

CHAPTER 37:01
DISEASES OF ANIMALS
ARRANGEMENT OF SECTIONS

SECTION

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Act 9, 1977,
S.I. 9, 1977,
Act 9, 1978,
Act 9, 1982.

An Act to provide for the prevention and control of diseases of animals; to regulate the import, export and movement of animals; to provide for the quarantine of animals in certain circumstances; and to provide for matters incidental to and connected with the foregoing.

[Date of Commencement: 28th January, 1977]

1. Short title

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

2. Interpretation

In this Act, unless the context otherwise requires-

"animal" means any bull, cow, ox, heifer, calf, sheep, goat, camel, horse, mule, donkey, pig, domestic fowl, and any other vertebrate animal or bird, any wild carnivore tamed and kept as a pet, guinea-fowl, pigeon, pea-fowl, dog, cat, and any other creature prescribed as an animal for the purposes of this Act;

"carcass" means the body of an animal or any portion thereof;

"departmental officer" means any veterinary officer, livestock officer, stock inspector or veterinary assistant employed by the Government;

"Director" means the Director of Veterinary Services, and includes the Deputy Director of Veterinary Services and any veterinary officer authorized by the Director;

"disease" means anthrax, brucellosis, dourine, East Coast fever, epizootic lymphangletla, foot and mouth disease, glanders and farcy, mange in equines, contagious bovine, pleuro-pneumonia, African swine fever, swine fever, rabies, rinderpest, sheep-pox and

sheep scab, tuberculosis, African horse sickness, ulcerative lymphangitis, lumpy skin disease, Newcastle disease, blue tongue, psittacosis, Rift Valley fever, trypanosomiasis, and any other disease of animals prescribed as a disease for the purposes of this Act;

"fence" means any fence declared by the Minister to be a fence for the purposes of disease control, and means a substantially large stock-proof fence with gates at places where it crosses a public or a private road and with suitable appliances where it crosses any obstacle;

"infective agent" means anything declared by the Minister as an infective agent under section 6;

"owner" means-

- (a) when used in relation to any land or place, the registered owner thereof when he is in actual occupation of such land, and, when such owner is not in occupation of such land, the expression when so used means any person who, whether as lessee or licensee, or otherwise entitled, has for the time being the charge, control and management or occupation of such land or place;
- (b) when used in relation to any animal-
 - (i) every person who is the sole or part owner thereof; or
 - (ii) if the sole or part owner has not for the time being the control or custody of such animal, the person who has such control or custody of such animal;

"stock" means bulls, oxen, cows, heifers, calves, sheep, goats, pigs, and any other animal prescribed as stock for the purposes of this Act;

"stock-free zone" means any area declared by the Minister to be a stock-free zone under section 8;"

"veterinary officer" means any officer in the service of the Government who is a veterinary surgeon;

"veterinary surgeon" has the same meaning as that assigned to that expression in the Veterinary Surgeons Act.

3. Animals affected by disease

(1) Every owner or person in control of any animal affected or suspected of being affected by any disease shall-

- (a) as soon as is reasonably practicable, give notice of the animal so affected or suspected of being so affected to the nearest departmental officer, administrative officer, or police officer; and
- (b) as far as is practicable, keep such animal separated from other animals not so affected.

(2) Every person, other than a departmental officer, receiving notice under subsection (1) shall forthwith notify the nearest departmental officer.

(3) Notwithstanding the provisions of subsection (1), any veterinary surgeon who has reason to believe that any animal is suffering from a disease shall forthwith give notice of that fact to the nearest departmental officer.

(4) Any person who fails to comply with the provisions of subsection (1), (2) or (3) shall be guilty of an offence.

4. Power to declare areas infected

The Director may, by order published in the *Gazette*-

- (a) declare any area to be an infected area as regards any disease named in such order;
- (b) extend, diminish or otherwise alter the limits of an infected area;
- (c) declare an infected area to be free from disease;
- (d) for the purpose of preventing disease, prohibit the movement into or out of any infected area of any animal, carcass, litter, dung or fodder, except under a permit issued by a veterinary officer.

5. Provisions affecting infected areas

(1) In the absence of any other provisions made by regulations under this Act, the

following provisions shall apply to all infected areas-

- (a) no person shall move any animal from or into any infected area, or from place to place within such area, without a written permit to do so from a veterinary officer or any officer authorized by the Director to give such permit;
- (b) no person shall move any animal from an infected area unless previously disinfected and treated in such manner as may be directed by the Director or by any person authorized by him;
- (c) the Director or any person authorized by him may require the owner of any animal within the infected area to isolate such animal from other animals within the infected area or to remove such animal from such area;
- (d) the Director may direct that any animal within an infected area be isolated, inoculated, dipped, treated or slaughtered for the purpose of disease control;
- (e) no person shall leave an infected area without having complied with such reasonable precautions for preventing the spread of disease as may be required by a departmental officer;
- (f) the carcass of any animal infected with disease shall be disposed of in accordance with any general or specific instructions issued by the departmental officer.

