

# REPRINT

## **DISEASES OF ANIMALS ACT (CAP. 37)**

**As in force at: 1 October 2009**

<b>STATUS:</b> <b>CURRENT</b>
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For list of amendments see Endnotes
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**AN ACT RELATING TO CONTAGIOUS AND INFECTIOUS DISEASES OF  
ANIMALS**

## **DISEASES OF ANIMALS ACT (CAP. 37)**

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# DISEASES OF ANIMALS ACT (Cap. 37)

As in force at: 1 October 2009

## 1 Short title

This Act may be cited as the *Diseases of Animals Act*.

## 2 Interpretation

(1) In this Act unless the context otherwise requires:

**“animals”** means cattle, horses, asses, mules, sheep, pigs, goats, dogs and other animals;

**“carcase”** means the carcase of any animal, or the whole or any part of the flesh, wool, skin, hide, hair, bones, horns, hoofs, offal, or other portion of a carcase;

**“disease”** means any contagious or infectious disease of animals;

**“diseased”** means suffering from or affected with disease;

**“fittings”** means any pen, stall, cattle-box, horse-box, or other receptacle, or any gear, furniture, or utensils used by or for animals, and includes any materials or things used for enclosing or confining animals or in the care or control thereof which shall have been brought in contact with diseased animals;

**“fodder”** means any substance used for the food or litter of animals, or any other substance found with or about animals, and includes the manure of animals;

**“foreign”** applied to a country means any country out of Solomon Islands, and applied to any animal or thing means brought, or coming from a foreign country;

**“infected animal”** means any animal not being diseased which is or has within three months previous been in contact with any diseased animal;

**“infected area”** or **“infected place”** means any area or place, as the case may be, which has been duly declared to be an infected area or place;

**“inspector”** means any person appointed to be an inspector for the purposes of this Act;

**“master”** means any person (except a pilot) having for the time being command or charge of any vessel;

**“owner”** includes a consignee and the agent of an owner;

**“place”** means any building, structure, field, yard, garden, enclosure, dock, quay, wharf, or other place and includes a vessel;

**“Solomon Islands”** includes the islands of Solomon Islands and the waters of the said islands for three miles seaward of any port thereof;

**“Under Secretary”** means the officer from time to time appointed as Under Secretary (Agriculture) in the public service.

### **3 General powers and privileges of an inspector**

- (1) An inspector and his assistants shall have power at any time to enter upon or into any place for the purpose of inspecting animals or places or for the purposes of this Act.
- (2) An inspector and his assistants while engaged in the execution of their duties shall have for the purposes of this Act all the powers and privileges which an officer of Customs and Excise, health officer, or police officer has under any law for the time being in force.

### **4 General provisions as to declaring places and areas to be infected**

- (1) Where it appears to an inspector that a disease exists, or has existed within a period mentioned in respect of that disease in any order or rule made under this Act, in any place, he shall forthwith make and sign a declaration thereof stating particulars.
- (2) The inspector shall serve a notice signed by him of the declaration on the occupier of that place and also if he thinks it expedient on the occupier of any place contiguous thereto.

- (3) Thereupon every such place shall become and be a place infected with the disease specified in the inspector's declaration subject to the determination and declaration of the Minister.
- (4) The inspector shall with all practicable speed send his declaration and a copy of his notice to the Minister, who shall forthwith inquire into the correctness of the inspector's declaration.
- (5) If the Minister is satisfied as to the correctness of the inspector's declaration as regards the existence or past existence of disease he shall by order determine and declare accordingly, and prescribe the limits of the infected place, and may, if he thinks fit, include within those limits any place adjoining or near to the infected place.
- (6) If the Minister is not satisfied as to the correctness of the inspector's declaration as regards the existence or past existence of disease he shall by order determine and declare accordingly and thereupon, as from the time specified in that behalf in the order, the place to which the inspector's declaration relates shall cease to be a place infected with the disease specified in the inspector's declaration.
- (7) The Minister may at any time, if he thinks fit, on any evidence satisfactory to him, by order:
  - (a) declare any place with or without any place adjoining or near thereto to be a place infected with a specified disease; and
  - (b) extend, contract, or otherwise alter the limits of any infected place; or
  - (c) declare any place which has been duly declared to be an infected place to be free from a specified disease.
- (8) The Minister may at any time, if he thinks fit, on any evidence satisfactory to him, by order:
  - (a) declare any area comprising any infected place to be an area infected with a specified disease; and
  - (b) extend, contract, or otherwise alter the limits of any infected area; or

- (c) declare any area which has been duly declared to be infected or any part thereof to be free from a specified disease.

