

(2) The purpose of the surveillance system shall be to detect animal diseases or animal health hazards.

(3) The Authority shall establish a training programme for veterinarians, veterinary para-professionals, livestock owners and others involved in handling animals for detecting and reporting unusual animal health incidents;

(4) Any person who detects or suspects the presence of a notifiable disease shall immediately report the disease and symptoms to the nearest Authority;

(5) The Authority shall establish a clear chain of command for detection, reporting and response to animal diseases and animal health hazards.

13. Declaration of infected zone

(1) Where a veterinary inspector suspects that a notifiable disease or a disease posing a serious threat to animal, human or environmental health exists in any premises, he or she shall—

- (a) without delay—
 - (i) declare a provisional infected zone;
 - (ii) write a notice to that effect specifying the limits of the zone and indicating the preventative measures to be applied in the zone, and serve such notice upon any owner or occupier of any affected premises in the infected zone; and
- (b) provide a copy of any notices issued under sub-section (1)(a) (ii) to the Authority.

(2) Any premises declared as a provisional infected zone shall be subject to confirmation by the Authority following an investigation within the prescribed period, and upon such confirmation, the Authority shall provide written notice to the Minister.

(3) Where the finding of an infected zone is confirmed by the Authority, the Minister shall upon the recommendation of the Chief Veterinary Officer by order published in the *Gazette*, declare an area to be an infected zone.

(5) The order shall specify—

- (a) the limits of the infected zone;
- (b) the duties and responsibilities of persons in the zone;
- (c) restrictions or prohibitions of the movement of animal products or animals of the species affected by the disease, into or out of, the zone;

(d) that international trade in animals, animal products or animal-related items shall be controlled or restricted in respect of animals in the infected zone.

(6) The Authority shall continuously review the disease status of the zone to verify compliance with the order and shall recommend to the Minister such revisions and updates as may be necessary.

14. Revocation of declaration of an infected zone

(1) Where the Authority determines that the circumstances that gave rise to the declaration of the infected zone are no longer present, the Chief Veterinary Officer shall recommend to the Minister that the declaration of the infected zone be revoked.

(2) Upon receipt of the Chief Veterinary Officer's advice in subsection (1), the Minister shall by order published in the *Gazette* revoke the declaration of an infected zone.

15. Declaration of animal disease emergency

(1) Where the Chief Veterinary Officer has reasonable grounds to believe that there has been an outbreak of a notifiable disease in Antigua and Barbuda, a recommendation shall be made to the Minister to declare an animal disease emergency.

(2) Upon the recommendation of the Chief Veterinary Officer, the Minister shall by order published in the *Gazette*, declare an animal disease emergency.

(2) The Authority shall implement the prescribed animal disease emergency response plan upon a declaration of an animal disease emergency.

(3) The declaration of an animal disease emergency shall be—

- (a) based on risk assessment carried out by the Authority;
- (b) limited to the extent necessary to minimize the threat; and
- (b) time-bound and subject to periodic review and evaluation as shall be prescribed by regulation and in the animal disease emergency plan.

(4) Any sanitary measures approved by the Authority in case of an emergency shall be proportionate to the threat which gave rise to the declaration of emergency and shall be published in the Official *Gazette*.

(5) The Chief Veterinary Officer shall regularly update the Minister on the status of the animal health situation.

(6) The Chief Veterinary Officer shall advise the Minister to revoke the status of emergency where the circumstances that gave rise to the threat no longer justify the continuing status of an emergency.

(7) Upon receipt of the advice of the Chief Veterinary Officer in subsection (6) the Minister shall by order published in the *Gazette* revoke the declaration of an animal disease emergency.

16. Emergency response plans

- (1) The Authority shall develop emergency and contingency plans.
- (2) Emergency plans shall take into account—
 - (a) the various disease control strategies available;
 - (b) the implications of using such various control strategies; and
 - (c) the most appropriate strategy to be used given different circumstances or disease outbreak scenarios.
- (3) Contingency plans shall address at least the following—
 - (a) the administrative and logistic organization of the institutions and persons responsible for responding to disease outbreaks;
 - (b) contain a clear command structure for response deployment; and
 - (c) contain the specific measures needed to address risks to human or animal health.
- (4) Emergency or contingency plans developed under this section shall take into account at least the following—
 - (a) the capacity for response of the Authority;
 - (b) the geographical, ecological and epidemiological environments;
 - (c) production and marketing practices;
 - (d) other factors considered necessary to control, stop the spread of, or eradicate the animal disease.
- (5) The Authority shall collaborate with the Ministries responsible for health, the environment, trade, disaster preparedness and response management, law enforcement and other public authorities with a role in emergency response.

17. Designation of free zones, containment zones, free compartments and surveillance zones

Where the Authority has established the necessary measures to maintain the status of free zones, containment zones, free compartments and surveillance zones, the Minister shall upon the recommendation of the Authority by order published in the *Gazette*, declare a zone to be a free zone, a containment zone, a surveillance zone or a free compartment zone.

18. Segregation and notification of diseased animals

- (1) Any person having in his possession or under his charge an animal suffering or suspected of suffering from a notifiable disease shall—
 - (a) keep the animal separate from other animals which are not diseased or suspected of being diseased; and

- (b) as soon as possible, but not later than twenty-four hours, give notice of the fact of the animal being diseased or suspected of being diseased to the nearest veterinary inspector, or to the person in charge of the nearest police station.

(2) If the person who receives the notice under subsection (1)(b) is not a veterinary inspector, that person shall give the information received to a veterinary inspector as soon as possible.

19. Movement permit

(1) Subject to any exceptions made under this Act, no person shall, without a permit issued by a veterinary inspector, remove from, or take into, an infected zone or containment zone, any animal, animal product or animal-related item or other thing covered under a movement restriction or prohibition in a zone declared as infected under section 13 or where an animal disease emergency has been declared under section 15.

