

2022-10-22

### **OBJECTS AND REASONS**

This Bill would make provision for

- (a) the establishment of the Veterinary Authority as the competent authority for the regulation of terrestrial and aquatic animal health in Barbados;
- (b) the prevention of the introduction and spread of animal and zoonotic diseases in Barbados;
- (c) the control of the movement of animals, animal products and animal-related items into, out of and within Barbados in order to safeguard animal health and veterinary public health;
- (d) the control of veterinary medicinal products;
- (e) the implementation of animal health and animal welfare standards in accordance with the World Organization for Animal Health (WOAH) standards contained in the Terrestrial Animal Health Code and the Aquatic Animal Health Code; and
- (f) for related matters.

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## **BARBADOS**

A Bill entitled

An Act to provide for the establishment of a Veterinary Authority to regulate terrestrial and aquatic animal health in Barbados by the implementation of animal health and animal welfare standards in accordance with the World Organization for Animal Health; and for related matters.

ENACTED by the Parliament of Barbados as follows:

PART I

PRELIMINARY

**Short title**

1. This Act may be cited as the *Animal Health and Veterinary Public Health Act, 2022*.

**Interpretation**

2. In this Act,

“animal” means a terrestrial or aquatic animal, including semen, ova and embryos;

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

“animal feed” means anything that is capable of being used as a nutrient for animals and includes any of the constituent elements of an animal ration;

“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 WOAHP Terrestrial Animal Health Code dealing with the disease;

“animal identification” means the combination of the identification and registration of an animal

(a) individually, with a unique identifier; or

(b) collectively by its epidemiological unit or group, with unique group identifier;

“animal product” means any material derived from the body of an animal;

“animal-related item” includes,

(a) animal fodder;

- (b) litter manure or other waste;
- (c) any packaging, container, equipment or other appliances; or
- (d) animals and other objects or material,

that is capable of harbouring or spreading animal diseases;

“animal traceability” means the ability to follow an animal or group of animals during all stages of its life until euthanasia, slaughter or death;

“aquaculture establishment” means a facility in which aquatic animals for breeding, stocking or marketing are raised or kept

- (a) for farming purposes;
- (b) for release into the aquatic environment; or
- (c) for human consumption;

“aquatic animal” means all life stages, including egg and gamete, of fish, molluscs crustaceans and amphibians

- (a) originating from an aquaculture establishment; or
- (b) removed from the wild, for farming purposes, for release into the aquatic environment or for human consumption;

“aquatic animal health certificate” means a certificate, issued in conformity with the provisions of the WOAHA Aquatic Animal Health Code, describing the aquatic animal health or public health requirements that should be fulfilled prior to the export of the commodity;

“aquatic animal product” means a non-viable aquatic animal and product derived from an aquatic animal, and includes fresh fish, processed whole fish or edible products of fish that have been subjected to treatment such as cooking, drying, salting, brining, smoking or freezing;

“aquatic zone”

- (a) means a clearly defined part of the aquatic environment of Barbados containing an aquatic animal subpopulation with a distinct health status

with respect to a specific disease for which required surveillance, control and animal health measures are applied; and

(b) includes an aquaculture establishment and aquaculture site;

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

“compartment” means an animal subpopulation contained in one or more establishment under a common biosecurity management system with a distinct health status with respect to a specific disease 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;

“detain” means to keep a consignment of animals, animal products or animal-related items in official custody or confinement as a sanitary measure;

“disease” means the clinical or pathological manifestation of 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 to

(a) premises;

(b) vehicles; or

(c) any object,

which may have been directly or indirectly contaminated;

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

“emerging disease” means a new occurrence in an animal of a disease, infection or infestation causing a significant impact on animal health or public health resulting from

- (a) a change of a known pathogenic agent or its spread to a new geographic area or species; or
- (b) a previously unrecognized pathogenic agent or disease diagnosed for the first time;

“establishment” means any premises in which animals are grown, kept or slaughtered;

“euthanasia” means the act of inducing death using a method that causes a rapid and irreversible loss of consciousness with minimum pain and distress to the animal;

“export” means to send any animal, animal product or animal-related item to a country outside Barbados;

“exporter” means any person who is in possession of or is entitled to the custody or control of an animal, animal product or animal-related item to be taken out of Barbados for arrival in another country;

“fallowing” means, for disease management purposes, an operation where an aquaculture establishment is emptied of

- (a) the aquatic animals
  - (i) susceptible to a disease of concern; or
  - (ii) known to be capable of transferring a pathogenic agent; or
- (b) the carrying water;

“free compartment” means a compartment where the animal pathogen causing the disease under consideration is absent and has met the requirements for free status specified in the WOA Code;

- “free zone ” means a zone where the disease under consideration is absent and has met the requirements for free status specified in the WOAHA Code;
- “import” means to bring any animal, animal product or animal related item into Barbados from another country;
- “importer” means a person who, is in possession of or in any way is entitled to the custody or control of an animal, animal product or animal-related item that is landed or is likely to be landed in Barbados from a country outside Barbados;
- “infected zone” means a zone in which a disease is diagnosed;
- “inspection facility” means any premises established by, or under the oversight of, the Veterinary Authority for the purposes of the entry or exit of any animal, animal product or animal-related item into or out of Barbados;
- “inspector” means a person appointed or designated under section 10;
- “international veterinary certificate” means a certificate which describes the animal health requirements that are fulfilled by an exported animal, animal product or animal-related item;
- “killing” means any procedure that causes the death of an animal;
- “litter” means straw or any other substance commonly used as bedding or otherwise used in respect of animals;
- “Minister” means the Minister responsible for the Veterinary Authority;
- “notifiable disease” means a disease set out in the *First and Second Schedule*;
- “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;
- “official control programme” means a programme which is approved and managed or supervised by the Veterinary Authority for the purpose of controlling a vector, pathogen or disease by specific measures applied throughout Barbados, or within a zone or compartment in Barbados;

“owner” means a person having for the time being the possession, custody or control of an animal, animal product or animal-related item;

“package” means any container, box, covering, wrapper or other thing in which an animal, animal product or animal-related item may be imported, exported, kept or conveyed from one point to another;

“port of entry” means an airport or seaport;

“port of exit” means an airport or seaport;

“premises” includes any building or other structure, permanent or otherwise, together with the land on which the same is situated and any adjoining land which is used for activities relating to animals, animal products or animal-related items;

“quarantine station” means an establishment under the control of the Veterinary Authority where animals are maintained in isolation with no direct or indirect contact with other animals,

(a) to prevent the transmission of a specified pathogen outside the establishment while the animals are undergoing observation for a specified length of time;

(b) to be tested; or

(c) to be treated.

“re-emerging disease” means a notifiable disease that

(a) has previously been present in the country;

(b) was subject to an official control programme;

(c) was eliminated; and

is diagnosed as being present again;

“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 evaluating the risks associated with 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 dispose of to any person in any manner whether for consideration or otherwise;

“slaughter” means any procedure that causes the death of an animal by bleeding;

“slaughterhouse” means the premises used for the slaughter of terrestrial animals for the production of meat and other products for human consumption;

“stray animal” means an animal that

- (a) is not under the direct control or ownership of a person; or
- (b) is not prevented from roaming;

“terrestrial animal” means a mammal, bird or bee;

“vector” means an organism that transmits pathogens or parasites from one infected animal or person to another animal or person;

“vehicle” means any vessel, aircraft, cart, container, motor vehicle, animal or other thing used to transport animals, animal products or animal-related items from one place to another;

“vessel” means any ship or aircraft;

“Veterinary Authority” means the competent authority for Barbados established under section 3;

“veterinary certificate” means a certificate, issued in conformity with WOAHP recommendations;

“veterinary medicinal product” means any product with an approved claim

- (a) to having a prophylactic, therapeutic or diagnostic effect when administered or applied to an animal; or



(b) to alter physiological functions when administered or applied to an animal;

“veterinary paraprofessional” includes animal health assistants, meat inspectors, livestock inspectors or any other persons authorised by the Chief Veterinary Officer to carry out any designated tasks under the responsibility and direction of a veterinarian;

“WOAH” means the World Organization for Animal Health;

“WOAH Code” means the World Organization for Animal Health Terrestrial Animal Health Code and Aquatic Animal Health Code;

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

“zone” means

(a) for terrestrial animals, a clearly defined part of a territory containing an animal subpopulation with a distinct health status with respect to a specific disease for which required surveillance, control and biosecurity measures have been applied for the purpose of international trade; or

(b) for aquatic animals, a portion of one or more countries comprising

(i) an entire water catchment from the source of a waterway to the estuary or lake;

(ii) more than one water catchment;

(iii) part of a water catchment from the source of a waterway to a barrier that prevents the introduction of a specific disease or diseases;

(iv) part of a coastal area with a precise geographical delimitation; or

(v) an estuary with a precise geographical delimitation;

“zoonosis” means any disease or infection which may be transmitted from animals to humans.

## PART II

### ADMINISTRATION

#### **Establishment of Veterinary Authority**

3.(1) There is established a Veterinary Authority for Barbados which shall be the competent authority for the regulation of terrestrial and aquatic animal health in Barbados.

(2) The Veterinary Authority shall be responsible for the administration of this Act.

#### **Chief Veterinary Officer**

4.(1) The Chief Veterinary Officer shall be the head of the Veterinary Authority.

(2) The Chief Veterinary Officer shall be responsible for the day-to-day operations of the Veterinary Authority.

(3) The post of Chief Veterinary Officer shall be established in accordance with the *Public Service Act*, Cap. 29.

(4) The Chief Veterinary Officer shall be assisted by such staff, appointed in accordance with subsection (5), as is required for the purpose of carrying out the functions of the Authority under this Act.

(5) The offices of the staff required for the purposes of subsection (4) shall be established in accordance with the *Public Service Act*, Cap. 29.

**Functions of the Veterinary Authority**

5. The functions of the Veterinary Authority are as follows:
- (a) to prevent and control the entry, establishment or spread of notifiable, emerging or re-emerging diseases into Barbados;
  - (b) to establish lists of notifiable diseases for Barbados and to keep them current;
  - (c) to carry out inspections and certification of animals, animal products and animal-related items for export and issue a veterinary certificate relating to the health or to any period of quarantine of an animal in Barbados, and any other information as is required by a country importing an animal, animal product, or animal-related item from Barbados;
  - (d) to carry out activities to detect animal diseases and maintain current information on the animal health status for Barbados;
  - (e) to carry out inspections at any place where animals are held temporarily or permanently;
  - (f) to carry out ante-mortem and post-mortem inspections;
  - (g) to distribute information regarding notifiable animal diseases and the means of their prevention and control;
  - (h) to establish free zones and free compartments and designate infected zones and containment zones based on disease surveillance and control activities;
  - (i) to develop a system of requirements and controls for animals and animal products produced, imported, distributed and sold in Barbados;
  - (j) to provide for the early detection of and rapid response to animal disease outbreaks;

- (k) to develop and implement a system for animal identification and traceability;
- (l) to notify the WOAHA of outbreaks of notifiable diseases and comply with other international reporting requirements under regional and international bodies;
- (m) to participate in the work of the WOAHA and its subsidiary organizations, other international organizations, regional and non-governmental organizations;
- (n) to provide information regarding import requirements relating to the import and export of animals, animal products and animal-related items on request from any interested organization or person;
- (o) to inform and collaborate with the ministry responsible for public health on any actions required to mitigate an animal-related risk to public health;
- (p) to establish a system for the authorization and control of veterinary medicinal products;
- (q) to carry out risk analyses;
- (r) to evaluate the equivalence of sanitary measures taken by trading partners;
- (s) to impose quarantine where required;
- (t) to prescribe animal welfare requirements;
- (u) to regulate animal feed, including feed ingredients of animal origin and feed ingredients containing veterinary medicinal products;
- (v) to ensure that ministries and departments of Government, statutory bodies and private organizations have access to required animal health diagnostic and analytical capabilities;
- (w) to train inspectors;

- (x) to develop manuals, standard operating procedures and other guidelines for the effective implementation of its duties; and
- (y) to recommend to the Minister the quarantine stations, ports of entry, ports of exit, official and reference laboratories to be used for the purposes of this Act.

