



ST HELENA

REVISED EDITION OF THE LAWS, 2017

ENVIRONMENT AND NATURAL RESOURCES

ANIMALS (DISEASES) ORDINANCE, 1944¹

Ordinance 3 of 1944

In force 15 August 1944

Amended by L.N. 4/1967, Ordinances 2 of 1972, 2 of 2001, 7 of 2003, 15 of 2011, 6 of 2016

Subsidiary legislation:

ANIMALS (DISEASES) REGULATIONS, 1950

Legal Notice 6 of 1950

Amended by L.N. 14/1950, L.N. 24/1955, L.N. 10/1956, L.N. 6/1958, L.N. 11/1960, L.N. 29/1966, L.N. 4/1967, L.N. 28/2013, L.N. 12/2014

ANIMALS (DISEASES) ORDINANCE, 1944

ARRANGEMENT OF SECTIONS

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AN ORDINANCE to control contagious diseases in animals.

Short title

1. This Ordinance may be cited as the Animals (Diseases) Ordinance, 1944.

Interpretation

¹ Under section 10 of the Revised Edition of the Laws Ordinance, 1999 this text is authoritative and is the sole authentic edition in respect of the law contained in it as at 1 November 2017.

2. In this Ordinance, unless the context otherwise requires—
- “**Agricultural Authority**” means the person appointed by the Governor under section 2A;
- “**animals**” includes all beasts, birds, reptiles, fishes and insects, and the young, eggs and semen thereof;
- “**authorised officer**” means the Agricultural Authority and any person to whom authority is delegated under section 2A;
- “**carcase**” includes part of a carcase, and the meat, bones, hide, skin, hoofs, horns, offal or any part of an animal separately or otherwise, or any portion thereof;
- “**Committee**” means a Council Committee;
- “**Inspector**” means a veterinary officer, customs officer, environmental health officer and any other person appointed as an Inspector by the Agricultural Authority.

Appointment of Agricultural Authority and delegation of powers

2A. (1) The Governor may by notice in the *Gazette* appoint a public officer to be the Agricultural Authority for purposes of the administration of this Ordinance.

(2) The functions of the Agricultural Authority, other than the appointment of an Inspector, may be performed by any other public officer authorised by the Agricultural Authority in that behalf and acting in accordance with any general or special directions the Agricultural Authority gives from time to time.

Regulations

3. (1) The Governor in Council may, for the purpose of preventing the introduction of disease into St Helena, or the communication of disease, make regulations -

- (a) prohibiting or controlling the importation of animals or any specified kind of animal into St Helena; and
- (b) for the control, seizure, detention and disposal (including slaughter) of any animals within St Helena.

(2) The powers conferred by subsection (1) include the power to make regulations for—

- (a) prescribing the powers and duties of the Committee;
- (b) prescribing the duties of authorised officers and Inspectors;
- (c) prescribing and regulating the burial, disposal or treatment of carcasses of animals slaughtered under any regulations made under this Ordinance, or dying while suspected of any disease;
- (d) prohibiting or regulating the sending or carrying of dung or other thing likely to spread disease;
- (e) prescribing or regulating the disinfection of any place occupied or filled by an animal slaughtered on account of or suspected of any disease;
- (f) prescribing and regulating the payment of fees or charges, and the recovery of expenses, in connection with the administration of this Ordinance.

Enforcement

4. Any police officer and any Inspector appointed under this Ordinance must, subject to the general directions of the Agricultural Authority, enforce the provisions of this Ordinance and of every regulation made under it.

Powers of police officers

5. (1) If a person is seen or found committing, or is reasonably suspected of being engaged in committing, an offence against this Ordinance, a police officer may -

- (a) without warrant stop and detain the person;
- (b) if the person's name and address are not known to the police officer, and the person fails to give them to the satisfaction of the police officer, without warrant arrest the person.

(1A) A police officer, whether or not stopping or detaining or arresting a person pursuant to subsection (1), may stop, detain and examine any animal, vehicle, boat, aircraft or thing to which the offence or suspected offence relates and require it to be immediately taken back to or into any place from where it was unlawfully removed and execute and enforce that requisition.