(2) Where a veterinary inspector believes on reasonable grounds that any animal, animal product, animal-related item, or other thing has been removed from or taken into an infected zone or containment zone in contravention of subsection (1), the veterinary inspector shall—

- (a) seize such item, when there is an animal health risk;
- (b) return it to, or remove it from the infected zone or containment zone;
- (c) move it to any other place;
- (d) request of the owner or the person having the possession, care or control of the animal, animal product or animal-related item or other thing to return, remove or move the animal, animal product or animal-related item or other thing within a specified period of time in a specified manner;
- (e) postpone the movement for such period as he or she may specify in a written notice;
or
- (f) take any other sanitary measure as necessary.

(3) The veterinary inspector shall issue a notice to the owner or the person having the possession, care or control of the animal, animal product or animal-related item or other thing and such notice shall justify the measures taken under subsection (2).

(4) 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, animal product or animal-related item or other thing.

20. Slaughter of diseased animals

(1) An inspector may, in order to prevent the spread of any animal disease by giving all necessary direction, cause to be killed or destroyed—

- (a) any animal suffering from a notifiable disease;
- (b) any animal reasonably suspected of having a notifiable disease; or

- (c) any animal 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 notifiable disease.

(2) The inspector may take the necessary action under subsection (1) whether or not the place, land or area has been declared to be an infected zone.

(3) An inspector may, for the purpose of observation and treatment, take possession of and retain any animal liable to be killed or destroyed under this section.

21. Control measures

For the purposes of controlling or eradicating animal diseases and to prevent the introduction or spread of animal diseases, the Authority may—

- (a) prohibit or regulate the movement of animals, animal products, animal-related items, persons and vehicles, within, into or out of a infected zone, free zone or containment zone;
- (b) provide for the establishment of compartments and varying measures of control for each compartment;
- (c) seize, treat or dispose of animals, animal products or animal-related items that are or have been in such zone, or order the seizure, treatment or disposal of animals, animal products or animal-related items that are or have been in such zone; or
- (d) implement any disinfection measures, eradication measures, vaccination schemes, or official control and stamping-out programs.

22. Disposal of animals

Any animal which is killed or which dies as the result of disease, shall as soon as practicable, be buried or otherwise properly disposed of in a manner that is in accordance with the standards of the OIE that avoids the spread of pathogenic organisms and in accordance with regulations under this Act.

23. Compensation

(1) The Minister may award compensation under subsection (2) to the owner of any animal slaughtered subject to a pre-emptive action pursuant to section 20.

(2) The Minister shall, out of money approved for that purpose by Parliament, compensate the owners of animals killed under section 20 in order to achieve eradication, control or prevention of the further spread in or introduction into Antigua and Barbuda of an animal disease.

(3) The amount of compensation for each animal slaughtered pursuant to section 20 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.

(4) No compensation shall be payable in respect of an animal compulsorily killed while in a quarantine station.

24. Animal identification and traceability

The Authority shall set up a system for the identification and traceability of animals and shall collaborate with the authority responsible for food safety with regard to the traceability of animals and animal products to be used as food for human consumption.

25. Veterinary medicinal products

(1) No veterinary medicinal product shall be imported, sold, distributed, manufactured or used in Antigua and Barbuda unless it is registered as prescribed.

(2) The Authority may determine exceptions to the requirement of registration in subsection (1), where—

- (a) there are sanitary needs or emergencies that justify the importation, production or use of unregistered veterinary medicinal products;
- (b) there is no sufficient availability or affordability of registered veterinary medicinal products to face a veterinary need; or
- (c) for research or trial purposes.

(3) The requirement of registration in subsection (1) does not apply to traditional animal remedies prepared at the local level and administered in accordance with customary usage.

(4) The Authority shall coordinate with the Ministry responsible for health on the registration, authorized uses, the sale and prescription of veterinary medicinal products, including—

- (a) the professionals who are entitled to prescribe veterinary medicinal products, the conditions and forms to use for the veterinary prescriptions;
- (b) permitted uses, with special attention to minimizing and/or phasing out non-therapeutic uses;
- (c) data collection, record keeping and obligations of documentation and official notification linked to the prescription and use of antimicrobials;
- (d) the use of veterinary medicinal products in feed;
- (e) the sale and distribution of veterinary medicinal products and feed containing veterinary medicinal products, with special attention to antimicrobials, especially those used in human medicine.

(5) In the event of an outbreak, where a zoonotic disease is suspected, the Ministry of Health shall be notified immediately.

PART IV

IMPORT, EXPORT AND TRANSIT

26. International border inspection point

(1) The owner or operator of an international border inspection point designated as an import entry point or export point shall, where required in writing by the Minister, provide and maintain adequate areas, offices, laboratories and other facilities, in order to facilitate inspection or for any other purpose related to the administration of this Act or the Regulations.

(2) The Minister may—

- (a) cause any necessary improvements to be made to any area, office, laboratory or other facility provided by the owner or operator of an international inspection point, under subsection (1);
- (b) post, in a conspicuous location of the area, office, laboratory or other facility, for as long as is required, a notice of the requirements of this Act or the regulations.

(3) Where the owner or operator fails to comply with a request under subsection (1), the Minister may cause the construction or repairs to be carried out and the owner or operator shall be liable for all reasonable costs incurred by the Minister.

27. Import requirements

(1) The Authority shall approve and publish the list of animals, animal products and animal related items which require an international veterinary certificate or other health certificate to facilitate importation into Antigua and Barbuda.