### **Delegations and authorizations**

6.(1) The Minister may, by order, delegate to the Chief Veterinary Officer, any power or function conferred or imposed on him under this Act except the power to make subsidiary legislation.

(2) The Chief Veterinary Officer may authorize any public or private veterinarian or veterinary paraprofessional to perform such of the functions of the Veterinary Authority, except the following functions:

- (a) official liaison duties with other ministries, foreign authorities or any responsibilities relating to notifications to trading partners;
- (b) the approval of standards, requirements, rules or sanitary measures; or
- (c) the designation of emergencies, free compartments, free zones, containment zones or infected zones.

(3) Where the Chief Veterinary Officer authorizes the functions of the Veterinary Authority in accordance with subsection (2), to be performed by any public or private veterinarian or veterinary paraprofessional, the authorization shall include the following:

- (a) the scope of any authorized functions to be performed including the duration and the geographic area to be covered by such services;
- (b) the remuneration arrangements;
- (c) reporting and record keeping requirements;
- (d) the means of supervision by the Veterinary Authority;

- (e) the minimum qualifications required to perform the authorized function; and
- (f) the conditions of withdrawal of authorizations including any evidence of conflicts of interest.

### **Designation of official and reference laboratories**

7.(1) The Minister may, on the recommendation of the Chief Veterinary Officer, designate by notice, any diagnostic, research or other laboratory as

- (a) an official laboratory for the purposes of carrying out an analysis of official samples under this Act; or
  - (b) a reference laboratory that
    - (i) performs the reference analyses on which all official analyses are based; and
    - (ii) conducts quality control analyses.
- (2) A reference laboratory shall be used
- (a) for comparative testing in the case of conflicting results or contested results;
  - (b) to collaborate with official laboratories in their area of competence;
  - (c) to disseminate information relating to testing procedures to official laboratories;
  - (d) to provide scientific and technical assistance to the Veterinary Authority for the implementation of this Act; and
  - (e) to carry out such other duties as may be prescribed.
- (3) A laboratory designated under subsection (1) shall be impartial and independent.

**Designation of facilities**

8. The Chief Veterinary Officer may, in consultation with the Minister, designate by notice areas, offices, laboratories or other premises for a specified purpose or generally for the administration of this Act.

**Appointment of official veterinarians**

9.(1) The Veterinary Authority may enter into a contract for services with such number of veterinarians as may be necessary for the purposes of this Act.

(2) Pursuant to subsection (1), a contract for service shall be at such remuneration and on such terms and conditions as the Minister thinks fit.

**Appointment of inspectors**

10.(1) There shall be inspectors for the purposes of this Act.

(2) The post of inspector shall be established in accordance with the *Public Service Act*, Cap. 29..

(3) Notwithstanding subsection (2), the Veterinary Authority may enter into a contract for services with such number of persons as may be necessary to be inspectors for the purposes of this Act.

(4) Where a person who is appointed as an inspector, in accordance with subsection (2), any actual or reasonably perceived interest in a matter or other action to be taken by the Veterinary Authority, whether such interest is direct or indirect that interest shall be communicated to the Chief Veterinary Officer, and where such interest is in conflict with the impartiality, integrity, objectivity or independence of an inspector, the *Third Schedule* to the *Public Service Act*, Cap. 29 shall apply.

(5) Where a person who is employed as an inspector under a contract for services in accordance with subsection (3), has any actual or reasonably perceived interest in a matter or other action to be taken by the Veterinary Authority, whether such interest is direct or indirect that interest shall be communicated to

the Chief Veterinary Officer, and where such interest is in conflict with the impartiality, integrity, objectivity or independence of an inspector, the contract shall be terminated.

### **Identification of inspectors**

**11.(1)** The Chief Veterinary Officer shall issue an identification card to each person appointed as an inspector under section 10.

(2) An inspector shall have in his possession at all times the identification card issued under subsection (1) and, in the course of performing an enforcement action under this Act, shall produce that identification card to all relevant persons.

### **Review and audit**

**12.(1)** The Veterinary Authority shall arrange for its own performance to be subject to review, evaluation and audit by an external body or shall carry out a self-audit.

(2) The Veterinary Authority shall periodically review the effectiveness of the sanitary measures issued under this Act every 3 years.

(3) The Veterinary Authority shall in collaboration with any entity responsible for agricultural health and food control

(a) monitor and evaluate the implementation of this Act; and

(b) set out the conclusions from the evaluation conducted under paragraph (a) in a report.

(4) The first report prepared under this section shall be published no later than 5 years after this Act comes into force and thereafter shall be published at intervals not exceeding 3 years.



PART III

CONTROL OF ANIMAL DISEASES AND ZOOSES

**Lists of notifiable diseases**

**13.(1)** The Veterinary Authority shall develop and maintain a list of notifiable diseases based on risk analyses for

- (a) terrestrial animals; and
- (b) aquatic animals.

(2) The *First Schedule* and *Second Schedule* apply for the purposes of subsection (1).

**Surveillance and animal health status**

**14.(1)** The Veterinary Authority shall establish a surveillance system for notifiable or other animal diseases to demonstrate the absence or distribution of a disease.

(2) The Veterinary Authority shall determine, report on and make available to the public, the animal health status of Barbados with respect to animal diseases.

**Early detection system**

**15.(1)** The Veterinary Authority shall establish an early detection system to detect animal diseases which shall have, at minimum, the following characteristics:

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

(2) An effective disease investigation and reporting system referred to in subsection (1)(b) shall include the participation of the following persons to detect and report unusual animal health incidents:

- (a) veterinarians, veterinary paraprofessionals, livestock owners and other stakeholders involved in the management and handling of terrestrial animals;
- (b) fish inspectors and any other person involved in the handling of aquatic animals; and
- (c) owners and operators of abattoirs.

(3) Where a person detects or suspects the presence of a notifiable disease he shall report the disease and symptoms directly to the Veterinary Authority or to the nearest representative of the Veterinary Authority as soon as may be reasonably practicable.

(4) A person who

- (a) should reasonably have known of or suspected that a notifiable disease is present in an animal; and
- (b) failed to report in accordance with subsection (3),

is guilty of an offence and liable on summary conviction to a fine of \$10 000 or to imprisonment for a term of 6 months.

(5) The Veterinary Authority shall establish requirements and lines of reporting for a chain of command for the detection, response and reporting of terrestrial and aquatic animal diseases and animal health hazards.

**Suspicion of notifiable disease**

**16.(1)** Where an inspector suspects that a notifiable disease or an emerging disease may be present in any premises or area, he

- (a) shall issue to the owner or occupier of the premises, without delay, a written notice that specifies the provisional measures that shall be taken in order to prevent the spread of the disease;
- (b) may issue to the owner or occupier of any adjacent premises, a written notice that specifies the provisional measures that shall be taken in order to prevent the spread of the disease; and
- (c) shall provide a copy of any notices issued in accordance with paragraph (a) or (b) to the Veterinary Authority.

(2) Where an inspector issues a notice of provisional measures in accordance with subsection (1), that notice shall be subject to confirmation by the Chief Veterinary Officer who shall conduct an investigation taking into account the collection and testing of samples taken by the inspector.

(3) Where the Chief Veterinary Officer confirms the presence of a notifiable disease or an emerging disease, the Veterinary Authority shall issue a written notice to the owner or person in charge of the premises stating the measures that are to be taken and the time within which those measures are to be implemented to prevent the spread of the disease.

**Declaration of infected area**

**17.(1)** Where the presence of a notifiable disease or an emerging disease is confirmed in accordance with section 16(3), the Minister, on the advice of the Chief Veterinary Officer, shall by order declare an area to be infected with a specified disease and shall specify

- (a) the limits of the infected area and, where necessary, a buffer zone;
- (b) the duties of persons in the area; and

- (c) any restrictions or prohibitions of the movement of animal products or animals of the species affected by the disease, into or out of the area.
- (2) Where a declaration has been made in accordance with subsection (1), the Chief Veterinary Officer shall, as the case requires,
  - (a) inform the competent authority for veterinary matters in the countries with which Barbados trades of the status of the infected area;
  - (b) notify and collaborate with the ministry responsible for public health in the case of zoonotic and emerging diseases;
  - (c) review the issuance of any veterinary certificates in light of the requirements of countries to which Barbados exports;
  - (d) suspend the issuance of veterinary certification for exports.
- (3) The Veterinary Authority shall carry out operational activities to contain and eradicate the disease according to the animal disease contingency plan developed in accordance with section 19.
- (4) The Chief Veterinary Officer shall advise the Minister on any matters arising from the declaration including revisions, modified measures, extensions and revocations as necessary.

**Revocation of declaration of an infected area**

- 18.(1)** Where the Chief Veterinary Officer determines that the circumstances that gave rise to the declaration of an infected area are no longer present, he shall recommend to the Minister that the order made pursuant to section 17(1), declaring the area to be an infected area, be revoked.
- (2) Where the Minister revokes an order pursuant to subsection (1), the Chief Veterinary Officer shall issue a notice to the owner or occupier of the affected area or premises stating that the order has been revoked.

**Animal disease contingency plans**

- 19.(1)** The Veterinary Authority may, in relation to notifiable diseases,
- (a) develop animal disease contingency plans for emergencies affecting animal health; and
  - (b) apply animal disease control procedures that are consistent with WOAH guidelines.
- (2) An animal disease contingency plan for notifiable diseases shall
- (a) be based on risk management;
  - (b) take into account
    - (i) the different disease control strategies available;
    - (ii) the implications of the use of different control strategies; and
    - (iii) the most appropriate strategy based on different circumstances or disease outbreak scenarios.
- (3) An animal disease contingency plan for notifiable diseases shall include
- (a) the special and temporary measures to address all identified risks to human and animal health;
  - (b) the administrative and logistic organization of the institutions and the persons responsible for responding to a disease outbreak;
  - (c) the command structure for mounting a response, including the duty of the Veterinary Authority to provide technical direction and co-ordination and relevant information to involved entities including public and private stakeholders; and
  - (d) the specific measures needed to address any risks to human and animal health, including measures for the humane destruction of animals and the disposal of carcasses and animal parts in a biosecure manner.

- (4) The Veterinary Authority shall
- (a) develop training programmes to ensure that the capacity for disease diagnosis and control are maintained; and
  - (b) undertake notifiable disease simulation exercises to test the effectiveness of the contingency plans and to maintain readiness for an emergency disease response.