## **5 Destruction of diseased, etc., animals**

- (1) The Minister, or an inspector being a qualified veterinary surgeon, may if he thinks fit cause to be destroyed any diseased or infected animal or any animal suspected of being diseased.
- (2) The owner of any animal destroyed as aforesaid shall be entitled to compensation in the cases, to the extent, and subject to the conditions hereinafter provided.
- (3) The compensation shall be based on the fair market value of the animal as fixed in writing immediately prior to the inspection that resulted in its being condemned; such compensation to be ascertained in case of dispute by arbitration of two arbitrators, one to be appointed by the condemning authority and one by the owner, with power to the two arbitrators to appoint an umpire, and the decision of such arbitrators or umpire shall be final.
- (4) Such market value shall in no case exceed:
  - (a) for horses, mules or asses, sixty dollars per head;
  - (b) for cattle, sixteen dollars, per head;
  - (c) for sheep, three dollars per head.
- (5)
  - (a) In any case where it is shown to the satisfaction of the Minister that an animal was not diseased when it was condemned the amount of the compensation shall be a sum equal to the full market value as aforesaid.
  - (b) In any other case the amount of the compensation shall be a sum equal to one-half of such market value.
- (6) In every case the carcase shall be destroyed or otherwise disposed of as the condemning authority directs, and if sold the net sum received in respect thereof shall be the property of the Crown and shall either be paid into the Consolidated Fund or paid to the owner

of the animal and deducted from the amount of the compensation.

- (7) No compensation shall be payable in respect of any kind of animals other than horses, mules, asses, cattle, or sheep, or in any of the following cases, that is to say:
- (a) in any case where the owner or person having charge of the animal destroyed has in relation to such animal been convicted of or been proved to have committed an offence against this Act or where such animal has become diseased or infected or suspected or being diseased by reason of such animal having come into contact with an animal the property of the same owner in respect of which the owner has been convicted of or proved to have committed an offence against this Act;
  - (b) in the case of foreign animals of any kind or of any age, if condemned within six months after importation;
  - (c) in the case of horses, mules, or asses, if less than one year or more than twelve years old when condemned;
  - (d) in the case of cattle, if less than one year or more than eight years old when condemned;
  - (e) in the case of sheep, if less than three months or more than four years old when condemned:

Provided that in every such case the net sum received in respect of the carcase shall be the property of the owner of the animal and shall be payable to him accordingly.

- (8) All moneys payable by the Government in respect of compensation under this Act shall be payable out of the Consolidated Fund.
- (9) On or before the thirty-first day of March of each year the Under Secretary shall furnish to the Minister a return setting forth in respect of the year:
- (a) the total number of each kind of animal condemned and destroyed;
  - (b) the total amount paid in respect of compensation, showing

separately the total amounts based on the full market value and on the half market value;

- (c) the total sum received in respect of the disposal of the carcasses, showing separately the total amount deducted from the compensation and the total amount paid into the Consolidated Fund.

## **6 Person in charge of diseased animal to separate it and report to authorities**

- (1) Every person having in his possession or under his charge any diseased or infected animal shall:
  - (a) as far as practicable isolate and keep that animal separate from animals not so diseased or infected;
  - (b) with all practicable speed give notice of the fact of the animal being diseased or infected to the nearest inspector, or police officer of or above the rank of Inspector, or to the civil officer in charge of the province in which the animal is.
- (2) The officer to whom notice is given shall forthwith give information thereof to such person or authority as the Minister by general order directs.
- (3) The Minister may make such orders as he may think fit for prescribing and regulating the notice to be given to or by any person or authority in case of any particular disease, or in the case of the illness of an animal, and for supplementing or varying for those purposes any of the provisions of this section.

## **7 Carcase of diseased animal not to be thrown into river, etc.**

No person shall throw, or place, or cause to be thrown or placed into or in any river, stream, pool, pond, spring, well, or reservoir, or into or in the sea within three miles of the shore, the carcase of any animal which has died of disease or been slaughtered as diseased or suspected.