(2) If any person obstructs or impedes or assists any other person to obstruct or impede a police officer or other officer in the execution of this Ordinance or of a regulation made under it, the police officer or officer may, without warrant, arrest the offender.

(3) A person arrested under subsection (1) or (3) must be taken with all practicable speed before a Justice of the Peace and must not be detained without a warrant longer than is necessary for that purpose and all enactments relating to the release of persons on recognisances taken by a police officer apply in the case of a person arrested under this section.

(4) The foregoing provisions of this section respecting police officers extend and apply to any person called by a police officer to the officer's assistance.

(5) A police officer must forthwith make a report in writing to his or her superior officer of every case in which he or she stops any person, animal, vehicle, boat, aircraft or thing under this section, and of his or her proceedings consequent on the stopping.

(6) This section does not remove or abridge any power or authority that a police officer would have had if this section had not been enacted.

Powers of authorised officers and Inspectors

6. Every authorised officer and every Inspector has, for the purposes of this Ordinance, all the powers which a police officer has under this Ordinance.

Penalties for offences

7. A person who commits an offence against this Ordinance or against any regulations made under it is liable on summary conviction to a fine of £5,000, or to imprisonment for 12 months, or both.

Offences

8. It is an offence for a person, without lawful authority or excuse, proof of

which lies on the person —

- (a) to do anything in contravention of this Ordinance or of any regulations made under it;
- (b) when required to keep an animal separate as far as practicable or to give notice of disease with all practicable speed, to fail to do so;
- (c) to fail to give, produce, observe or do any notice, licence, regulation or thing, which the person is required to give, produce, observe or do;
- (d) to do anything which by this Ordinance or any regulation made under it is made or declared to be not lawful;
- (e) to do or omit anything the doing or omission of which is declared by this Ordinance or any regulation made under it to be an offence;
- (f) to refuse to any person acting in the execution of this Ordinance, or of any regulation made under it, admission to any land, building, place, vessel, pen, vehicle, aircraft or boat, which such a person is entitled to enter or examine, or to obstruct or impede such a person in the execution of his or her duty, or assists in any such obstructing or impeding;
- (g) to do any act with intent to evade the provisions of this Ordinance or any regulation made under it;
- (h) to offer or obtain, or attempt to offer or obtain, any licence, certificate or instrument that may be required of the person, by means of a false pretence; or
- (i) to make any declaration or statement false in any material particular.

Penalty: As provided in section 7.

ANIMALS (DISEASES) ORDINANCE, 1944

ANIMALS (DISEASES) REGULATIONS, 1950

(Section 3)

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First Schedule: Scheduled countries

Second Schedule: *Omitted*

Third Schedule: Fees

Citation

1. These Regulations may be cited as the Animals (Diseases) Regulations, 1950.

Interpretation

2. In these Regulations, unless the context otherwise requires—
 - “**domesticated animal**” means any cattle, donkey, horse, sheep, goat, pig, rabbit, poultry, cat, dog or other animal adapted to a life intimately associated with and advantageous to humans;
 - “**effective wire cage muzzle**” means a muzzle of wire so constructed as to render it impossible for the animal wearing it to bite any person or animal but not so as to prevent the animal from breathing freely or lapping water;
 - “**Health Standards**” means the standards set by the Committee under regulation (3)(1)(a);
 - “**infected area**” means any area declared by the Committee, by notice in the *Gazette*, to be an infected area in accordance with regulation 16;
 - “**notifiable disease**” means any disease included in the latest updated list of notifiable diseases published by the World Organisation for Animal Health (OIE) and any other disease, identified as presenting or suspected to present, by the Agricultural Authority, a danger to animal and/or public health;
 - “**parrot**” means any bird of the order Psittaciformes, including any of the birds commonly called parrots, parakeets, budgerigars, love birds, macaws, cockatoos, cockatiels, conures, lorries and lorikeets;
 - “**public place**” includes any street, highway, thoroughfare, bridge, park, garden or pleasure ground, and any unenclosed land or other place to which the public or any part of the public for the time being have access;
 - “**restricted animal**” means any animal of any class or classes of animals, specified by the Committee, by notice in the *Gazette*, when declaring an area to be an infected area;
 - “**scheduled country**” means a country listed in the First Schedule to these Regulations.