**Declaration of animal disease emergency**

**20.(1)** The Minister, on the advice of the Chief Veterinary Officer, shall by order, declare an animal disease emergency where the Chief Veterinary Officer has confirmed that there is an outbreak resulting from any of the following situations which require an elevated response by the Veterinary Authority:

- (a) a notifiable disease;
  - (b) an emerging disease of national or international concern; or
  - (c) a re-emerging disease of national or international concern.
- (2) With respect to subsection (1), the Veterinary Authority shall implement the appropriate animal disease contingency plan.
- (3) The declaration of an animal disease emergency shall be based on
- (a) the detection of the specific notifiable diseases listed in the *First Schedule* or *Second Schedule*; or
  - (b) a technical evaluation carried out by the Veterinary Authority that provides scientific justification for the elevated response.
- (4) A declaration order relating to an animal disease emergency shall
- (a) initiate the activation of the relevant animal disease contingency plan;
  - (b) be limited to the extent necessary to minimize the threat;
  - (c) be for such a period as shall be prescribed in the declaration; and
  - (d) be subject to periodic review and evaluation.

- (5) Any animal health measures approved by the Veterinary Authority in the case of an animal disease emergency shall
- (a) be proportionate to the threat that gave rise to the declaration of the emergency;
  - (b) be published in the *Official Gazette*; and
  - (c) be disseminated by available electronic and other means to ensure that stakeholders are informed of the risks, requirements and obligations.
- (6) The Minister shall on the advice of the Chief Veterinary Officer, revoke the order declaring an animal disease emergency, where the circumstances that gave rise to the threat no longer justify the continuing status of an emergency.
- (7) The Chief Veterinary Officer shall notify and collaborate with the Chief Medical Officer in the case of an outbreak of a zoonotic and emerging disease.
- (8) The Minister, on the advice of the Chief Veterinary Officer, may request assistance from ministries and departments of Government, statutory bodies and private organizations to respond to the animal disease emergency in accordance with the policies of the Veterinary Authority on the control of animal diseases.

**Designation of containment zones, free zones and free compartments**

**21.** Where the Veterinary Authority has established the necessary measures to set up a free zone, containment zone or free compartment, the Minister, on the advice of the Chief Veterinary Officer, shall by order declare a zone to be a free zone, free compartment or a containment zone, as the case may be.

**Control measures**

**22.** For the purposes of controlling or eradicating animal diseases and to prevent the introduction or spread of animal diseases, the Veterinary Authority may

- (a) prohibit or regulate the movement of animals, animal products, animal-related items, persons and vehicles, within, into or out of an infected area or zone, free zone or containment zone;
- (b) provide for the establishment of compartments and associated control measures;
- (c) seize, treat or dispose of animals, animal products or animal-related items;
- (d) order the seizure, treatment or disposal of animals, animal products or animal-related items;
- (e) apply biosecurity measures including sanitation and disinfection of premises, vaccination schemes and movement control.

**Movement permit**

**23.(1)** No person shall, without a permit issued by an inspector,

- (a) remove from an infected area, infected zone, containment zone or compartment, any animal, animal product or animal-related item or other thing covered under a movement restriction or prohibition in accordance with section 22; or
- (b) take into a disease-free zone or compartment, any animal, animal product or animal-related item or other thing covered under a movement restriction or prohibition in accordance with section 22.



(2) Where an inspector has reasonable grounds to believe that an animal, animal product, animal-related item or other thing has been moved in contravention of subsection (1), the inspector may

- (a) seize the animal, animal product or animal-related item or other thing, where there is an animal health risk;
- (b) return the animal, animal product or animal-related item or other thing to an infected zone, infected area, compartment or containment zone;
- (c) remove the animal, animal product or animal-related item or other thing from an infected zone, infected area, compartment or containment zone;
- (d) move the animal, animal product or animal-related item or other thing to any other place;
- (e) require the owner of the animal, animal product or animal-related item or other thing to return or remove it to or from an infected zone, infected area, compartment or containment zone or to move it to any other place;  
or
- (f) take any other measure required to manage any risks to the animal or to public health.

(3) The inspector shall issue a notice stating the measures taken under subsection (2) specifying the period within which and the manner in which the animal, animal product or animal-related item is to be returned, removed or moved.

(4) The notice issued under subsection (3) shall be served personally on the owner or the person having the possession, care or control of the animal, animal product or animal-related item or other thing.

### **Management of animals affected by a notifiable disease**

**24.** Any person having in his possession or under his care an animal that is 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) report the disease and symptoms directly to the Veterinary Authority or to the nearest representative of the Veterinary Authority.

### **Disinfection**

**25.(1)** Where the Chief Veterinary Officer has confirmed the presence of a notifiable disease, the Veterinary Authority shall determine the choice of disinfectants and the procedures for disinfection.

(2) The Veterinary Authority shall choose the disinfectants and the procedure for disinfection based on the following:

- (a) the nature of the premises, including aquaculture establishments;
- (b) the equipment;
- (c) the vehicles; and
- (d) any other object,

which is to be treated.

### **Killing of animals infected with a notifiable disease**

**26.(1)** An inspector may cause

- (a) any animal infected or reasonably suspected of being infected with a notifiable disease; or
- (b) any animal which has been in the same place, facility, tank, herd, flock or group as an animal infected or reasonably suspected of being

infected with a notifiable disease, whether or not the place, facility, tank, or area has been declared to be an infected area or zone,

to be humanely killed in order to prevent the spread of an animal disease; and for that purpose, the inspector may give all necessary directions.

(2) An inspector may, for the purpose of observation and treatment, take possession of and retain any animal liable to be killed under this section, or order the removal of that animal to a place where control and observation may be carried out.

### **Disposal of dead animals**

**27.(1)** An animal that is killed for the purpose of disease control or that dies as a result of infection with a notifiable disease, shall be destroyed, buried or otherwise properly disposed of in a manner that avoids the spread of pathogenic organisms.

(2) The destruction and disposal of an animal infected with a notifiable disease pursuant to subsection (1) shall be carried out as soon as practicable and in accordance with the directions issued by the Veterinary Authority.

(3) The Veterinary Authority shall collaborate with the ministries responsible for public health and the environment and any other organization, where required, for the disposal of dead animals.

(4) An animal that is killed for the purposes of disease control or that dies as a result of infection with a notifiable disease shall be regarded as not fit for human consumption.

### **Compensation**

**28.(1)** The Minister may, on the advice of the Chief Veterinary Officer, out of monies voted for that purpose by Parliament, order compensation to be paid to owners of animals destroyed in order to achieve eradication, control or prevention of the further spread in Barbados or introduction into Barbados of a

notifiable animal disease, where the owners of such animals have complied with

- (a) orders and directions lawfully given; and
  - (b) the requirements of this Act.
- (2) The amount of compensation for each animal killed pursuant to section 26 shall not exceed the fair market value of the animal immediately before its destruction.
- (3) The amount of compensation may be reduced or refused where the owner or the person having charge of the animal has been found guilty of an offence under this Act.
- (4) No compensation shall be payable in respect of an animal that is imported and subsequently dies or is compulsorily euthanized while in a quarantine station.

#### PART IV

#### VETERINARY PUBLIC HEALTH

##### **Veterinary medicinal products**

- 29.**(1) No veterinary medicinal product shall be imported, offered for sale, advertised, distributed or used in Barbados unless it is registered by the Veterinary Authority.
- (2) Notwithstanding subsection (1), the Veterinary Authority may authorize the importation, sale, advertisement, distribution or use of unregistered veterinary medicinal products where,
- (a) there is an animal disease emergency declared under section 20 that justifies the importation, production or use of unregistered veterinary medicinal products;

- (b) the availability or affordability of registered veterinary medicinal products is recognized by the Veterinary Authority as insufficient to meet a veterinary need; or
  - (c) required for the purposes of testing, trials or research.
- (3) Subsection (1) shall not apply to traditional animal remedies which are prepared and administered in accordance with their customary usage.
- (4) The Veterinary Authority shall co-ordinate with the ministry responsible for public health on the registration and labelling of veterinary medicinal products.
- (5) The Veterinary Authority shall determine the standards and requirements for authorized uses, sale and prescription of veterinary medicinal products, including
  - (a) the categories of professionals that are entitled to prescribe veterinary medicinal products;
  - (b) the conditions and the forms to be used for veterinary prescriptions;
  - (c) the permitted uses, with special attention to minimizing or phasing out non-therapeutic uses;
  - (d) the obligations in relation to record-keeping and the provision of reports to the Veterinary Authority;
  - (e) the labelling, packaging and advertising of veterinary medicinal products;
  - (f) the distribution of veterinary medicinal products;
  - (g) the disposal of veterinary medicinal products and wastes from the manufacture or use of such products;
  - (h) the use of manure on crops from animals that have been treated with antimicrobials;

- (i) the time-frame within which animals may be slaughtered for human food after treatment with antimicrobials;
  - (j) the time-frame within which animal products may be distributed, after an animal is treated with antimicrobials;
  - (k) the advertising, sale, distribution and use of animal feed containing veterinary medicinal products, with special attention to antimicrobials, used in human medicine.
- (6) The Minister may, on the recommendation of the Chief Veterinary Officer,
- (a) prohibit, at any time, the use of ingredients and substances to be used as veterinary medicinal products;
  - (b) prohibit, at any time, the use of ingredients and substances to be used for the production of veterinary medicinal products;
  - (c) prohibit or restrict non-therapeutic uses of antimicrobials; and
  - (d) co-ordinate with the ministry responsible for public health to establish the maximum residue levels of veterinary medicinal products in foods of animal origin and in animal feed used for animals for human consumption.
- (7) For the purposes of this Act, animal feed containing veterinary medicinal products shall be considered as a veterinary medicinal product.

### **Veterinary ante-mortem and post-mortem inspections**

**30.(1)** The Veterinary Authority shall carry out veterinary ante-mortem and post-mortem inspections at slaughterhouses for the purposes of animal disease control and veterinary public health.

(2) Any person who operates a slaughterhouse facility shall comply with the required standards on location, design, operational systems, hygiene standards and other requirements for registration in accordance with the *Markets and Slaughterhouses Act*, Cap. 265.

- (3) Where the operator of a slaughterhouse facility fails to comply with the conditions of registration or with the requirements of this Act, an inspector shall
- (a) issue a notice stating that the facility fails to comply with conditions or with requirements established under this Act; or
  - (b) where such failure may result in an immediate risk to animal, human or environmental health, suspend the operations at the slaughterhouse facility and issue a notice to that effect.
- (4) Where the failure in subsection (3) creates a serious risk to animal health, animal welfare or public health, the inspector may recommend that the registration be revoked.
- (5) The Minister may, on the advice of the Veterinary Authority, make regulations for the following:
- (a) hygiene at slaughterhouses;
  - (b) animal welfare at slaughterhouses;
  - (c) inspections at slaughterhouses including ante-mortem and post-mortem inspections;
  - (d) the procedures and methods of the slaughter of animals;
  - (e) the procedures for cleaning, sanitation and disinfection at slaughterhouses;
  - (f) disease detection and control at slaughterhouses;
  - (g) the management of disease-related information at slaughterhouses; and
  - (h) any other matter relating to the slaughter of animals.
- (6) For the purposes of subsection (5), the Veterinary Authority shall collaborate with
- (a) the ministry responsible for public health to ensure that the requirements and inspections systems established meet public health and food safety requirements; and

- (b) the Markets Division, under the *Markets and Slaughterhouses Act*, Cap. 265 to ensure that inspections meet the requirements under that Act.

**Knackeries and rendering facilities**

**31.** The Veterinary Authority shall collaborate with the ministry responsible for public health and the Markets Division under the *Markets and Slaughterhouses Act*, Cap. 265 on the control of animal diseases at knackeries and rendering facilities used for

- (a) the extraction of an animal by-product; or
- (b) the production of animal feed of animal origin.

**Zoonotic and emerging diseases**

**32.(1)** The Veterinary Authority shall take measures to prevent the introduction and spread of zoonotic and emerging diseases, in particular through the implementation of Part III of this Act.