**8 Power of owner to exclude unauthorised persons in case of infection**

A person owning or having charge of any animals in an infected place or area may affix, at or near the entrance to any building or enclosure in which the animals are, a notice forbidding persons to enter therein without the permission mentioned in the notice and thereupon it shall not be lawful for any person not having by law a right of entry or way into, on, or over that building or enclosure, to enter or go into, on, or over the same without that permission.

**9 Duties and powers of Police Force**

- (1) The Police Force shall execute and enforce this Act and every order made thereunder.
- (2) Where any person is seen or found committing, or is reasonably suspected or being engaged in committing, or of having committed an offence against this Act any police officer may without warrant stop and detain him; and if his name and address are not known to the police officer and he does not give them to the satisfaction of the police officer, the police officer may without warrant apprehend him; and the police officer may, whether so stopping or detaining or apprehending the person or not, stop, detain and examine any animal or thing to which the offence or suspected offence relates, and require the same to be forthwith taken back to or into any place or province wherefrom or whereout it was unlawfully removed and execute and enforce that requisition.
- (3) If any person obstructs or impedes or assists to obstruct or impede a police officer or other officer in the execution of this Act, or of any order or rule made thereunder, the police officer may without warrant apprehend the offender.
- (4) The foregoing provisions of this section respecting a police officer or other officer shall extend and apply to any person called by the police officer or other officer to his assistance.

**10 Movement of animals into, within, or out of infected place or area**

No animal shall be moved, or allowed to be moved or to stray into,

within, or out of an infected place or area without the written authority of an inspector and except on such conditions as may be prescribed by him.

**11 Removal from infected place or area of carcasses, fittings, etc.**

No person shall remove or allow to be removed from any infected place or area any carcass, fittings, fodder or other thing, or any soil, sand or other material upon or about which any diseased or infected animal is or has been kept, or any dairy produce of any diseased or infected animal, without the written authority of an inspector and except on such conditions as may be prescribed by the inspector.

**12 Diseased or infected animal not belonging to a place found therein by occupier to be detained**

- (1) The occupier of any place, not being the owner or a person having charge of the animal, who finds therein or thereon any diseased or infected animal shall forthwith give written notice thereof with particulars to the authority to whom the notice provided for by section 6 is required to be given, and shall detain and keep in isolation that animal until an inspector otherwise directs.
- (2) An occupier as aforesaid complying with the provisions of this section shall be entitled to recover the reasonable cost and expense of or incidental to his so complying from the owner of the animal or from any person whose act or omission led to the animal being found as aforesaid.

**13 Detention of lost animal by police officer**

- (1) Any police officer who finds any animal apparently lost or straying may detain such animal pending its recovery by the owner or person having charge thereof.
- (2) The person recovering any animal so detained shall be liable for the cost and expense of or incidental to its detention.

**14 Diseased animal, etc., not to be sold, etc., without authority**

- (1) No person shall without the written authority of an inspector and except on such conditions as the inspector may prescribe, sell, or

otherwise dispose of, or enter into any contract for the sale or other disposal of, or expose for sale, or attempt to sell or otherwise dispose of, any diseased animal or carcase, or any animal, carcase, fodder, fittings, or other thing infected with disease.

- (2) No contract for the unauthorised sale or other disposal of any animal, carcase, fodder, fittings or other thing shall bind any party thereto.

**15 Detention of animal or thing in respect whereof an offence is committed**

Any animal or thing in relation to which any offence against this Act is committed may be seized by any police officer and detained at the cost and expense of the person committing the offence until an inspector otherwise directs.

**16 Penalty for offence against Act**

If any person, without lawful authority or cause, proof whereof shall lie on him, does any of the following things, he shall be guilty of an offence against this Act, and for every such offence he shall be liable to a fine of two hundred penalty units:

- (a) if he does anything in contravention of this Act or of any order or rule made thereunder; or
- (b) if he omits to do anything required to be done by any order or rule made under this Act; or
- (c) if he obstructs or impedes any officer acting in the execution of his duty or assists in any such obstructing or impeding.

**17 Burden of proof**

When the owner or person in charge of an animal is charged with an offence against this Act relative to any disease of the animal he shall be presumed to have known of the existence of the disease unless and until he shows to the satisfaction of the court that he had no knowledge thereof and could not with reasonable diligence have obtained that knowledge.