(2) A permit issued under the provisions of subsection (1) may contain such conditions as the issuing officer may deem necessary, and the person to whom it is issued shall comply with such conditions.

(3) The holder of a permit issued under the provisions of subsection (1) shall produce the same for inspection on demand made by a departmental officer, a police officer of or above the rank of sergeant, or by any other person authorized by a departmental officer.

(4) Any person who fails to comply with the provisions of this section shall be guilty of an offence.

6. Control of import and export

(1) No person shall, without the consent of the Director, import or export any animal, carcass, hide, skin, hoof, hair, wool, semen or any other produce of animal origin, litter, dung, fodder, live virus, or other pathogenic agent capable of setting up disease in animals, serum, vaccine or other biological or chemical product intended to be used for the treatment of animals.

(2) The Minister may, by order published in the *Gazette*, declare any other thing, whether animate or inanimate, by or by means of which it appears to him that any disease might be carried or transmitted, to be an infective agent for the purposes of this section.

(3) Any person who contravenes the provisions of this section shall be guilty of an offence.

7. Quarantine stations

(1) The Minister may, by order published in the *Gazette*, establish quarantine stations.

(2) The Director may direct that any animal imported or to be exported under section 6, or any animal infected or suspected to be infected with any disease, shall be-

- (a) held in a quarantine station for such time; and
- (b) subjected to such test, inoculation, treatment or dipping,

as he may direct.

(3) The owner of any animal held in quarantine under this section shall be liable for all charges arising from any test, inoculation, dipping or treatment carried out while such animal is in quarantine.

8. Stock-free zones, fences, and dipping tanks

(1) The Minister may, by statutory instrument, make an order declaring such areas as may be specified in such order to be stock-free zones for the purpose of the control of disease.

(2) Without prejudice to the provisions of subsection (1), the Minister may, by order published in the *Gazette*-

- (a) direct that stock should be removed from a stock-free zone;
- (b) direct the erection of dipping tanks, spray races, smudge houses and such other structures as he may consider necessary for the purpose of the control of disease;
- (c) direct the erection and maintenance of fences on any land for the purpose of the control of disease;
- (d) declare specified routes or modes of transport along which cattle are moved from place to place within Botswana to be stock routes; and
- (e) prohibit the sinking of boreholes within 8 km of any fence erected under paragraph (c).

(3) Notwithstanding the preceding provisions of this section, the Director may, where he deems it necessary to do so, by written permit, allow any person to move stock into or through a stock-free zone on such conditions as may be specified in the permit.

9. Power to order the collection of stock

(1) The Director or any departmental officer may instruct the owner of any stock to assemble such stock or any part thereof at any specified place for the purpose of inspection or inoculation or for any other purpose authorized under the provisions of this Act.

(2) Any person who fails to comply with any reasonable instruction given under subsection (1) shall be guilty of an offence.

10. Stock in transit

(1) Stock in transit by train within or through Botswana shall be under the control of such person as the railway company conveying the stock shall appoint, and, in default of such appointment, the guard of the train conveying such stock shall be deemed to be the person in control of such stock.

(2) Stock in transit by any road vehicle within or through Botswana shall be under the control of such person as the transporter shall appoint, and, in default of such appointment, the driver of the vehicle shall be deemed to be in control of such stock.

(3) A railway company conveying any stock by rail, and the owner of any vehicle which at any time conveys stock for hire or reward, shall maintain a record of all such stock conveyed, showing-

- (a) the dates on which such stock was conveyed;
- (b) the types and numbers of such stock; and
- (c) the names and addresses of consignors and consignees of such stock,

and shall maintain and make such records available to, and at the request of, a departmental officer for a period of six months after the date of conveyance.

11. Powers of entry

(1) A departmental officer may enter on any land, building, shed, place, carriage, van, truck, vessel or aircraft containing or conveying or used for conveying animals for the purpose of inspecting or examining any stock, carcass, article or vehicle to ascertain whether or not the provisions of this Act are being properly carried out.

(2) Any person who obstructs a departmental officer in the exercise of his powers under subsection (1) shall be guilty of an offence.