(2) The Veterinary Authority shall co-ordinate with the ministry responsible for public health for the control of zoonotic and emerging diseases.

PART V

HEALTH PROVISIONS RELATING TO ANIMAL PRODUCTION

**Animal feed**

**33.(1)** No animal feed shall be imported, produced, manufactured, sold or distributed in Barbados unless it is registered by the Veterinary Authority.



- (2) Notwithstanding subsection (1), animal feed that is not registered by the Veterinary Authority may be imported where,
- (a) there is an animal disease emergency declared under section 20 that justifies the importation, production or use of unregistered animal feed;
  - (b) the availability or affordability of registered animal feed is recognized by the Veterinary Authority as insufficient to meet needs; or
  - (c) required for the purposes of testing, trials or research.
- (3) The Minister, on the advice of the Veterinary Authority, may make regulations establishing the standards and requirements for
- (a) the production, manufacture, import and export of animal feed;
  - (b) the ingredients and composition of animal feed;
  - (c) the raw materials, substances and additives used in the manufacture or mixing of animal feed;
  - (d) animal feed safety, food safety relating to feed, contaminants and maximum residue limits in feed;
  - (e) the sale, storage, transport, packaging, re-packing, labelling and advertising of feed; and
  - (f) the keeping of prescribed records.
- (4) Animal feed and animal feed ingredients shall not be used for food for human consumption unless those products meet the safety standards issued by the Veterinary Authority.
- (5) The Veterinary Authority in collaboration with the ministry responsible for public health shall establish limits and tolerance levels for biological, chemical or physical hazards in animal feed and feed ingredients.

#### **Animal identification and traceability**

- 34.(1)** The Veterinary Authority shall establish a system for the identification and traceability of prescribed species of animals.

- (2) The Veterinary Authority shall collaborate with the ministry responsible for food safety
- (a) to trace animals and animal products to be used for food for human consumption;
  - (b) to ensure the confidentiality of information collected under paragraph (a); and
  - (c) to ensure that the information collected under paragraph (a) is used solely for the purposes of ensuring animal health and veterinary public health.

**Animal reproduction**

- 35.** The Veterinary Authority shall establish conditions and requirements by regulations for
- (a) artificial insemination centres, semen and embryo collection facilities including laboratories to prevent the spread of pathogenic micro-organisms;
  - (b) testing procedures to ensure that semen and embryos produced in or imported to Barbados are free of pathogenic micro-organisms; and
  - (c) procedures for the import and export of semen, ova and embryos.

PART VI

IMPORT, EXPORT AND TRANSIT

**Inspection facilities**

- 36.(1)** The Minister shall, on the advice of the Chief Veterinary Officer, establish standards and requirements for inspection facilities.
- (2) The owner or operator of an inspection facility shall, where required in writing by the Minister, provide and maintain adequate areas, offices,

examination areas for inspection, including buildings, furnishings and fixtures for inspection or for any other purpose related to the administration of this Act.

(3) The Minister may, where the inspection facility is other than at a private residence,

- (a) serve notice on the owner or operator of any improvements that he considers desirable to any area, office, or other facility provided pursuant to subsection (1); or
- (b) post, on or about the area, office, or other facility for as long as is required, a notice of compliance in relation to subsection (1).

### **Restrictions on importation**

**37.(1)** No animal, animal products or animal-related items shall be imported into Barbados except through a designated port of entry.

(2) No person shall import an animal, animal product or animal-related item except

- (a) the importation is in accordance with an import permit issued by the Veterinary Authority under section 39; and
- (b) the animal, animal product or animal-related item is accompanied by an international veterinary certificate or other documentation that may be required by the Veterinary Authority.

(3) The Minister may, on the recommendation of the Veterinary Authority, at any time, prohibit or restrict the importation into Barbados of any animal, animal product or animal-related item, where such importation is considered likely to result in the introduction or spread of any vector, pathogen, disease or toxic substance.

(4) The Veterinary Authority shall by order establish a list of species and breeds of animals or animal products which are restricted or expressly prohibited by international agreement or by a decision of the Veterinary Authority from being imported, based on a risk analysis.

(5) A person who contravenes subsection (2) is guilty of an offence and is liable on summary conviction to a fine of \$10 000 or to imprisonment for a term of 2 years or to both.

### **Import requirements**

**38.(1)** A person who intends to import an animal, animal product or animal-related item into Barbados shall require the following:

- (a) an international veterinary certificate;
  - (b) an import permit; and
  - (c) written approval from the Veterinary Authority.
- (2) The Veterinary Authority shall by order prescribe
- (a) the animals and animal products that require an international veterinary certificate or an import permit; and
  - (b) the animal-related items that require the written approval of the Veterinary Authority.
- (3) The import requirements for animals, animal products and animal-related items shall be based on international standards or a science-based risk assessment and shall be kept under review by the Veterinary Authority.
- (4) The Minister shall, on the recommendation of the Chief Veterinary Officer, prescribe by regulations,
- (a) import requirements for animal products for human consumption in co-ordination with the ministries responsible for food safety, for public health and for animal health;
  - (b) import requirements for veterinary medicinal products in collaboration with the Ministry responsible for public health; and
  - (c) import requirements for other animal-related items.

### **Import permit**

**39.(1)** A person who intends to import animals, animal products or animal-related items into Barbados shall require an import permit issued by the Veterinary Authority.

(2) A person who intends to import animals, animal products or animal-related items shall apply to the Veterinary Authority in the prescribed manner and may be granted an import permit on the payment of the prescribed fee.

(3) The Veterinary Authority shall by order prescribe the animal products that require an import permit.

(4) In evaluating an application for an import permit under subsection (1), the Veterinary Authority shall consider the prescribed requirements to determine whether the import permit shall be issued and the conditions, if any, under which it shall be issued.

(5) The Veterinary Authority shall keep a record, for the prescribed period of

(a) all applications for import permits; and

(b) all import permits issued under this Act.

### **Arrival notifications**

**40.** An importer shall notify the Veterinary Authority in advance of the arrival of any animal, animal product or animal-related item in Barbados from another country.

### **Inspections of imported animals, animal products and animal-related items**

**41.(1)** Animals, animal products and animal-related items shall be subject to inspection at the designated port of entry on arrival from another country.

(2) Notwithstanding subsection (1), where a container has been sealed and marked as required by the Veterinary Authority, an importer may apply for an inspection at a facility approved by the Veterinary Authority other than a quarantine station or an inspection facility, on the payment of the prescribed fee.

(3) An inspection of an animal, animal product or animal-related item shall be carried out

(a) at the designated port of entry during the normal business hours of the Veterinary Authority or at any other reasonable time agreed to by the Veterinary Authority and the importer; or

(b) at the final destination subject to the written approval of the Veterinary Authority.

(4) Where the importation of an animal-related item does not require the prior written approval of the Veterinary Authority, the importer shall submit the animal-related item directly for inspection at the designated port of entry.

(5) Where the inspector determines that an imported animal, animal product or animal-related item does not present any risk for the introduction and spread of disease, he shall release the imported shipment for clearance,

(a) to a customs officer; or

(b) to the importer or person in charge of the shipment,

as the case may be.

(6) Where the inspector determines that an imported animal, animal product or animal-related item presents a risk of the introduction and spread of disease, or where the documentation accompanying the shipment fails to meet the prescribed requirements, he shall

(a) inform the Veterinary Authority in a written report; and

(b) provide written notice to the importer of the measures to be applied within 2 days of inspection together with the grounds for imposing such measures.

- (7) The measures referred to in subsection (6)(b) shall be
- (a) to take samples of the animal, animal product or animal-related item for submission to an official laboratory for analysis;
  - (b) to transfer the animal, animal product or animal-related item to a quarantine station or any other location identified by the Veterinary Authority for observation, testing or disinfection;
  - (c) to carry out treatment or disinfection on the animal, animal product or animal-related item in order to remove the risk;
  - (d) to return the shipment to the country of origin; or
  - (e) to destroy the shipment.
- (8) An inspector may forego notice and
- (a) apply any of the measures under subsection (7), where required to prevent the introduction or spread of disease and where the giving of notice is impracticable; and
  - (b) where action is taken pursuant to paragraph (a), shall provide written notice to the importer subsequent to the action taken.
- (9) The Veterinary Authority may destroy a shipment where
- (a) the imported shipment is unclaimed for a prescribed period after entry into Barbados;
  - (b) the risk of a prescribed or listed disease is still present after treatment; or
  - (c) the shipment is destroyed pursuant to subsection (7)(e).
- (10) Any action taken under this section shall be made on the basis of an assessment of the disease risk.
- (11) The Veterinary Authority shall bear no liability for actions taken in good faith for the destruction or disposal of any animal, animal product or animal-related item that has been imported to Barbados in contravention of this Act.

**Importer to bear cost**

- 42.** The importer shall bear the cost of
- (a) the care and welfare of any animal while undergoing a pre-shipment inspection; and
  - (b) any measure applied by the Veterinary Authority under section 41.

**Animal health agreements**

- 43.** The Veterinary Authority may determine with an exporting country
- (a) the arrangements relating to pre-shipment inspections in the country of origin; or
  - (b) the evaluation, and where feasible, the acceptance of alternative animal health measures proposed by the competent authority of an exporting country for veterinary matters as being equivalent to the animal health measures required by the Veterinary Authority.

**Animal-related items**

- 44.(1)** An inspector may prohibit the importation of any animal-related item which
- (a) has been used in connection with any animal; or
  - (b) has been used in connection with any thing, which in the opinion of the inspector, is capable of carrying any notifiable or other infectious or contagious disease affecting animals.
- (2) Where the inspector is satisfied that any such animal-related item in subsection (1) is capable of being disinfected, he may permit it to be landed in Barbados, subject to any conditions and directions, relating to its disinfection in the prescribed manner.
- (3) Where any animal-related item is landed in contravention of this section or of any condition or direction imposed by the Veterinary Authority, the animal-



related item may be seized by an inspector and detained, destroyed or otherwise disposed of as the Veterinary Authority may direct.

### **Transit of animals and animal products through Barbados**

**45.(1)** No person shall transit an animal or animal product through Barbados without the written approval from the Veterinary Authority.

(2) A person who intends to transit an animal or animal product through Barbados shall apply to the Veterinary Authority in the prescribed form and pay the prescribed fee for a transit permit.

(3) Where the Veterinary Authority receives an application for a transit permit, the Veterinary Authority may, on evaluating the prescribed requirements, determine whether to grant the transit permit.

(4) The Veterinary Authority shall

(a) approve the application where it meets the prescribed requirements and issue a transit permit which may be subject to conditions; or

(b) deny the application where it fails to meet the prescribed requirements and inform the applicant in writing of the decision.

(5) Where a permit has been issued in accordance with section 45(4)(a), an animal, animal product or animal-related item that is in transit through Barbados may be inspected at the designated port of entry to verify its health status and

(a) where the international veterinary certificate does not comply with the import requirements, the inspector may refuse entry to the animal, animal product or animal related-item; or

(b) where the inspector has detected a notifiable disease or suspects the presence of a notifiable disease, the inspector may apply any of the following measures:

(i) refuse entry to the animal, animal product or animal related-item;

- (ii) detain or confiscate the animal, animal product or animal related-item;
- (iii) apply treatment to the animal, animal product or animal related-item; or
- (iv) destroy the animal, animal product or animal related-item.

(6) Where an inspector has cause to apply any of the measures under subsection (5), no compensation shall be paid to the owner or person in charge of the animal, animal product or animal-related item that is in transit.