(2) Upon the recommendation of the Authority, the Minister shall approve—

- (a) import requirements for animals;
- (b) import requirements for animal products or animal related items to prevent the entry of animal diseases and zoonoses;
- (c) in coordination with the Ministry responsible for health, import requirements for veterinary medicinal products;
- (d) import requirements for other animal-related items.

(3) The Minister, on the recommendation of the Authority, shall approve import requirements for animals, animal products and animal-related items under this Act, based on international standards, or science-based risk assessment.

(4) Import requirements issued under this section shall be regularly reviewed and published by the Authority.

(5) The Authority shall approve and publish the list of animal-related items that require prior approval of the Authority, and for animal-related items that do not require prior approval, the importer may submit such animal-related items directly for inspection at a port of entry.

(6) The Authority shall specify the countries whose sanitary measures are deemed equivalent to those of Antigua and Barbuda.

(7) Imports of animals or animal products and animal related items shall be through designated ports of entry.

28. Import permit

(1) Any person who wishes to import any animal, animal product or animal related item into Antigua and Barbuda shall apply to the Authority for an import permit in the prescribed form and shall pay the specified fee.

(2) An application for an import permit shall be submitted to the Authority in the time period and in the manner prescribed by regulations.

(3) Upon receipt of an application made in accordance with subsection (2), the Authority shall—

- (a) evaluate the application in accordance with the prescribed criteria;
- (b) determine if an application meets the prescribed requirements; and
- (c) issue the applicant with an import permit including any required conditions, in the prescribed form if the applicant meets prescribed requirements.

(4) If an applicant does not meet the prescribed requirements for issue of an import permit, the Authority shall indicate to the applicant in a written correspondence what measures shall be taken in order to meet the requirements for a permit.

(5) The Authority shall ensure that import applications and other import documentation are kept as records for the prescribed period.

(6) No import permit under this section shall be required for small quantities of animal products or animal related items required for personal use.

29. Restriction on importation

(1) A person shall not import an animal, animal product or listed animal-related item unless—

- (a) the importation is in accordance with an import permit issued by the Authority under section 28; and
- (b) the animal or animal product is accompanied by an international veterinary certificate, where required, or other certificate issued by the authority under section 27 of the exporting country.

(2) The Minister, on the recommendation of the Authority, may at any time prohibit or restrict the importation of an animal, animal product or animal-related item into Antigua and Barbuda where the importation based on risk assessment would result in the introduction or spread of any vector, pathogen, disease or toxic substance.

(3) An animal which is imported, unless exempted, shall upon landing be placed in quarantine for such period and be subject to such conditions as may be prescribed.

(4) A veterinary inspector may prohibit the importation of—

- (a) any tack, harness, gear, rope, sling or other equipment which has been used in connection with any imported animal;
- (b) any cage, basket, box, crate or other container which has been used or is being used for the carriage of any animal, animal related item or refuse;
- (c) any instrument, tool or other utensil which has been used in connection with any animal or any of the things mentioned in paragraph (b) which, in the opinion of the inspector, is capable of carrying any notifiable or other infectious or contagious disease affecting animals.

(5) Where the veterinary inspector is satisfied that any such equipment, container or utensil in subsection (4) is capable of being disinfected, he may permit it to be landed in the country, subject to such conditions and directions, relating to its disinfection in the prescribed port area where it is landed, as he or she shall impose in writing.

(6) Where any equipment, container or utensil is landed in contravention of this regulation or of any condition or direction imposed, the equipment, container or utensil may be seized by a veterinary inspector and detained, destroyed or otherwise disposed of as the Authority may direct.

30. Arrival notification

A customs officer shall—

- (a) notify the Authority of the arrival of any animal, animal product or animal-related item in the time and manner as prescribed; and
- (b) not release or dispose of the animal, animal product or related item unless authorised by the Authority.

31. Inspection of imports

(1) Any animal, animal product or animal-related items shall be subject to inspection by a veterinary inspector at the port of entry, upon importation into Antigua and Barbuda.

(2) Upon application by the importer and payment of the prescribed fee, and where the container has been sealed and marked as prescribed and where there is no risk of introduction or spread of disease, inspection by a veterinary inspector may take place at a destination or facility approved by the Authority.

(3) Upon inspection, where the veterinary inspector determines that the imported animal, animal product or animal-related item does not present any risk for the introduction and spread of disease, he or she may release the imported shipment for clearance by customs or to the importer or person in charge where the inspection is at a pre-approved destination.

(4) Upon inspection, where the veterinary inspector determines that the import would result in the introduction or spread of a vector or a disease, or where the documentation accompanying the shipment fails to meet the prescribed requirements, the inspector shall—

- (a) inform the Authority of the circumstances in a written report; and
- (b) provide written notice to the importer of the following measures to be carried out within five days, and the grounds for imposing them—
 - (i) the taking of samples for submission to an official laboratory for analysis;
 - (ii) transfer to a quarantine station or any other location identified by the Authority for testing or disinfection;
 - (iii) treatment or disinfection in order to remove the risk; and
 - (iv) return to the country of origin; or
 - (v) destruction of this shipment.

(5) The inspector may forego notice and carry out any of the actions specified under subsection (4) where the destruction of the goods is urgently required on humane grounds or providing the notice is impracticable.

(6) Any action taken under this section shall be made on the basis of risk assessment.

(7) Where the imported shipment lies unclaimed for a prescribed period after entry into Antigua and Barbuda, or after treatment, the Authority may take action to dispose of such shipment.

(8) The cost of any action taken by the Authority under subsections (4), (5) and (7) shall be borne by the importer.

(9) The Authority shall bear no liability for actions taken in good faith for the destruction or disposal of animals, animal products or animal-related items that have been imported into Antigua and Barbuda in contravention of this Act.

32. Transport of animals

(1) Any person who wishes to transport any animal or animal product through Antigua and Barbuda shall apply to the Authority in the prescribed form for a transit permit and shall pay the specified fee.