Licence to import animals

3. (1) No animal may be imported or brought into St Helena except—
 - (a) under a licence previously granted by the Agricultural Authority, having regard to the conditions and requirements contained in the Health Standards prescribed by the Committee in respect of the importation of animals; and
 - (b) upon production of a veterinary certificate at time of importation confirming compliance with the conditions and requirements contained in the Health Standards referred to in paragraph (a).
- (2) An application for a licence must be made in a form approved by the Agricultural Authority and is subject to the payment of fees as prescribed in the Third Schedule.

(3) Notwithstanding sub-regulation (1), no parrot or monkey may be imported into St Helena.

Importation of animals other than dogs or cats

4. Any animal, other than a dog or cat, imported under a licence granted by the Agricultural Authority must be detained in quarantine at the expense of the owner, or other person having charge of the animal, for a period of not less than one month or more than 6 months.

Importation of dogs or cats from scheduled countries

5. (1) Any dog or cat imported directly into St Helena from one of the countries specified in the First Schedule to these Regulations may be imported without detention in quarantine if—

- (a) the veterinary certificate is in full compliance with the conditions and requirements of the Health Standards;
- (b) the dog or cat is in good health and free from symptoms of infectious or contagious diseases; and
- (c) there has been no rabies among unquarantined dogs and cats or other animals in the country from which the dog or cat was exported during the 6 months immediately preceding the exportation of the dog or cat.

(1A) A dog or cat imported directly into St Helena from one of the countries specified in the First Schedule may be imported without detention in quarantine if it has been in quarantine in that country and has completed the full period of quarantine prescribed by that country before being exported to St Helena.

(1B) If any dog or cat so imported has during the period of transportation been in contact with any other cat or dog other than a dog or cat—

- (a) in respect of which a certificate in the terms required by sub-regulation (1) has been given; or
- (b) which has been released from quarantine in any of the countries specified in the First Schedule to these Regulations as being free of rabies,

the dog or cat must be detained in quarantine, at the expense of the owner, or other person having charge of the animal, for a period of not less than 6 months or more than 9 months.

(2) This regulation applies to a dog or cat imported directly into Ascension from St Helena or into St Helena from Ascension as if St Helena and Ascension were countries specified in the First Schedule.

Importation of dogs or cats from unscheduled countries

6. The importation of any dog or cat into St Helena from any country not specified in the First Schedule is not permitted except through a country specified in the First Schedule and having fully satisfied the importation requirements of that country.

Animals infected with disease

7. (1) If an authorised officer has reasonable cause to believe that any animal is showing symptoms of any infectious or contagious disease, the officer may, at his or her discretion and whether or not he or she has previously granted an import licence in respect of the animal—

- (a) refuse to permit the introduction of the animal into St Helena; or
- (b) cause the animal to be detained in quarantine at the expense of the owner, or other person having charge of the animal, for a period of up to 9 months.

(2) An authorised officer who refuses to permit the introduction of an animal into St Helena is not liable for any loss caused to the owner or other person having charge of the animal.

Conditions may be attached to licence

8. The Agricultural Authority may insert in any licence granted under these Regulations approving the introduction into St Helena of any imported animal, any conditions considered necessary or desirable for regulating or prescribing—

- (a) the mode of introduction, and the period and method of detention and isolation of the animal;
- (b) the person or persons by whom and the premises on which the animal is to be detained and isolated;
- (c) the movement of the animal to the place of detention;
- (d) the confinement of the animal in a suitable hamper, crate, box or other receptacle, or the muzzling of the animal during its movements along a highway or thoroughfare;
- (e) the mode of isolation of the animal;
- (f) the notice to be given of the death or the loss of the animal, or of any matter arising in connection with the movement, detention or isolation of the animal, and the persons by whom and to whom the notice is to be given; and
- (g) generally in regard to any matter which the circumstances of the case reasonably require.