(7) The captain of a vessel carrying animals, animal products or animal-related items shall comply with the conditions prescribed by the Veterinary Authority where the vessel stops in a port in Barbados or transits through a port in Barbados to a port outside Barbados.

#### **Duty to report and detain certain imports**

**46.(1)** A postal officer, customs officer, a member of the Police Service, a member of the Defence Force, a postal courier or any other person designated by the Veterinary Authority who has knowledge of the arrival or importation of any animal, animal product or animal-related item into Barbados shall, on the arrival of the animal, animal product or animal-related item and in the absence of an inspector,

- (a) notify the Veterinary Authority of the arrival or importation of the animal, animal product, or animal-related item; and
- (b) where practicable, detain the animal, animal product or animal-related item for inspection by an inspector.

(2) A detention carried out under subsection (1)(b) shall be deemed to be an action taken by or on the authorization of the Veterinary Authority.

(3) Where any item is detained in accordance with subsection (1), the Veterinary Authority shall take custody of that item within 3 days of it being detained.

**Export of animals, animal products or animal-related items**

**47.(1)** A person shall not export from Barbados, except through a designated port of exit, an animal, animal product or animal-related item unless that person has been granted an international veterinary certificate in the manner prescribed by the Veterinary Authority.

(2) A person who intends to export an animal, animal product or animal-related item from Barbados to a country outside Barbados shall

(a) apply to the Veterinary Authority in the prescribed form and pay the prescribed fee; and

(b) submit the animal, animal product or animal-related item for inspection, together with any document prescribed.

(3) Where on inspection, the Veterinary Authority, taking into consideration the requirements of the importing country

(a) is satisfied that the animal, animal product or animal-related item intended to be exported meets the requirements of the importing country, the Veterinary Authority shall issue the international veterinary certificate; or

(b) is not satisfied that the animal, animal product or animal-related item intended to be exported meets the requirements of the importing country, the Veterinary Authority shall

(i) subject the animal, animal product or animal-related item to the appropriate treatment in order to assure compliance with the requirements of the importing country; or

(ii) deny the issue of the international veterinary certificate.

(4) For the purposes of issuing an international veterinary certificate, the Veterinary Authority may

(a) carry out biological tests, vaccinations or disinfection procedures;

- (b) carry out inspection, approval and certification procedures of animals, animal products and establishments;
- (c) observe the animal during transport to the designated port of exit; or
- (d) send advance notice to the importing country.

### **Quarantine stations**

**48.(1)** The Minister may, on the recommendation of the Chief Veterinary Officer, designate quarantine stations for the quarantine of animals required to be quarantined under this Act or under an import permit issued under this Act.

(2) For the purposes of this Act, an inspector, or a veterinarian authorized by the Veterinary Authority shall be assigned to provide veterinary attention and supervision at a quarantine station, as required.

(3) The Minister shall prescribe standards for the reception and quarantine of animals at a quarantine station.

### **Quarantine of animals**

**49.(1)** An animal may be placed in quarantine for such period and subject to such conditions as may be prescribed

- (a) for the purposes of trade,
  - (i) where required for certification prior to export; or
  - (ii) on being landed for import, except where exempt in writing in the import permit issued by the Veterinary Authority;
- (b) where an inspector has reason to believe that an animal
  - (i) may be suffering from a notifiable or other contagious animal disease;

- (ii) may have been in contact, during its transportation, with an animal which
    - (A) is or may be suffering from a notifiable disease or other contagious animal disease;
    - (B) has not been tested or inspected to determine if it is suffering from a notifiable disease or other contagious animal disease;
    - (C) is not exempt from the requirement of being placed in quarantine; or
  - (iii) has been exposed to the risk of contracting a notifiable or other contagious animal disease.
- (2) An animal which is removed from quarantine without written authorization from the Veterinary Authority may be seized by an inspector and detained, destroyed or otherwise disposed of as the Veterinary Authority may direct.
- (3) Where an animal,
- (a) develops a notifiable or other contagious animal disease while in a quarantine station; or
  - (b) in the opinion of the inspector, shows symptoms of any disease while in a quarantine station,

the spread of which would endanger animal health in Barbados, an inspector may, subject to the approval of the Veterinary Authority, cause the animal in a quarantine station referred to in paragraph (a) or (b) to be destroyed without payment of any compensation to the owner of the animal.

- (4) Nothing in this section shall be construed as restricting the power of the Veterinary Authority to impose, as a condition of an import permit in respect of any animal to be imported into Barbados, the requirement that the animal be placed in quarantine for such period and subject to conditions as the Veterinary Authority may specify in the import permit.

**Requirements for vehicles used to transit animals**

**50.** A vehicle used to transit an animal shall be designed, constructed and fitted in a manner that meets the requirements of the Veterinary Authority

- (a) to protect the welfare and safety of the animal; and
- (b) to prevent the spread of disease.

**Waste from vehicles**

**51.** Any waste from foods of animal origin, animal-related items or other items associated with the transit of animals on board a vehicle coming into Barbados shall be,

- (a) destroyed at the expense of the importer at the port of entry;
- (b) reshipped to the country of origin at the expense of the importer; or
- (c) otherwise denied entry into Barbados,

in accordance with the requirements of the Veterinary Authority.

PART VII

ANIMAL WELFARE

**Prohibition of cruelty to animals and their mistreatment**

**52.(1)** No person shall

- (a) torture, beat, injure, mutilate, neglect or treat with cruelty any animal;  
or
- (b) overload any working animal.

(2) An owner or person in charge of an animal shall not permit a person

- (a) to perform an act; or

(b) to neglect to perform an act,

that would result in the unnecessary suffering of an animal.

(3) A person who contravenes subsection (1) is guilty of an offence and is liable on summary conviction to a fine of \$50 000 or to a term of imprisonment for 2 years or to both.

### **Welfare of terrestrial animals**

**53.(1)** A person who owns, or is in charge of a terrestrial animal shall provide that 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 behavioural patterns of the animal; 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 treatment and handling.

(2) The Veterinary Authority may prescribe animal welfare standards for

- (a) farms for terrestrial animals;
- (b) the transport of terrestrial animals;
- (c) the slaughtering of terrestrial animals;
- (d) the killing of terrestrial animals for disease control, stray dog population control or for other purposes;
- (e) working terrestrial animals;
- (f) research and testing on terrestrial animals;

- (g) recreation, entertainment and companionship for terrestrial animals; and
- (h) any other circumstance that the Veterinary Authority may consider necessary to ensure terrestrial animal welfare.

**Welfare of aquatic animals**

**54.** For farmed fish, the Veterinary Authority may prescribe animal welfare standards for

- (a) aquaculture facilities;
- (b) the transport of farmed fish;
- (c) killing of farmed fish for human consumption;
- (d) killing of farmed fish for disease control;
- (e) research and testing on farmed fish;
- (f) recreation, entertainment and companionship for farmed fish; and
- (g) any other circumstance that the Veterinary Authority may consider necessary to ensure the welfare of farmed fish.

PART VIII

MANAGEMENT OF STRAY ANIMALS

**Stray terrestrial animals**

**55.(1)** The Veterinary Authority shall establish programs and strategies to control animal diseases and to protect the welfare of stray animals.



- (2) For the purposes of subsection (1), the Veterinary Authority shall collaborate with
- (a) the ministry responsible for public health under the *Dogs (Licensing and Control) Act*, Cap. 177 for animal disease control and welfare matters relating to dogs; and
  - (b) the competent authority under the *Livestock (Control of Strays) Act*, Cap. 139A for animal disease control and welfare matters relating to livestock.
- (3) Pursuant to section 75, the Veterinary Authority shall collaborate with members of the Police Service, any government authority that interacts with animals, private veterinarians and other stakeholders to facilitate the control of diseases and to protect the welfare of stray animals.

## PART IX

### ENFORCEMENT

#### **Powers of an inspector**

**56.(1)** With the exception of a dwelling place, an inspector may, without a warrant and on presenting his identification card,

- (a) enter any premises, including a slaughterhouse or vehicle, port facility, or other place where activities in relation to animal health or veterinary public health are being conducted or are suspected of being conducted, and
  - (i) inspect or search the premises, examine an animal or open and examine an 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 the premises to submit any information or documentation regarding the 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 the premises that the inspector believes on reasonable grounds contains any information relevant to this Act, and demand from the owner or any person in charge of the premises an explanation of any book, statement or other document found at the premises;
- (v) inspect any operation, process or system used or carried out on the 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, and where such action is taken, provide 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 the premises, animal or object;
- (vii) order the destruction of animals that are suspected of being infected with a pathogen and the disposal of carcasses of such animals;
- (viii) issue notices and directions with respect to actions to be taken at premises where an animal is held, has been or will be held;
- (ix) order the seizure, quarantine or segregation of an animal for the purpose of further testing and analysis;

- (x) prohibit the movement of or seize any animal; 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 or use vaccines and apply marks as may be reasonably necessary for the purposes of this Act;
- (c) stop and search any container or vehicle, on entry into Barbados, movement within Barbados or exit from Barbados;
- (d) for a prescribed period, stop the distribution, sale or use of any animal, animal product or animal-related item which the 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 items or premises to give
- (i) assistance or carry out instructions as may be reasonably necessary to facilitate the exercise of the inspector's functions or to implement the provisions of this Act; or
  - (ii) information as may be reasonably necessary in connection with the furtherance of the eradication of any animal disease or for the implementation of the provisions of this Act.
- (2) Where an 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 under this Act which poses an animal health risk, he may
- (a) detain the vessel and communicate the decision to the Chief Veterinary Officer and the Comptroller of Customs; and
  - (b) immediately provide a written and signed notice of detention justifying the particulars of the non-compliance to the captain of the vessel;

- (3) Where the Chief Veterinary Officer receives information pursuant to subsection (2), the Chief Veterinary Officer shall, without delay, take the appropriate action to prevent an animal health risk.
- (4) An inspector shall not enter any dwelling place for the purposes of subsection (1) without
- (a) the consent of the owner or occupier; or
  - (b) a warrant that has been issued by a magistrate.
- (5) An inspector shall in the course of the performance of his duties under this Act,
- (a) identify himself as an inspector by showing his identification card or other proof of his appointment or designation as an inspector; and
  - (b) maintain and secure any proprietary or confidential information, received or uncovered during the execution of his duties.
- (6) An inspector may, in the performance of his duties under this section, be accompanied and assisted by a member of the Police Service.

### **Sanitary measures**

- 57.(1)** The Veterinary Authority shall make regulations to develop and implement sanitary measures for Barbados which shall
- (a) be in harmony with international standards;
  - (b) be technically based on risk assessments and science-based decisions;
  - (c) be favourable to the development of regionalization;
  - (d) be favourable to trade; and
  - (e) be proportional to the risk.
- (2) The sanitary measures developed in accordance with subsection (1) shall be kept under review every 3 years.

**Written notices**

**58.(1)** Where an inspector has reasonable grounds to believe 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 grounds on which he believes that the provisions of the Act have not been complied with;
- (b) specifying the measures 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, within the time period specified in the notice; or
- (d) where the case requires, give notice that proceedings have been instituted against the owner or person in charge, outlining the facts that gave rise to the offence committed, the date and the assessed sanction, and such other particulars as may be prescribed.

(2) 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.

**Seizure and removal of animals, animal products and animal-related items**

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

- (a) require its owner or the person having the possession, care or control of the animal, animal product or animal-related item or any other thing at the time of its seizure to remove it to any place; or

- (b) cause the animal, animal product or animal-related item or any other thing to be held at the place where it was seized or to be removed to any other place for holding.