(2) An application for a transit permit shall be submitted to the Authority in the time period and in the manner prescribed by regulations.

(3) Upon receipt of an application made in accordance with subsection (2), the Authority shall—

- (a) evaluate the application in accordance with the prescribed criteria;
- (b) determine if an application meets the prescribed requirements;
- (c) issue the applicant with an import permit including any required conditions, in the prescribed form if the applicant meets prescribed requirements.

(4) At the port of entry, the veterinary inspector may, in addition—

- (a) inspect the animal, animal product or animal related-item in transit through Antigua and Barbuda to verify the animal health status;
- (b) upon the detection of a notifiable disease—
 - (i) refuse entry;
 - (ii) detain or confiscate the animal, animal product or animal related item; or
 - (iii) apply sanitary treatment or action.
- (c) apply animal health measures;
- (d) refuse entry to an animal, animal product or animal related-item if the international veterinary certificate is inaccurate or unsigned.

(5) Vessels carrying animals, animal products or animal-related items stopping in a port or passing through a port situated in the territory of Antigua and Barbuda, shall comply with the conditions prescribed by the Authority on their way to a port situated in the territory of another country.

33. Export of animals, animal products or animal-related items

(1) A person who intends to export an animal, animal product or animal-related item from Antigua and Barbuda shall submit the animal, animal product 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 requirements of the importing country have been met, the Authority shall issue the certificate;
- (b) is not satisfied that the animal, animal product or animal-related item intended to be exported satisfies the provisions of the importing country, the Authority shall—
 - (i) subject the animal, animal product or animal -related item to appropriate treatment in order to remove the risk; or
 - (ii) deny issuance of the certificate.

(3) For the purposes of issuing international veterinary certificates the Authority may—

- (a) carry out biological tests, vaccinations or disinfection procedures;
- (b) carry out inspection, approval and certification procedures of animals and establishments;

- (c) observe animals during transport to the place of shipment and at the point of departure; and
- (d) send advance notice to the importing country.

PART V

ANIMAL QUARANTINE

34. Quarantine stations

(1) The Minister may prescribe quarantine stations upon recommendation of the Authority and all animals required to be quarantined under this Act, or under any import permit granted thereunder, shall be placed within such stations in accordance with the orders of a veterinary inspector.

(2) 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 a veterinary inspector or a duly qualified veterinarian authorized by the Authority to provide veterinary attention at the station daily.

35. Quarantine of animals

(1) Any animal shall, where required by the Authority, or upon being landed for import, be placed in quarantine for such period and subject to such conditions as may be prescribed.

(2) A Veterinary Inspector may, with the approval of the Authority, direct that an animal be placed in quarantine if he has reason to believe that the animal—

- (a) may be suffering from a notifiable or other infectious or contagious animal disease;
- (b) may have been in contact, during its transportation—
 - (i) with any animal which is or may be suffering from a notifiable or other infectious or contagious animal disease;
 - (ii) with an animal which has not been tested or inspected to determine if it is suffering from an animal disease; or
 - (iii) 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 or other infectious or contagious animal disease.

(3) Any animal removed from quarantine in contravention of subsection (2) may be seized by a veterinary inspector and detained, destroyed or otherwise disposed of as the Authority may direct.

(4) Subject to the approval of the Authority, a veterinary inspector may destroy an animal in a quarantine station without payment of any compensation, where the animal develops a prescribed or other infectious or contagious animal disease while in a quarantine station or which, in the opinion of the inspector, shows symptoms of any disease, the spread of which would endanger animal health in Antigua and Barbuda.

(5) Nothing in this section shall be construed as restricting the power of the Authority to impose, as a condition in an import permit in respect of any animal to be imported into Antigua and Barbuda, 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.

PART VI

ANIMAL WELFARE AND STRAY ANIMALS

36. Prohibition of maltreatment

No person shall torture, beat, injure, mutilate, neglect or treat with cruelty or overload an animal.

37. Welfare of animals

(1) Any person who owns or is in charge of an animal shall comply with regulations on animal welfare and shall provide such animal with—

- (a) a sufficient and suitable diet;
- (b) access to sufficient and clean water;
- (c) proper shelter and housing which are—
 - (i) appropriate for the animal's behavioral patterns; and
 - (ii) sufficient to protect the animal from unsuitable weather conditions;
- (d) veterinary care when needed to treat and prevent suffering and disease; and
- (e) humane care and treatment.

(2) No owner or person in charge of an animal shall permit an act by another person that causes unnecessary suffering to an animal.

38 Stray animals

The Authority shall, in collaboration with the Ministry responsible for health and other authorities, approve measures to—

- (a) control the populations of stray animals, including programs and strategies to control animals which may pose a risk for public health or security; and
- (b) contain and control stray animals and notifiable diseases, including zoonoses.

PART VII**ENFORCEMENT****39. Powers of a veterinary inspector**

(1) Except for a dwelling place, a veterinary inspector may, without a warrant, but upon the presentation of his or her identification card and for the purpose of determining whether this Act is being violated—