## **18 Evidence and form and service of instruments**

- (1) In any proceeding under this Act no proof shall be required of the appointment or handwriting of an inspector or other officer.
- (2) Every notice under this Act or under any order or rule made thereunder must be in writing.
- (3) Any notice or other instrument under this Act or under any order or rule made thereunder may be served on the person to be affected thereby either by the delivery thereof to him personally, or by the leaving thereof for him at his last known place of abode or address, or by the sending thereof through the post in a letter addressed to him there.
- (4) A notice or other instrument to be served on the occupier of any place may, except when sent by post, be addressed to him by the designation of the occupier of that place without naming or further describing him; and where it is to be served on the several occupiers of several places may, except when sent by post, be addressed to them collectively by the designation of the occupiers of those several places without naming or further describing them, but separate copies thereof being served on them severally.

## **19 Effect of certificate of inspector being a veterinary surgeon**

A certificate of an inspector being a qualified veterinary surgeon to the effect that an animal is or was affected with a disease specified in the certificate shall for the purposes of this Act be deemed conclusive evidence of the matter certified.

## **20 Who to bear expenses of isolation, etc.**

Whenever any animals, carcases, fittings, fodder, or other things, or any places, are placed under or are subjected to restrictions for the purposes of this Act, or any remedial measures are in relation thereto taken for the purposes of this Act, the cost and expense thereof, incidental thereto, or thereby incurred, shall, subject to the other provisions of this Act, be borne by the owner or person having charge of the animal, thing, or place dealt with, unless it is shown to the satisfaction of the Minister that in relation to the animal, thing, or place dealt with no disease exists or had existed.

**21            Provision of places for landing, etc., foreign animals and charge therefor**

The Government may provide, fit up, and maintain places for the landing, reception, keeping, and disposal of foreign animals, carcases, fittings, fodder, or other things, and may charge for the use of such places such sums as it may with the approval of the Minister prescribe.

**22            Minister may make orders and rules under Act**

The Minister may from time to time make, vary, or rescind such orders or rules as he may deem expedient for any or all of the following purposes:

- (a) for prescribing and defining the ports and parts of ports and the conditions at or under which alone foreign animals, carcases, fittings, fodder, or other things may be landed;
- (b) for prescribing and regulating the inspection and examination of animals, carcases, fittings, fodder, or anything by which disease may be introduced or spread;
- (c) for prescribing and regulating the seizure, detention, isolation, cleansing, disinfection, and destruction of any animal or thing by which disease may be introduced or spread;
- (d) for prescribing and regulating the cleansing, draining, and disinfection of any place used for accommodating animals and its maintenance in sanitary condition;
- (e) for prescribing and regulating the cleansing, draining, and disinfection of infected places and areas;
- (f) for regulating the movement or carriage within Solomon Islands of animals, carcases, fodder, fittings, or other things;
- (g) for prohibiting the exhumation of carcases that have been buried;
- (h) for prescribing and regulating the marking of animals;
- (i) generally for taking such steps as may be deemed expedient to

prevent the introduction of disease, and to prevent the spreading of, and to eradicate, any disease which may be found to exist within Solomon Islands, and for carrying out the objects and purposes of this Act in all matters of detail whatsoever.

## ENDNOTES

### 1

#### KEY

amd = amended	Pt = Part
Ch = Chapter	rem = remainder
Div = Division	renum = renumbered
exp = expires/expired	rep = repealed
GN = Gazette Notice	Sch = Schedule
hdg = heading	Sdiv = Subdivision
ins = inserted	SIG = Solomon Islands Gazette
lt = long title	st = short title
LN = Legal Notice	sub = substituted
nc = not commenced	

#### NOTE

This Reprint comprises the Act and amendments as in force on 1 March 1996 and published as Chapter 37 of the Revised Edition of the Laws of Solomon Islands, together with amendments made to the Act since that date.

### 2

#### LIST OF LEGISLATION

##### ***Diseases of Animals Act (Cap. 37)***

<i>Constituent legislation:</i>	10 of 1915 (Commenced 1 January 1917)
	8 of 1929
	17 of 1964
	8 of 1965
	6 of 1967
	LN 46A of 1978
	LN 88 of 1978
	13 of 1982

##### ***Penalties Miscellaneous Amendments Act 2009 (No. 14 of 2009)***

Assent date	29 July 2009
Gazetted	1 October 2009
Commenced	1 October 2009

### 3

#### LIST OF AMENDMENTS

s 16                      amd by Act No. 14 of 2009