**Prohibition of interference with seized animals, animal products or animal related items**

**60.** No person shall remove, alter or interfere in any way with an animal, animal product or animal-related item or other thing that is seized and detained under this Act unless authorized in writing by the Veterinary Authority.

**Detention and disposal of animal, animal product or animal-related item**

**61.(1)** Where an animal, animal product, animal-related item or other thing has been seized and detained and an inspector has determined that the animal, animal product or animal-related item or other thing,

- (a) is in conformity with the provisions of this Act; and
- (b) does not pose a risk of the spread of disease,

the Veterinary Authority shall return the animal, animal product, animal-related item or other thing to its owner or person in charge.

(2) Where the Veterinary Authority cannot identify and locate the owner or person in charge to return the animal, animal product, animal-related item or other thing in accordance with subsection (1), it shall institute proceedings to sell or destroy the animal, animal product or animal-related item or other thing within the prescribed period.

(3) The Veterinary 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 or a causative agent of a disease;

- (b) is, or is suspected of being, infected or contaminated by a disease or a toxic substance; or
- (c) is, or is suspected of being the vector of a pathogen, the causative agent of a disease or a toxic substance.

(4) Where a detained animal is not claimed following a written notice served to the owner to claim the animal, the Veterinary Authority may sell the animal or destroy the animal within the prescribed period.

(5) In the case of an animal under subsection (2), the Veterinary Authority may be required to euthanize the animal to prevent suffering or otherwise ensure the welfare of the animal.

### **Appeals**

**62.(1)** Any person aggrieved by an action or decision of an inspector or an official analyst may, within 7 days, appeal in writing to the Chief Veterinary Officer.

(2) The Chief Veterinary Officer shall give a decision within 14 days after receiving the appeal.

(3) Any person aggrieved by an action or decision of the Chief Veterinary Officer may, within 7 days after receiving the decision, appeal in writing to the Minister.

(4) The Minister shall give a final decision within 14 days of receiving the appeal.

(5) An aggrieved party may appeal to a Judge in Chambers from a decision given pursuant to subsection (2) or (4), on a matter of law.

(6) Notwithstanding subsection (1), (2), (3) and (4), the Chief Veterinary Officer shall act in a timely manner in response to a notifiable disease.

## PART X

## OFFENCES AND PENALTIES

**Offences**

**63.(1)** A person who,

- (a) moves an animal, animal product or animal-related item out of a quarantine station, an infected area, place or zone, containment zone, or any other place following a prohibition to do so by the Veterinary Authority, without a written movement permit allowing such movement;
- (b) possesses, sells, offers for sale, transports, imports or exports any animal, animal product or animal-related item knowing it is infected with, or may transmit, a notifiable disease, or intentionally permits or causes the introduction or spread of any notifiable disease;
- (c) imports any animal, animal product or animal-related item without a permit, certificate or other authorization where required, or otherwise contrary to any requirements specified under this Act;
- (d) imports any animal, animal product or animal-related item illegally or knowingly except through a designated port of entry;
- (e) imports, distributes or offers for sale any veterinary medicinal products except in accordance with this Act;
- (f) carries out activities which require a permit or other authorisation by the Veterinary Authority without receiving a permit or authorisation;
- (g) tortures, cruelly treats, or treats an animal contrary to animal welfare requirements in Part VII; or
- (h) exports any animal or animal product except in accordance with this Act,



is guilty of offence and shall be liable on summary conviction to a fine of \$100 000 or to imprisonment for a term of 2 years or to both.

- (2) A person who,
- (a) fails to comply with any order, direction or permit lawfully made or granted;
  - (b) attempts to improperly influence an inspector in the exercise of his official functions;
  - (c) fails to allow a search or inspection authorised under this Act;
  - (d) knowingly or recklessly provides information which is false, for the purpose of obtaining any document;
  - (e) assaults, resists, threatens, or wilfully obstructs any officer while exercising lawful powers under this Act;
  - (f) poses as an inspector; or
  - (g) otherwise contravenes the provisions of this Act,

is guilty of an offence and shall be liable on summary conviction to a fine of \$200 000 or to imprisonment for a term of 2 years or to both.

### **Offences by officials**

**64.(1)** An inspector, official analyst or other official of the Veterinary Authority who,

- (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 official duties under this Act or any other enactment;
- (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 supervisor in the course of official duties, or where ordered to do so by any court; or
- (c) otherwise abuses his powers granted under this Act,

is guilty of an offence.

(2) An inspector who in connection with any official duty, asks for or takes any payment, gratuity or other reward to which that inspector is not entitled is guilty of an offence.

### **Procedure for offences**

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

(2) The Chief Veterinary Officer shall determine whether the matter shall be subject to

- (a) an administrative penalty;
- (b) criminal prosecution; or
- (c) both criminal prosecution and an administrative penalty.

### **Administrative penalty**

**66.**(1) Where a person has not complied with the provisions of this Act, and the matter is not sufficiently serious as to warrant criminal prosecution, the Veterinary Authority may,

- (a) suspend or revoke any permit or other authorization;
- (b) suspend or close the operations at an establishment; or
- (c) seize or confiscate an animal, animal product or animal-related item.

(2) Where subsection (1) applies, an 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 \$10 000 within a period of 14 days from the date of the notice.

- (3) A person to whom an administrative penalty notice is addressed and who wishes to challenge the notice, may make an appeal in accordance with section 62.
- (4) In cases of serious or repeated violations of this Act, or of a permit or other authorization issued by the Veterinary Authority, the Veterinary Authority shall recommend to the ministry responsible for the issue of a business license, that the business license be revoked.
- (5) Where the failure of a person to comply with the provisions of a notice issued under this Act results in either the spread of a disease or poses a serious risk to the animal health status of the country, the Veterinary Authority may order the person to close his establishment or revoke any license issued under this Act.

#### **Powers of the Chief Veterinary Officer in administrative proceedings**

**67.** Where a matter is to be dealt with administratively by the Chief Veterinary Officer, the Chief Veterinary Officer may

- (a) seize an animal, animal product or animal-related item;
- (b) stay the proceedings for condemnation of anything forfeited under this Act;
- (c) restore anything seized under this Act, subject to conditions, if any; or
- (d) impose penalties or fines as the case may be, in respect of a breach that does not warrant criminal prosecution but is the subject of an administrative penalty.

#### **Fixed penalty notice for prescribed offences**

**68.(1)** This section shall apply to any offence prescribed by regulations as a fixed penalty offence.

- (2) For the purposes 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, does not exceed \$5 000.

- (3) Where on any occasion an inspector finds a person who he has reason to believe is committing, or has committed, a fixed penalty offence, he may on the spot, issue that person a fixed penalty notice, and shall inform the person
- (a) to appear before the magistrate on the date specified; or
  - (b) pay the fixed penalty, *in lieu* of appearance before a magistrate.
- (4) Where a person is issued a fixed penalty notice in respect of a fixed penalty offence and
- (a) pays the fine within the time prescribed in the fixed penalty notice, no proceedings shall be instituted for that offence and he shall be treated for all purposes in law as a person who has not committed, been charged with, prosecuted for, convicted of or sentenced for the offence in respect of which the payment was made; or
  - (b) does not pay the fine within the time prescribed in the fixed penalty notice, the Veterinary Authority shall decide whether to
    - (i) increase the fine to be paid through written notice, specifying a new time period for payment; or
    - (ii) take other action as established under this Act.
- (5) 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 that is 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 21 days upon receipt of the fixed penalty notice; and
  - (iii) the person to whom, and the address at which
    - (A) the fixed penalty may be paid;
    - (B) any correspondence relating to the fixed penalty notice may be sent;
  - (iv) the method or methods by which payment may be made; and
  - (v) the consequences of not making a payment within the period for paying the fixed penalty.
- (6) The Chief Veterinary Officer may extend the period for paying the fixed penalty in any particular case if he considers it appropriate to do so by sending notice to the person to whom the fixed penalty notice was given.
- (7) 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.

### **Evidence**

- 69.** In any prosecution for an offence under this Act,
- (a) a declaration, certificate, report or other document of the Veterinary Authority or an analyst, inspector or member of the Police Service, purporting to have been signed on behalf of the Veterinary Authority or the analyst, inspector or member of the Police Service, is in the absence of evidence to the contrary, proof of the matters asserted in it; and
  - (b) a copy of an extract from any record or other document that is made by the Veterinary Authority or an analyst, inspector or member of the Police Service under this Act and certified as a true copy of the extract is admissible in evidence.

**Limitation on liability**

**70.** The State 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.

**Good faith defence**

**71.** No member of staff of the Veterinary Authority, official analyst, official laboratory or other Government department 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.

**Unpaid administrative fine or fixed penalty to constitute a debt to the State**

**72.** Any administrative fine or penalty that remains unpaid after the expiration of one month after it becomes due and payable under this Act is a debt due to the State and may be recovered as a debt due to the State in civil proceedings before a magistrate for District “A”, notwithstanding that the amount exceeds the monetary limit on the jurisdiction of a magistrate’s court.

**General provisions as to prosecutions under Act**

**73.** An inspector or other officer may, although not an attorney-at-law, prosecute or conduct before a court of summary jurisdiction any proceedings under this Act.

**Forfeiture**

**74.(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 State.

(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 may be

- (a) detained until the fine is paid;
- (b) sold in satisfaction of the fine; or
- (c) destroyed.

(3) Notwithstanding subsection (2), in the case of an animal, the owner or person in charge shall be liable for the cost associated with the welfare, food and shelter of the animal during its detention and prior to its sale or destruction.

(4) Where the court does not order the forfeiture of an animal, animal product or animal-related item or other thing, 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.

(5) The Veterinary Authority shall determine the appropriate holding of any animal, animal product or animal-related item seized or forfeited under this Act prior to its disposition by a magistrate.

## PART XI

### MISCELLANEOUS

#### **Assistance and co-operation**

**75.(1)** The Veterinary Authority may request from public officers, ministries and departments of Government, statutory bodies and private organizations the provision of adequate facilities and services to assist inspectors in the performance of their functions and the exercise of their powers under this Act.

(2) The Veterinary Authority may enter into agreements to establish collaborative arrangements, for the purposes of subsection (1).

**Documents may be submitted in electronic format**

- 76.** For the purposes of this Act, where,
- (a) a notice is required to be furnished in writing; or
  - (b) a document is required to be furnished to the Minister or an inspector,
- such notice or document may be furnished in an electronic format.

**Regulations**

- 77.** The Minister may, after consultation with the Veterinary Authority, make regulations in relation to the following matters:
- (a) the designation of the ports of entry and exit in Barbados at which animals, animal products or animal-related items or other things, may be landed and imported;
  - (b) the movement of animals, animal products or animal-related items or other things into, within, or out of, any infected place, infected area, 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 measures under this Act;
  - (e) the requirements, procedures and forms required for the import, export and transit of animals, animal products and animal-related items into, within or from Barbados;
  - (f) the requirements for animal welfare;



- (g) animal identification and traceability systems, including any marking by tagging or in any other manner a condition of import to enable trace back to the country of origin;
- (h) the application of any test for any notifiable or other infectious or contagious disease or of any treatment, vaccination or inoculation of animals imported into Barbados;
- (i) 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;
- (j) the requirements relating to the operation of quarantine stations and facilities to be used for the purpose of animal quarantine;
- (k) the requirements relating to inspection facilities;
- (l) the requirements for disease prevention and control for aquaculture establishments;
- (m) the procedures to be followed by inspectors, official analysts, and official laboratories in the exercise of their functions under this Act;
- (n) the actions and treatments to decontaminate or disinfect any place or thing, including vehicles and ships, that is likely to be a vector of or to be contaminated by any disease or toxic substance;
- (o) the planning and preparedness for animal disease emergencies;
- (p) the time at which, and the conditions under which, animals may be destroyed and disposed of;
- (q) the diseases to be classified as notifiable diseases;
- (r) the inspection procedures and forms to be used by inspectors;
- (s) the regulation of the manufacture, import, sale, advertisement, use and waste disposal of veterinary medicinal products, including animal feeds containing veterinary medicinal products, as well as waste contaminated with veterinary medicinal products; and

- (t) any other matter for the better carrying out of the provisions of this Act.