12. Slaughter of infected animals

The Director or any person authorized by him in writing may cause to be slaughtered any animal infected or suspected of being infected with any disease, or any animal which has been in contact with a diseased animal, or has otherwise been exposed to the infection or contagion of disease.

13. Disposal of carcass of slaughtered animal

(1) Whether or not an animal has been slaughtered under the provisions of this Act, its carcass shall be disposed of by the owner in such a manner and subject to such conditions as the Director shall direct.

(2) Any person who fails to comply with the provisions of subsection (1) shall be guilty of an offence.

14. Indemnity and payment of compensation

(1) No action shall lie against the Government, the Director, any departmental officer or any person authorized by the Director for any act done in good faith under this Act, or for any act done in good faith in connection with the diagnosis, control, prevention or treatment of disease (including the preparation of biological products).

(2) No compensation shall be payable in respect of any animal slaughtered for the purpose of the control of disease except-

- (a) in the case of an animal which, when slaughtered, is found not to be infected or likely to spread infection of any disease; and
- (b) when animals which may be infected with disease are slaughtered in order to prevent the further spread of such disease.

15. Power to order seizure of stock, etc.

Whenever-

- (a) any stock or carcass is found infected or is suspected of being infected with any disease; or
- (b) any stock, carcass, article or vehicle has been introduced into any place in Botswana without such permit as may be required for such introduction, or having been introduced under a permit is moved or dealt with otherwise than in accordance with such permit,

the Director or any departmental officer authorized by him may make such order as he thinks fit for all or any of the following purposes-

- (i) directing that such stock, carcass, article or vehicle be seized and detained;
- (ii) directing that such stock, carcass, article or vehicle be slaughtered or destroyed;
- (iii) directing that such stock, carcass, article or vehicle be dealt with in such manner as is deemed necessary to prevent the spread of disease.

16. Vaccine, serum, etc.

(1) No person shall, except under and in accordance with the provisions of a permit issued by the Director, manufacture, sell or expose for sale any vaccine, serum, virus, biological product, therapeutic substance or other similar product or chemical used or to be used for the diagnosis or treatment of disease.

(2) A permit issued under the provisions of subsection (1) shall be subject to such conditions as the Director may impose.

(3) Any person who contravenes the provisions of this section shall be guilty of an offence.

17. Proof of issue of permit

Where under this Act it is necessary to obtain a permit, the onus shall be on any person charged with a contravention of this Act to prove that a permit has been or was issued in accordance with the provisions of this Act.

18. Evidence of certificate by analyst, etc.

A certificate under the hand of a Government analyst, bacteriologist or of the Director shall, in any prosecution under this Act, be *prima facie* evidence of the facts stated therein, and it shall not be necessary for the prosecution to tender the oral evidence of such analyst, bacteriologist or Director in support of the statements made or opinions given in such certificate unless the court specially directs.

19. Regulations

The Minister may make regulations prescribing anything required to be prescribed under this Act and for the better carrying out of the provisions of this Act and, in particular, but without prejudice to the generality of the foregoing, such regulations may provide for-

- (a) the prevention of the introduction of or the spread of disease in Botswana;
- (b) the control, isolation, muzzling, inoculation, dipping, detention, removal and slaughter of animals suffering or suspected to be suffering from any disease or known or

- suspected to have been in contact with diseased animals;
- (c) the conditions under which animals may be imported or exported;
- (d) the prohibition or control of the movement of animals and the mode of transfer of animals;
- (e) controlling the movement of live virus or other pathogenic agents capable of setting up disease in animals, sera, vaccines and other biological or chemical products intended to be used for the treatment of animals;
- (f) the controlling of the movement of any animal, carcass, hide, skin, hoof, hair, wool, semen, litter, dung or fodder;
- (g) the controlling of-
 - (i) any disease common to human beings and animals, and
 - (ii) any pest injurious both to human beings and animals or capable of introducing or spreading amongst human beings or animals any disease referred to in subparagraph (i);
- (h) the cleansing and disinfecting of any truck or vehicle or premises used for the transport of animals;
- (i) the manner in which animals may be transported;
- (j) the quarantine or isolation of any animal;
- (k) the control of artificial insemination, and the sale and distribution of semen;
- (l) the compulsory dipping of animals;
- (m) the control of public markets, sale yards and show grounds;
- (n) the cleansing or disinfecting or destruction of any building or place where animals infected with disease have been kept;
- (o) the fees to be paid for anything done or to be done under this Act; and
- (p) generally for the prevention and control of disease.

20. Penalties

Any person guilty of an offence under this Act shall be liable to a fine not exceeding P5000 or to imprisonment for a term not exceeding five years, or to both and to corporal punishment.