Animal having notifiable disease

9. Every person having in the person's possession or under the person's charge an animal infected or believed to be infected with any notifiable disease must—

- (a) keep that animal separate from animals not so infected until the animal is seized under regulation 10 or the Agricultural Authority orders otherwise; and
- (b) with all practicable speed give notice of the fact to the Agricultural Authority, to the Senior Medical Officer/Clinical Director, and to the police officer in charge of the nearest police station.

Power to seize animals

10. An authorised officer or an Inspector may seize —

- (a) any animal imported in contravention of regulation 3;
- (b) any animal which is so kept as not to comply with any of the terms of the licence pursuant to which it was imported;
- (c) any animal which has been infected with any notifiable disease or has been exposed to such infection, or is reasonably suspected of having been so infected

- or exposed;
- (d) any animal which is not muzzled or kept under control in the manner directed by the Agricultural Authority.

Procedure regarding animals seized under regulation 10

11. (1) If an animal is seized pursuant to regulation 10(a) or (b), an authorised officer may –

- (a) detain the animal in quarantine, at the expense of the owner or person who imported the animal, for so long as the officer considers necessary; or
- (b) release the animal to the custody of that owner or person, subject to such conditions as the officer considers fit to impose.

(2) When any animal is seized pursuant to regulation 10(c) –

- (a) the animal must be detained for any period the Agricultural Authority considers necessary in any place of isolation appointed by the Authority for the purpose,; and
- (b) if, having regard to the history, health or condition of the animal, the Agricultural Authority is of the opinion that it should be destroyed, the animal must be destroyed in a manner to cause as little pain as possible.

Notice of seizure

12. (1) If any animal seized pursuant to regulation 10 is not destroyed or disposed of in the manner prescribed by regulation 11, there must be served on the owner or keeper of the animal, if known, a notice in writing stating that the animal has been seized and will be liable to be sold or destroyed if not claimed within 5 clear days after the service of the notice.

(2) If –

- (a) the owner or keeper of any animal so seized does not claim it within 5 clear days of the service of a notice as aforesaid; or
- (b) the owner or keeper cannot be ascertained; and
- (c) in either case if the owner or keeper does not pay all the expenses incurred in the detention of the animal,

then within a reasonable period, the animal may be sold, or may be destroyed in a manner to cause as little pain as possible.

(3) If an animal is destroyed or sold pursuant to sub-regulation (2), the owner or keeper, if known, may be required to pay the expenses of the seizure, detention, and sale or destruction of the animal, or the balance remaining after deducting the proceeds of the sale, if any.

Quarantine areas

13. (1) The Committee may by notice in the *Gazette* declare any place to be a quarantine area for such period as it considers necessary.

(2) No person may under any pretext whatsoever enter any place which has been declared to be a quarantine area under sub-regulation (1) unless the person holds a written

permit signed by the Agricultural Authority, who may attach to the permit any conditions the Authority considers necessary, and may grant or refuse a permit at his or her discretion.

(3) Any person who -

(a) enters any place which has been declared to be a quarantine area under sub-regulation (1) without a permit issued in accordance with sub-regulation (2); or

(b) being the holder of a permit, fails to carry out the conditions stated on it,

commits an offence.

Penalty: A fine of £5,000, or imprisonment for 12 months, or both.

Slaughter of restricted animals for consumption

14. (1) No restricted animal in an infected area may be slaughtered for consumption.

(2) No restricted animal outside an infected area may be slaughtered for consumption except in accordance with the Food Safety (Products of Animal Origin) Regulations, 2017 made under the Food Safety Ordinance, 2016.

Notification of animal deaths

15. (1) If any domesticated animal dies from natural causes or through accident, the person who had the animal in the person's possession or under the person's charge must, within 24 hours, report the death of the animal to the Agricultural Authority.