- (a) enter any slaughterhouse, premises, vehicle, vessel, port facility or other place where activities in relation to animal health or veterinary public health is being carried out, or is suspected of being carried out, may—
 - (i) inspect or search such premises, and examine any animal, or open and examine any animal product, animal-related item, object or substance which is, or is suspected of being, used in activities relating to animal health or veterinary public health;
 - (ii) require the owner or person in charge of such premises to submit any information or documentation regarding such animal, animal product, animal-related item, object or substance;
 - (iii) weigh, count, measure, mark, open, take photographs, read any values of any instruments and take samples in the prescribed manner of any thing on the premises and submit it to an official laboratory for analysis by an official analyst, or secure or prohibit access to the same;
 - (iv) examine, make copies of or take extracts from any book, statement or other document found at such premises that the veterinary inspector believes on reasonable grounds as containing any information relevant to this Act, and demand from the owner or any person in charge of the premises an explanation of any entry in it;
 - (v) inspect any operation, process or system used or carried out on such premises;
 - (vi) seize any animal, appliance, product, material, object, substance, book, statement or document which appears to provide proof of a contravention of any provision of this Act, providing a signed receipt in the prescribed form, detailing the reasons for the action, which shall be countersigned immediately by the owner or person in charge of such premises, animal or object;
 - (vii) order the destruction or disposal of carcasses of diseased animals;
 - (viii) issue notices and order modifications in the animal premises if not in compliance with this Act;
 - (ix) order the seizure of animals for the purpose of further testing and analysis;
 - (x) prohibit the movement of animals; and

- (xi) decontaminate or disinfect, or order the decontamination or disinfection of any vehicle, premises or place.
 - (b) in relation to any animal, make examinations, apply tests, take samples, use vaccines and apply marks as may be reasonably necessary for the purposes of this Act;
 - (c) stop and search any vessel, container or vehicle, upon entry into, movement within or exit from Antigua and Barbuda;
 - (d) for a prescribed period, stop the distribution, sale or use of any animal, animal product or animal-related item which the veterinary inspector has reason to believe is infected with or may spread a notifiable disease;
 - (e) require the owner or person in charge of animals, animal-related item or premises to give—
 - (i) assistance or carry out instructions as may be reasonably necessary to facilitate the exercise of the veterinary inspector’s functions or to implement the provisions of this Act;
 - (ii) information as may be reasonably necessary in connection with the furtherance of the eradication of any animal disease or for the implementation of this Act.
 - (f) Where a veterinary inspector is satisfied that there has been a failure on the part of the captain of any vessel to comply with a requirement of this Act or with a condition imposed pursuant thereto, and this poses a veterinary health hazard, he may—
 - (i) detain the vessel and communicate the decision to the Chief Veterinary Officer and the Comptroller of Customs; and
 - (ii) immediately provide a written and signed notice of detention justifying the particulars of the non-compliance to the captain of the vessel.
 - (g) upon receipt of the communication under subsection (f)(i), the Chief Veterinary Officer shall, without delay, take the appropriate sanitary action to prevent veterinary health hazards.
- (2) A veterinary inspector shall not enter any dwelling place for the purposes of subsection (1) without the consent of the owner or occupier unless a warrant has been issued by a magistrate.
- (3) A veterinary inspector exercising his or her duties under this section, may request the presence and assistance of a police officer as he or she considers necessary.
- (4) Where a veterinary inspector has reasonable grounds for believing that an owner or person in charge of an animal, animal product, animal-related item or premises has failed to comply with this Act, he may serve a written notice on that owner or person in charge—
- (a) stating the veterinary inspector’s grounds for believing that the Act is not being complied with;

- (b) specifying the measures which the veterinary inspector deems that the owner or person in charge shall take in order to remedy the failures referred to in paragraph (a);
- (c) requiring the owner or person in charge to implement those measures, or measures which are at least equivalent to them, within the time period specified in the notice.

(5) In carrying out any duty under this section, a veterinary inspector shall present an identification card or other proof of appointment or designation as a veterinary inspector.

(6) Where no person is in actual occupation of any premises, or where the occupier or owner cannot be located, service of any notice under this Act shall be made by affixing the notice to a conspicuous place on the premises, and such affixing shall be considered as good service of the notice.

40. Storage and removal of seized animals

An inspector who seizes and detains an animal, animal product or animal-related item or other thing under this Act, may—

- (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 for storage.

41. Prohibition on the interference with seized animals

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

42. Detained animal, animal product or animal-related item

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

- (a) a determination by a veterinary inspector that the animal, animal product or animal-related item or other thing is in conformity with the provisions of this Act; 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, animal product 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.

43. Disposal of infected or contaminated animal, animal product or animal-related items

The Authority may dispose of an animal, animal product or animal-related item or other thing, or require its owner or person in charge to dispose of it, where the animal, animal product or animal-related item or other thing—

- (a) has been in contact with or in close proximity to another animal, animal product or animal-related item or other thing that was, or is suspected of having been, infected or contaminated by a notifiable disease, causative agent of a disease, [or a toxic substance] at the time of contact or close proximity;
- (b) is, or is suspected of being, infected or contaminated by a disease or a toxic substance;
- (c) is, or is suspected of being, a vector or the causative agent of a disease or a toxic substance; or
- (d) if required to prevent suffering or otherwise to ensure the animal's welfare.

44. Mail

Any animal-related item moving by mail shall be subject to requirements administered jointly by the Antigua and Barbuda Postal Service and the Authority.

45. Offences and penalties

(1) A person commits an offence if he or she either personally or indirectly through an employee or agent—

- (a) fails to comply with any order, direction or permit lawfully made or granted under this Act;
- (b) attempts to improperly influence a veterinary inspector in the exercise of the inspector's official functions under this Act;
- (c) imports any animal, animal product or animal-related item without a permit or certificate where required, or through a designated port of entry;
- (d) exports any animal, animal product or animal related item except in accordance with this Act;
- (e) fails to allow a search or inspection authorised under this Act;
- (f) carries out activities which require a permit or other authorisation by the Authority without receiving such permit or authorisation;
- (g) otherwise contravenes the provisions of this Act,

shall be liable on conviction to a fine not exceeding \$15,000, or to imprisonment for a term not exceeding two years, or to both fine and imprisonment.