### **Amendment of Schedules**

- 78.** The Minister may by order amend the *Schedules*.

### **Standards for animal health and welfare**

- 79.** The standards for animal health and welfare applied under this Act shall be consistent with the standards of the WOAHA and the Codex Alimentarius Commission which is the international standard setting body for food safety.

### **Repeal and savings**

- 80.(1)** The *Animal (Diseases and Importation Control) Act, Cap. 253* is repealed.

- (2) Notwithstanding subsection (1), all statutory instruments made under the *Animal (Diseases and Importation Control) Act, Cap. 253* shall continue in force with such modifications as are necessary to bring them into conformity with this Act and shall have effect as if made under this Act until revoked.

### **Conflict**

- 81.** Where there is a conflict between this Act and any of the following enactments, this Act shall prevail to the extent of the inconsistency:

- (a) *Animals (Civil Liability) Act, Cap. 194A*;
- (b) *Dog (Licensing and Control) Act, Cap. 177*;
- (c) *Health Services Act, Cap. 44*;
- (d) *Livestock (Control of Strays) Act, Cap. 139A*;
- (e) *Markets and Slaughter-houses Act, Cap. 265*;
- (f) *Prevention of Cruelty to Animals Act, Cap. 144A*; and
- (g) *Swine Fever Act, Cap. 273*.

**Act to bind the State**

**82.** This Act shall bind the State.

**Commencement**

**83.** This Act shall come into force on a date to be fixed by Proclamation.

## FIRST SCHEDULE

(Section 9)

*Animal Health and Veterinary Public Health Bill, 2022*  
(Act 2022- )

*List of notifiable animal diseases for terrestrial animals*

List of notifiable terrestrial animal diseases

**Multiple species diseases, infections and infestations**

Anthrax  
Crimean Congo hemorrhagic fever  
Dermatophilosis  
Equine encephalomyelitis (Eastern)  
Heartwater  
Infection with Aujeszky's disease virus  
Infection with bluetongue virus  
Infection with *Brucella abortus*, *Brucella melitensis* and *Brucella suis*  
Infection with *Echinococcus granulosus*  
Infection with *Echinococcus multilocularis*  
Infection with epizootic hemorrhagic disease virus  
Infection with foot and mouth disease virus  
Infection with *Mycobacterium tuberculosis* complex  
Infection with rabies virus  
Infection with Rift Valley fever virus  
Infection with rinderpest virus  
Infection with *Trichinella* spp.  
Japanese encephalitis  
New World screwworm (*Cochliomyia hominivorax*)  
Old World screwworm (*Chrysomya bezziana*)  
Paratuberculosis (Johne's disease)  
Q fever  
Surra (*Trypanosoma evansi*)  
Tularemia  
West Nile fever

*First Schedule - (Cont'd)***Cattle diseases and infections**

Bovine anaplasmosis  
Bovine babesiosis  
Bovine genital campylobacteriosis  
Bovine spongiform encephalopathy  
Bovine viral diarrhoea  
Enzootic bovine leukosis  
Epizootic abortion  
Haemorrhagic septicaemia  
Infection with lumpy skin disease virus  
Infection with *Mycoplasma mycoides* subsp. *mycoides* SC  
(Contagious bovine pleuropneumonia)  
Infectious bovine rhinotracheitis/infectious pustular vulvovaginitis  
Lumpy jaw (actinomycosis)  
Theileriosis  
Trichomonosis  
Trypanosomosis (tsetse-transmitted)

**Sheep and goat diseases and infections**

Caprine arthritis/encephalitis  
Caseous lymphadenitis  
Contagious agalactia  
Contagious caprine pleuropneumonia  
Infection with *Chlamydia abortus* (Enzootic abortion of ewes, ovine chlamydiosis)  
Infection with peste des petits ruminants virus  
Maedi-visna  
Nairobi sheep disease  
Ovine epididymitis (*Brucella ovis*)  
Salmonellosis (*S. abortusovis*)  
Scrapie  
Sheep pox and goat pox

*First Schedule - (Cont'd)***Equine diseases and infections**

Contagious equine metritis  
Dourine  
Equine encephalomyelitis (Western)  
Equine infectious anaemia  
Equine influenza  
Equine piroplasmosis  
Infection with *Burkholderia mallei* (Glanders)  
Infection with African horse sickness virus  
Infection with equid herpesvirus-1 (EHV-1)  
Infection with equine arteritis virus  
Venezuelan equine encephalomyelitis

**Swine diseases and infections**

Infection with African swine fever virus  
Infection with classical swine fever virus  
Infection with porcine reproductive and respiratory syndrome virus  
Infection with *Taenia solium* (Porcine cysticercosis)  
Nipah virus encephalitis  
Transmissible gastroenteritis

**Avian diseases and infections**

Avian chlamydiosis  
Avian infectious bronchitis  
Avian infectious laryngotracheitis  
Avian mycoplasmosis (*Mycoplasma gallisepticum*)  
Avian mycoplasmosis (*Mycoplasma synoviae*)  
Duck virus hepatitis  
Fowl typhoid  
Infection with avian influenza viruses  
Infection with influenza A viruses of high pathogenicity in birds other than *poultry* including wild birds  
Infection with Newcastle disease virus  
Infectious bursal disease (Gumboro disease)  
Pullorum disease  
Turkey rhinotracheitis

*First Schedule - (Concl'd)*

**Lagomorph diseases and infections**

Myxomatosis  
Rabbit haemorrhagic disease

**Bee diseases, infections and infestations**

Infection of honey bees with *Melissococcus plutonius* (European foulbrood)  
Infection of honey bees with *Paenibacillus larvae* (American foulbrood)  
Infestation of honey bees with *Acarapis woodi*  
Infestation of honey bees with *Tropilaelaps* spp.  
Infestation of honey bees with *Varroa* spp. (Varroosis)  
Infestation with *Aethina tumida* (Small hive beetle)

**Other diseases and infections**

Camelpox  
Leishmaniosis.  
Actinomycosis (lumpy jaw)  
Strangles  
Canine distemper  
Epizootic lymphangitis

## SECOND SCHEDULE

(Section 9)

*Animal Health and Veterinary Public Health Bill, 2022*  
(Act 2022- )

*List of notifiable animal diseases for aquatic animals*

## List of notifiable aquatic animal disease

## Diseases of fish

- Infection with *Aphanomyces invadans* (epizootic ulcerative syndrome)
- Infection with epizootic haematopoietic necrosis virus
- Infection with *Gyrodactylus salaris*
- Infection with HPR-deleted or HPR0 infectious salmon anaemia virus
- Infection with infectious haematopoietic necrosis virus
- Infection with koi herpesvirus
- Infection with red sea bream iridovirus
- Infection with salmonid alphavirus
- Infection with spring viraemia of carp virus
- Infection with viral haemorrhagic septicaemia virus

## Diseases of molluscs

- Infection with abalone herpesvirus
- Infection with *Bonamia ostreae*
- Infection with *Bonamia exitiosa*
- Infection with *Marteilia refringens*
- Infection with *Perkinsus marinus*
- Infection with *Perkinsus olseni*
- Infection with *Xenohaliotis californiensis*



*Second Schedule - (Concl'd)*

## Diseases of crustaceans

- Acute hepatopancreatic necrosis disease
- Infection with *Aphanomyces astaci* (crayfish plague)
- Infection with *Hepatobacter penaei* (necrotising hepatopancreatitis)
- Infection with infectious hypodermal and haematopoietic necrosis virus
- Infection with infectious myonecrosis virus
- Infection with *Macrobrachium rosenbergii* nodavirus (white tail disease)
- Infection with Taura syndrome virus
- Infection with white spot syndrome virus
- Infection with yellow head virus genotype 1

## Diseases of amphibians

- Infection with *Batrachochytrium dendrobatidis*
- Infection with *Batrachochytrium salamandrivorans*
- Infection with *Ranavirus* species

and such other diseases which the Minister may from time to time, by order made under section [     ], declare to be a disease within the meaning of this Act.

Read three times and passed the House of Assembly this  
day of \_\_\_\_\_, 2022.

**Speaker**

Read three times and passed the Senate this \_\_\_\_\_ day of  
\_\_\_\_\_, 2022.

**President**

## ANIMAL HEALTH AND VETERINARY PUBLIC HEALTH BILL, 2022

### EXPLANATORY MEMORANDUM

This Bill would provide for the establishment of a Veterinary Authority to regulate terrestrial and aquatic animal health in Barbados by the implementation of animal health and animal welfare standards in accordance with the World Organization for Animal Health; and for related matters.

#### PART I PRELIMINARY

- Clause 1:* Clause 1 of the Bill provides for the short title.
- Clause 2:* Clause 2 of the Bill provides for definitions of various terms appearing in the Bill. The terms in subsection (1) are aligned with those included in the Glossary to the Terrestrial Animal Health Code and the Glossary to the Aquatic Animal Health Code.

#### PART II ADMINISTRATION

- Clause 3:* Clause 3 of the Bill in sub-clause (1) establishes the Veterinary Authority as the competent authority for the regulation of terrestrial and aquatic animal health in Barbados. It is important to note that the Veterinary Authority is not an independent agency but is intended to be a department within the Ministry of Agriculture. Sub-clause (2) provides that the head of the Veterinary Authority is the Chief Veterinary Officer.

- Clause 4:** Clause 4 of the Bill makes provision for the post of Chief Veterinary Officer and sets out the role and responsibility of the Chief Veterinary Officer.
- Clause 5:** Clause 5 of the Bill provides for the functions of the Veterinary Authority and removes any ambiguity regarding the scope of responsibilities of the Veterinary Authority. This addresses a major gap in the current legislation by enumerating the responsibilities of the Veterinary Authority with respect to animal health. The functions listed in sub-clause (3) relate to: the obligations established by the World Organization of Animal Health; trade (e.g. risk analysis, equivalence) and other activities relevant to animal health and welfare and veterinary public health.
- Clause 6:** Clause 6 of the Bill provides that the Minister may by order delegate to the Chief Veterinary Officer, any power or function conferred or imposed on him under the Act except the power to make subsidiary legislation. This clause in sub-clause (2) provides for the Chief Veterinary Officer to authorize any public or private veterinarians or veterinary paraprofessional to perform some of the functions of the Veterinary Authority. This allows the Veterinary Authority to use veterinarians that are not part of its staff to carry out certain tasks and to use staff of other ministries or departments (e.g. Ministry of Health, Customs etc.) or private persons. However, certain functions must not be delegated, to guarantee the independence and impartiality of the control system. These exceptions are also stated in sub-clause (2) which mirrors part of Article 3.4.5 of the Terrestrial Animal Health Code on delegation of powers. The exceptions are: functions relating to official liaison duties with other ministries or foreign authorities; any notification

responsibilities with trading partners; the approval of standards, requirements, rules or sanitary measures; or the designation of emergencies, free compartment zones, free zones, containment zones or infected zones.