(2) This regulation does not apply in respect of any animal which has been slaughtered in accordance with the Food Safety (Products of Animal Origin) Regulations, 2017 made under the Food Safety Ordinance, 2016.

Control of animals, etc.

16. (1) If the Committee has reasonable cause to suspect the presence of any notifiable disease in any area, the Committee may declare the area to be an infected area for any class or classes of animals they consider necessary.

(2) If the Committee has declared any area to be an infected area, the Agricultural Authority may—

(a) issue any instructions the Authority considers necessary for the purpose of controlling the movement of restricted animals or parts of them into, within or out of the area;

(b) order any measures to be taken the Authority considers necessary for the cleaning and disinfecting of infected places or areas or parts of them;

(c) order any measures to be taken the Authority considers necessary for the destruction, burial, disposal or treatment of carcasses, fodder, litter, utensils, pens, animal-housing, drug or other things that are in an infected place or area or are removed from it.

(3) The Committee may at any time by notice in the *Gazette* direct that every animal or class of animals specified in the notice must at all times while—

(a) in or on any public place- be efficiently muzzled with an effective wire cage

- muzzle; and
- (b) in or on any other place - be kept under control by being—
- (i) confined in a kennel or other enclosure from which the animal cannot escape;
 - (ii) secured to some premises by a collar and chain;
 - (iii) efficiently muzzled with an effective wire cage muzzle; or
 - (iv) accompanied by the owner or some person deputed by the owner and under effectual control.

(4) The words “**other place**” appearing in sub-regulation (3)(b) do not include any vessel unless it is alongside any wharf, quay, jetty or other public place.

Movement of restricted animals

17. (1) No person may move or cause to be moved any restricted animal or part of it into, within or out of an infected area, except under the authority of a written permit signed by the Agricultural Authority.

(2) The Agricultural Authority may grant or refuse such a permit at his or her discretion and impose on it any conditions the Authority considers necessary,

Offences

18. A person who contravenes or fails to comply with any of these Regulations, or any order, instruction, or direction given, or requirement imposed, under any of them commits an offence.

Penalty: A fine of £5,000 or imprisonment for 2 years, or both.

Scale of fees

19. The scale of fees set out in the Third Schedule to these Regulations is to be charged in respect of the several matters to which they relate.

Agricultural Authority emergency powers

20. (1) If the Agricultural Authority has reasonable cause to suspect the presence of any notifiable disease in any area, the Authority may declare the area to be an infected area under regulation 16 and/or a quarantine area under regulation 13 for a period of up to 72 hours or until a declaration has been made by the Committee under regulations 13 or 16, whichever is the shorter period.

(2) Any area declared to be a quarantine area under sub-regulation (1) and any person, where appropriate, will be subject to regulation 13.

(3) Any area declared to be an infected area under sub-regulation (1) and any person, where appropriate, will be subject to regulation 16.

(4) Any area subject to a declaration by the Committee or the Agricultural Authority under this regulation or regulation 13 or 16 may be made subject to any exit or entry controls in relation to persons or animals that the Committee or the Agricultural

Authority sees fit to impose for the purpose of preventing the spread of any notifiable disease.

FIRST SCHEDULE
(Regulation 3)

SCHEDULED COUNTRIES

Great Britain
Northern Ireland
Republic of Ireland

SECOND SCHEDULE

Omitted

THIRD SCHEDULE
(Regulation 19)

FEES

1.	For the detention in quarantine of—	
(a)	Dogs and cats: per animal, for each day or part thereof	£3.30 plus the cost of feed
(b)	All other animals, except birds: per group, for each day or part thereof	£6.25 plus the cost of feed
(c)	Birds: per flock, for each day or part thereof	£8.85 plus the cost of feed
2.	On the grant of a licence to import—	
(a)	Dogs and cats from Great Britain, Northern Ireland or the Republic of Ireland, per animal	£110.00
(b)	Dogs and Cats from Ascension, per animal	£55.00
(c)	All other animals from Great Britain, Northern Ireland or the Republic of Ireland, per group	£55.00
(d)	All other animals from Ascension, per group	£25.00