(2) A person commits an offence if he or she either personally or indirectly through an employee or agent—

- (a) possesses, sells, transports, imports or exports any animal, animal product or animal related-item knowing that it is infected or contaminated or that it may transmit a notifiable disease;
- (b) intentionally permits or causes the introduction or spread of any notifiable disease in Antigua and Barbuda;
- (b) assaults, resists, threatens, or wilfully obstructs any officer while exercising lawful powers under this Act;
- (c) impersonates a veterinary inspector;
- (d) knowingly or recklessly provides information which is false, for the purpose of obtaining any document under this Act;
- (e) alters, forges, defaces, or destroys any document issued under this Act; or
- (h) tortures or treats an animal contrary to animal welfare requirements,

shall be liable on conviction to a fine not exceeding \$20,000, or to imprisonment for a term not exceeding five years, or to both fine and imprisonment.

(3) Where an offence under this Act has been committed by a body corporate and is proved to have been committed with the consent or connivance of, or to be attributable to any neglect or default on the part of, any director, manager, secretary or other similar officer of the body corporate, or any person who is purporting to act in any such capacity, such director, manager, secretary or other officer as well as the body corporate is guilty of that offence.

46. Offences by officials and penalties

(1) A veterinary inspector, official analyst or staff of the Authority commits an offence if he or she—

- (a) agrees to do or abstains from doing, permits, conceals, or connives in doing any act or thing contrary to the proper execution of his or her official duties under this Act or other laws in Antigua and Barbuda;
- (b) 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 by his or her supervisor in the course of official duties, or where ordered to do so by any court;

- (c) in connection with any official duty, directly or indirectly asks for or takes any payment, gratuity or other reward to which that inspector is not entitled; or
- (d) otherwise abuses his or her powers granted under this Act.

(2) Upon conviction for an offence under subsection (1) a veterinary inspector, official analysts or staff of the Authority shall be liable to dismissal by the Authority, he or she shall cease to function as a veterinary inspector, and may be ineligible for reappointment and shall be subject to such other penalty applicable to civil servants in Antigua and Barbuda.

47. Procedure for offences

(1) Where a veterinary inspector reasonably believes that a person has contravened any of the provisions of this Act, he or she shall provide such information to the Chief Veterinary Officer.

(2) The Chief Veterinary Officer shall determine whether the matter shall be forwarded to the Police or whether an administrative penalty is applicable by the Authority.

(3) Where a matter has been forwarded to the Police in accordance with subsection (2), the Police shall carry out an investigation and shall, where found necessary, issue a summons ordering the person accused of contravening the Act to appear before a magistrate in accordance with the Magistrates Code of Procedure Act.

48. Administrative penalties

(1) The Authority may suspend or revoke any permit or other authorization it has issued under this Act or take any other administrative penalty.

(2) Where the Authority has grounds for suspending or revoking a permit or other authorization issued under this Act, a veterinary inspector shall issue a written notice to the owner of the animal, animal product or animal-related item, providing the reasons for the decision, and may include in the notice, an obligation to pay a fine not exceeding **one thousand dollars**.

(3) If a person commits repeated violations of this Act, a permit or other authorization issued by the Authority, the Authority shall recommend, stating reasons, to the Registrar of the High Court that the business operating license be revoked.

(4) Upon receipt of such recommendation to revoke the business license, the Registrar may suspend or revoke the business license within seven days.

49. Fixed penalty notice for prescribed offences

(1) This section applies to any offence as may be prescribed by regulations as a fixed penalty offence.

(2) Where on any occasion a veterinary inspector finds a person who the veterinary inspector has reason to believe is committing, or has on that occasion committed, a fixed penalty offence, he

or she may give to that person a fixed penalty notice offering that person the opportunity of discharging any liability to conviction for that offence, by payment of such fixed penalty.

- (3) Where a person is given a fixed penalty notice in respect of a fixed penalty offence—
- (a) no proceedings shall be instituted for that offence before the expiration of the period for paying the fixed penalty; and
 - (b) such person shall not be convicted of that offence if the fixed penalty is paid before the expiration of that period.
- (4) A fixed penalty notice shall—
- (a) be in the form set out in regulations;
 - (b) give such reasonable particulars of the circumstances alleged to constitute the offence to which the notice relates; and
 - (c) state—
 - (i) the amount of the fixed penalty, which shall not exceed twenty *per cent* of the maximum amount of any fine or fines that are specified under this Act in respect of the offences to which the fixed penalty notice relates;
 - (ii) the period for paying the fixed penalty, which shall not exceed twenty-one days upon receipt of the fixed penalty notice;
 - (iii) the person to whom, and the address at which—
 - (a) the fixed penalty may be paid; and
 - (b) any correspondence relating to the fixed penalty notice maybe sent;
 - (c) the method or methods by which payment may be made; and
 - (d) the consequences of not making a payment within the period for paying the fixed penalty.
- (5) The Chief Veterinary Officer may extend the period for paying the fixed penalty in any particular case if he or she considers it appropriate to do so by sending notice to the person to whom the fixed penalty notice was given.
- (6) The admission of guilt and the fixed penalty paid under this section shall be dealt with by the magistrate in the same manner as adjudication in court of an offence punishable on summary conviction and for which no conviction is recorded.
- (7) For the purpose of this Act a fixed penalty offence is any offence for which the maximum penalty, excluding any additional fines if the offence is a continuing one, is a fine that does not exceed five hundred dollars.

50. 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 penalty imposed, order

that any animal, animal product 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 or person in charge of an animal, animal product or animal-related item or other thing is convicted of an offence under this Act and a fine is imposed, the animal, animal product, animal-related item or other thing—

- (a) may be detained until the fine is paid;
- (b) may be sold in satisfaction of the fine; or
- (c) may be destroyed at the expense of the owner or person in charge of an animal, animal product or animal-related item or other thing.

(3) Where the court does not order the forfeiture of an animal, animal product or animal-related item or other thing, then the animal, animal product or animal-related item or other thing, or any proceeds realized from its disposition shall be returned to the owner or person in charge at the time of its seizure.

51. Evidence

(1) In any prosecution for an offence under this Act, 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 in the absence of evidence to the contrary, proof of the matters asserted in it.

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

52. Limitation on liability

The Crown shall bear no liability for loss resulting from the destruction or disposal of any animal, animal product or animal-related item carried out in accordance with this Act.

53. Good faith defense

(1) No staff of the Authority, official analyst or official or reference laboratory or any government entity shall be liable to suit or to prosecution in respect of anything done in good faith in the performance of official functions under this Act.

(2) Subsection (1) shall not apply to civil or criminal liability for personal injury or death.

PART VIII**MISCELLANEOUS****54. Duty to assist and cooperate**

Customs, port, airport, airline, postal shipping, police and local authorities shall assist veterinary inspectors in the performance of their functions under this Act by providing such facilities and assist as the service may request from time to time.

55. Regulations

(1) The Minister may, on the advice of the Authority, make regulations and issue orders or notices which he or she considers appropriate to give effect to the provisions of this Act.

(2) In particular and without prejudice to the generality of subsection (1), regulations, orders or notices made under subsection (1) may provide for any or all of the following matters—

- (a) designating ports of entry at which animals, animal products or animal-related items or other things, may be landed and imported, as well as points of entry at which animals, animal products or animal-related items or things intended for importation may be inspected;
- (b) the movement of animals, animal products or animal-related items or other things into, within, or out of, any infected place, infected zone, infected compartment, containment zone, free zone or free compartment;
- (c) the examination, inspection, cleansing, destruction, disposal, seizure and detention of any animal, animal product or animal-related item or other thing;
- (d) prescribing risk assessment studies as the basis for approving sanitary measures under this Act;
- (e) prescribing the documents and their contents, which are to be provided in connection with the importation or landing of any animal, animal product 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;
- (f) the fees to be charged under this Act and the persons to whom they are to be paid and the manner in which they may be recovered;
- (g) animal welfare rules, including for—
 - (i) the transport of different species of animals carried by air, land or sea;
 - (ii) housing, handling and feeding; and
 - (iii) the use of animals for research purposes, the use of animals for exhibitions, zoos or recreational purposes, including sports and companion animals.
- (h) the marking by tagging or in any other manner of any animal and other thing imported into Antigua and Barbuda whether as a condition of landing or otherwise;

- (i) animal identification systems and packaging and labelling of animal products for trace back to the country of origin;
- (j) the application to animals imported into Antigua and Barbuda of any test for any notifiable or other infectious or contagious disease or of any treatment, vaccination or inoculation;
- (k) requirements, procedures and forms required for the import, export and transit of animals, animal products and animal-related items into, within or from Antigua and Barbuda;
- (l) the quarantine 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;
- (m) the stations to be used for animal quarantine, designating different stations where quarantine may be done, the requirements relating to the operation of quarantine stations and international transport facilities;
- (n) procedures to be followed by veterinary inspectors, official analysts and official laboratories in the exercise of their functions under this Act;
- (o) the cleansing and disinfection, and the subjection to quarantine of vessels used for the transportation of animals to Antigua and Barbuda;
- (p) emergency response planning and measures;
- (q) prescribing the time at which, and prescribing and regulating the mode and conditions under which, animals may be destroyed and disposed of;
- (r) the diseases to be classified as notifiable diseases;
- (s) causing or requiring notice to be given of the appearance of any disease or toxic substance among animals;
- (t) animal health actions and treatments on any place or thing that is likely to contain a vector or to be contaminated by any disease or toxic substance;
- (u) requirements for ante and post mortem examination;
- (v) requirements for animal reproduction;
- (w) procedures for the gathering of animals in markets or farms;
- (x) the regulation of veterinary drugs;
- (y) requirements for the transport, killing and slaughter of animals;
- (z) regulating animal feeds;
- (aa) establishing standards for livestock production systems;
- (bb) in consultation with the Ministry responsible for health, the prescription of veterinary medicinal products, and the regulation of persons who produce, sell, distribute, export or import veterinary medicinal products; or

- (cc) any other matter required to be prescribed under this Act or for the better carrying out of the provisions of this Act.

56. Standards for Animal Health and Welfare

The standards for animal health and welfare applied in the Act and Regulations shall be consistent with the standards of the OIE and the Codex Alimentarius Commission, as appropriate.

57. Repeal and savings

- (1) The Animals (Diseases and Importation) Act is hereby repealed.
- (2) An order issued by the Minister may revoke or modify any permit or certificate granted by authority under the Animals (Diseases and Importation) Act.
- (3) All regulations notices or orders in effect on the coming into force of this Act shall continue in force as if they were issued under the present Act, except where they conflict with, and until they are replaced by regulations, notices or orders made under this Act.

FIRST SCHEDULE

ANIMAL MOVEMENT AND DISEASE ADVISORY COUNCIL

SECTION 4

1 Composition

(1) The Animal Movement and Disease Advisory Council shall be appointed by the Minister and shall consist of the following—

- (a) The Chief Veterinary Officer or delegate;
- (b) The Chief Medical Officer or delegate;
- (c) The Chief Health Inspector or delegate;
- (d) The Comptroller of Customs or delegate;
- (e) The Fisheries Officer or delegate;
- (f) A Doctor of Veterinary Medicine in private practice
- (g) A representative of the Livestock division;
- (h) A veterinary officer appointed by the Minister;
- (i) A representative from trade or commerce.

2. Chairman and Deputy

- (1) The Minister shall appoint one of the members of the Council to be the Chairman.
- (2) The Council shall select from among its members a Deputy Chairman and a Secretary.

3. Function of Council

The functions of the Council shall be to—

- (a) propose animal health policies and the manner of implementation;
- (b) propose animal health laws or regulations to the Minister;
- (c) provide guidance on matters related to risk assessment and applicable international standards; and
- (d) such other duties and functions as may be assigned by the Minister under this Act.

4. Meetings

The Council shall meet at least once every two months and at such other times as the Chairman determines is necessary for the efficient discharge of its functions.

5. Procedure

The Council may determine its own procedure and may make rules governing such procedure.

6. Removal of a Council Member

The Minister may remove a member of the Council if the member—

- (a) becomes incapable of carrying out the duties of that member;
- (b) is convicted of an offence;
- (c) is guilty of misconduct.

7. Resignation

The Chairman may resign from office by an instrument in writing addressed to the Minister, and any other member may resign from office by an instrument in writing addressed to the Chairman.

8. Disclosure of interest

(1) A member of the Council who has an interest, directly or indirectly in any matter before the Council

- (a) shall disclose the nature of the interest to the Council; and
- (b) shall not take part in any deliberations or decisions of the Council with respect to the matter.

(2) A disclosure under this section shall be recorded in the Minutes.

9. Co-opted persons

One or more persons with special expertise may be co-opted by the Council for advice on a particular area or to work on a sub-committee on a matter of public interest, but such co-opted persons shall not vote on any matter.

SECOND SCHEDULE

Notifiable Diseases

Section 11

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 genital campylobacteriosis

- Bovine spongiform encephalopathy
- Bovine tuberculosis
- Dermatophilosis
- Enzootic bovine leukosis
- 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 evansi*)
- 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
Pullorum disease
Psittacosis

Lagomorph diseases

Myxomatosis
Rabbit haemorrhagic disease
Tularemia

Bee Diseases and Pests

Acariosis of bees
American foulbrood
European foulbrood
Nosemosis of bees
Varroosis
Africanized honey bee and varroa mite

Fish Diseases

Epizootic haematopoietic necrosis
Infectious haematopoietic necrosis

Oncorhynchus masou virus disease
Spring viraemia of carp
Viral haemorrhagic septicaemia

Mollusc Diseases and Pests

Bonamiosis (Bonamia ostreae, B. exitiosus, Mikrocytos roughleyi)
Marteiliosis (Marteilia refringens, M. sydneyi)
Mikrocytosis (Mikrocytos mackini)
MSX disease (Haplosporidium nelsoni)
Perkinsosis (Perkinsus marinus, P. olseni/atlanticus)
Giant African Snail

Crustacean Diseases

Taura syndrome
White spot disease
Yellowhead disease

Other Diseases and Pests

Leishmaniosis
West Nile Virus

Passed the House of Representatives on
the [], 2017.

Passed the Senate on the [],
2016.

Gerald Watt, Q.C.,
Speaker.

Alicia Williams-Grant,
President.

Ramona Small,
Clerk to the House of Representatives.

Ramona Small,
Clerk to the Senate.

EXPLANATORY MEMORANDUM

This Bill proposes to regulate the movement of animals into and out of Antigua and Barbuda with the aim of preventing and controlling the spread of certain prescribed animal diseases. The Bill also seeks to ensure that animals are imported into, or exported from Antigua and Barbuda in a safe and humane manner.

The Bill is divided into eight (8) Parts and contains fifty-seven Clauses and two Schedules.

Clause 2 is the Interpretation Clause and provides adequate meanings to “animals” and “animal diseases”.

Part II of the Bill contains Clauses 3 to 10 and sets out the administrative framework of the Bill. Clause 4 establishes an Animal Movement and Disease Advisory Council which shall, among other things, give technical advice to the Minister. The composition, procedure and functions are set out in the First Schedule.

Clause 5 of the Bill establishes the Veterinary Authority and designates the Chief Veterinary Officer as the Veterinary Authority with the power to administer the Act and the Regulations made thereunder. The functions of the Authority are also outlined which include, but are not limited to surveillance activities, monitoring and evaluation, risk assessment, inspection of animals ante-mortem and post-mortem, training of inspectors, issuance of permit certificates for export and import purposes, coordination and collaboration with inter-regional and international agencies, maintenance of facilities based on international standards agreed upon by Antigua and Barbuda.

Clauses 7 and 8 allow the Authority the latitude to operate, provide or approve diagnostic and research laboratories and such other services as the law requires and to amend, cancel or reinstate these facilities as the need arises.

Clause 9 makes provision for the appointment of Inspectors by the Minister, while Clause 10 speaks to animal health measures.

Part III of the Bill deals with animal disease control and consists of Clauses 11 to 25. This Part makes provision for the Minister to publish and update a list of notifiable diseases. Additionally, this Part also allows the Authority to establish an animal disease surveillance system and based on certain findings, declare infected zones, as well as animal disease emergency and develop emergency response plans. This Part also addresses issues pertaining to segregation, slaughter and disposal of diseased animals.

Part III of the Bill deals with the importation and exportation of animals and animal-related items. This Part consists of Clauses 26 to 33. This Part places restriction on the importation of animals and animal-related items except with the relevant permit from the Authority. Clauses 28 to 29 of the Bill deal with import permits and restriction on importation. Clause 31 addresses the inspection of animal and animal products at ports of entry and the times for such inspection.

Clauses 32 and 33 gives wide powers to Inspectors to deal with transporting and exporting of animal and animal related goods. Where any notifiable diseases are detected, an inspector has the powers to apply treatment or disinfection, to confiscate or to refuse entry.

Part V of the Bill outlines the issue of quarantine of diseased animals, Part VI deals with the welfare of animals and Part VII outlines offences, penalties, forfeiture and evidence. Finally, Part VIII touches on miscellaneous issues.