**Clause 7:** Clause 7 of the Bill provides the foundation for the establishment of laboratories for the analysis of official samples; and for validating or confirming results or the quality control of results. This clause is directly in line with Article 3.4.7 of the Terrestrial Animal Health Code which stipulates that veterinary legislation should define the role, responsibilities, obligations and quality requirements of official laboratories, designated by the Veterinary Authority for carrying out the analysis of official samples; and also laboratories recognized to conduct analyses required under the legislation e.g. for the purposes of quality control. This clause is sufficiently broad to facilitate the recognition of public or private facilities or even those located outside of Barbados. Sub-clause (3) establishes the standards under which the operation of official laboratories and reference laboratories is to be conducted: impartially and independently.

**Clause 8:** Clause 8 of the Bill enables the Chief Veterinary Officer with the approval of the Minister to designate premises that meet certain prescribed requirements to be used for veterinary purposes. This clause states that the designation is not permanent and may be amended, cancelled or reinstated at any time.

**Clause 9:** Clause 9 of the Bill makes provision for the Veterinary Authority to contract the services of veterinarians. Sub-clause (2) provides that the terms and conditions of the contract are to be determined by the Minister.

- Clause 10:** Clause 10 of the Bill provides for the appointment of inspectors. Sub-clause (2) provides for the appointment of inspectors in accordance with the *Public Service Act*, Cap. 29 and sub-clause (3) makes provision for the Veterinary Authority to employ inspectors on a contractual basis. Sub-clause (4) makes provision that a person appointed to the post of inspector may be removed from office in accordance with the *Public Service Act*, Cap. 29 in circumstances where there is a conflict of interest. Where a person contracted to be an inspector has any similar conflict of interest, that person will cease to be an inspector as a result of the termination of their contract. In this clause the key characteristics of inspectors are that they are duly qualified in terms of skills, training and experience; impartial, independent and free of improper or undue influence or conflict of interest. Similar characteristics can be applied to veterinarians and veterinary paraprofessionals. This clause provides that where an inspector has any interest in a matter or action of the Veterinary Authority, that interest is to be communicated to the Chief Veterinary Officer. Where it is found that the interest conflicts with the impartiality or independence of the inspector, the Chief Veterinary Officer may recommend that the appointment of the inspector, be withdrawn.
- Clause 11:** Clause 11 of the Bill provides for the issue of identification cards to inspectors and that inspectors should have the identification card in their possession at all times. This clause makes provision that an inspector is required to produce his identification card to any relevant person.
- Clause 12:** Clause 12 of the Bill provides for the Veterinary Authority to be assessed both externally and internally. This is an important mechanism by which the Veterinary Authority can

periodically gauge its performance in the implementation of the Act and in the effectiveness of the measures adopted. In sub-clause (3), the Bill provides for collaboration between the Veterinary Authority and any entity responsible for agricultural health and food control to monitor and evaluate the implementation of the provisions and based on the findings, to prepare a report which is to be published in the first instance, five years after the Act comes into force and thereafter at intervals not exceeding 3 years.

PART III  
CONTROL OF ANIMAL DISEASES AND ZOOSES

**Clause 13:** Clause 13 of the Bill provides that the Veterinary Authority is responsible for the development and maintenance of a list of notifiable disease for both terrestrial and aquatic animals.

**Clause 14:** Clause 14 of the Bill identifies that it is the responsibility of Veterinary Authority to establish a surveillance system for notifiable diseases or other animal diseases to demonstrate the absence or distribution of a disease. This clause also establishes the duty to be transparent in its management of data as it is also the responsibility of the Veterinary Authority to determine, report on and make available to the public the animal health status of Barbados with respect to animal diseases. The World Organization for Animal Health encourages such surveillance systems to be developed having regard to: the need to provide assurance of disease status for trade purposes; the resources of the country; the financial impact or threat posed by the different diseases; and the importance of an industry-wide disease control programme within a country or region.

**Clause 15:** Clause 15 of the Bill provides that the Veterinary Authority is required to establish an early detection system for the purposes of detecting animal diseases. This clause is an extension of clause 14 as some surveillance systems are established as early detection systems. Sub-clause (1) sets out the minimum requirements for an early detection system and also sets out that an effective detection system should involve the participation of veterinarians and veterinary paraprofessionals, livestock owners and other stakeholders involved in the management and handling of terrestrial animals; owners and operators of abattoirs; and fish inspectors and other persons involved in the handling of aquatic animals to detect and report, notifiable disease to report that disease to the Veterinary Authority. Sub-clause (4) sets out a key requirement of the Veterinary Authority as indicated in the World Organization for Animal Health, namely, a chain of command that is as effective as possible. A chain of command is important not only to disease response ('war time') but also to proactive disease surveillance and reporting ('peace time') as well as on-going regulatory activity. The integrity of the chain of command assures the credibility of the Veterinary Authority and the international veterinary certificates issued in the context of international trade.

**Clause 16:** Clause 16 of the Bill provides for an inspector to take action where a notifiable disease or an emerging disease is suspected or confirmed as immediate steps must be taken in order to prevent the spread of a notifiable or emerging disease. This clause together with clause 14, empowers inspectors to act immediately to manage potential risks to health pending confirmation by the Chief Veterinary Officer of the presence of a notifiable or emerging disease. The action required under sub-clause (1) includes the issuing of a written notice to the



owner or occupier of the premises. The notice should specify the provisional measures that are to be taken to prevent the spread of disease. In addition, provisional measures may require that the owner or occupier of the adjacent premises be served with a written notice also specifying the provisional measures that are to be taken. In each case, the inspector is required to submit copies of any notice issued, to the Veterinary Authority which in turn is to cause an investigation involving the collection and testing of samples. Sub-clause (3) provides that where a notifiable disease or an emerging disease is confirmed the Veterinary Authority shall issue written notices stipulating the measures that are to be taken and the time within which the measures are to be implemented to prevent the spread of disease.

- Clause 17:** Clause 17 of the Bill makes provision for an area or premises to be declared an infected area and for that declaration to be made by order by the Minister. Sub-clause (2) requires that the Chief Veterinary Officer performs certain functions among which is to inform the competent authority for veterinary matters in the countries with which Barbados trades of the status of the infected area and to suspend the issue of veterinary certificate for exports, in effect, recognizing the obligations to trading partners.
- Clause 18:** Clause 18 of the Bill seeks to set out the conditions under which a declaration of an infected area is to be revoked. The conditions are: where the Chief Veterinary Officer determines that the circumstances that gave rise to the declaration of an infected area are no longer present.
- Clause 19:** Clause 19 of the Bill seeks to provide for animal disease contingency plans in relation to notifiable diseases and the implementation of animal disease control procedures that are

consistent with World Organization for Animal Health guidelines. Sub-clause (2) sets out what an animal disease contingency plan is to be based on and what such a plan should take account of for example, the capacity for response of the Veterinary Authority; the geographical, ecological and epidemiological environments; animal production and animal or animal products marketing practices; and any other factors considered necessary to control, contain or eradicate the animal disease. Sub-clause (3) provides for the elements of a contingency plan and sub-clause (4), provides the duties of the Veterinary Authority with respect to the development of training programmes to ensure that there is capacity for disease diagnosis and control and the implementation of disease simulation exercises to test the effectiveness of the contingency plans. This provision is important because it identifies the responsibility of the Veterinary Authority to lead the response in animal health emergencies, with cooperation from other authorities for example, the Police Service, ministries responsible for public health and the environment, depending on the particular circumstances.

***Clause 20:***

Clause 20 of the Bill gives effect to Article 3.4.9 of the Terrestrial Animal Health Code and provides for the response of the Veterinary Authority where there is an animal disease emergency. As the powers outlined in this clause are significant, it is important that the legislation is clear and transparent regarding the procedures to be followed; the grounds on which action can be taken, and who may take that action. This provision reiterates the key principles that measures must be based on a risk assessment, ensuring measures are proportional to risks and that measures are publicized widely.

- Clause 21:** Clause 21 of the Bill seeks to make provision for the Minister on the advice of the Chief Veterinary Officer to declare by order, a zone to be a free zone, a free compartment zone or a containment zone. However, a declaration can only be made if the Veterinary Authority establishes the measures to set up the respective zones.
- Clause 22:** Clause 22 of the Bill sets out in broad terms the scope of response measures available to the Veterinary Authority to control or eradicate and to prevent the introduction or spread of animal diseases. This clause seeks to implement Article 3.4.9 of the Terrestrial Animal Health Code which stipulates that veterinary legislation should include general animal health measures applicable to all diseases. This provision does not restrict Veterinary Authority action to notifiable diseases but special or specific measures could apply to notifiable diseases. This clause focuses on the different options available to the Veterinary Authority such as disinfection, movement control, vaccination schemes etc. This provision improves the transparency of the Bill in furtherance of the SPS Agreement requirements and World Organization for Animal Health standards.
- Clause 23:** Clause 23 of the Bill recognizes that moving animals, animal products or animal related items increase the risk of the spread of disease. To limit the risk of the spread of a disease, the Veterinary Authority must have the power to restrict the movement of animals, animal products or other items that may serve as disease carriers. Sub-clauses (2) to (4) enhance the procedural guarantees and transparency of the Bill by setting out the actions that are to be taken by an inspector if an item that should not be moved is in fact moved. Where an animal, animal product or animal-related item is moved, an inspector

under sub-clause (4) is required to personally serve a notice on the owner or the person in possession, care or control of the animal, animal product or animal-related item for the purpose of implementing a remedy.

**Clause 24:** Clause 24 of the Bill imposes an obligation on animal keepers who suspect that an animal in their care is suffering from a notifiable disease, to act in a timely manner in order to prevent the spread of the suspected disease. The two critical elements of the obligation under this clause are: separation of the animal from others; and immediate notification to the authorities.

**Clause 25:** Clause 25 of the Bill allows the Chief Veterinary Officer to disinfect premises or establishments where it has been confirmed that a notifiable disease is present. This clause provides that the Chief Veterinary Officer is empowered to choose the disinfectant to be used and the procedure to be used having regard for example to the nature of the premises, the equipment; and vehicles to be treated. The technical aspects of disinfection, such as the chemicals and process used should be included arguably, in operational manuals.

**Clause 26:** Clause 26 of the Bill empowers an inspector to cause an animal infected or suspected of being infected with a notifiable disease; or has come into contact with or has been in the same place as an animal that has a notifiable disease, to be humanely killed in order to prevent the spread of an animal disease. Sub-clause (2) provides for an inspector to exercise discretion to observe and treat an animal prior to destroying it, for example removing it to a place for observation and control.

**Clause 27:** Clause 27 of the Bill provides for the disposal of animals that are killed for the purpose of diseases control as a result of an

infection with a notifiable disease. According to sub-clause (1) such disposal is to be done in a manner that avoids the spread of pathogenic organisms. Sub-clause (2) stipulates that the destruction and disposal of an animal infected with a notifiable disease is to be carried out as soon as is practical and according to the direction of the Veterinary Authority. Recognizing the risk involved, sub-clause (3) provides that for the purpose of disposing of an animal infected with a notifiable disease, the Veterinary Authority is required to collaborate with the ministries responsible for public health and the environment and any other organization as the case requires. Sub-clause (4) provides that the meat of an animal infected with a notifiable disease should be regarded as not fit for human consumption.

***Clause 28:***

Clause 28 of the Bill makes provision in sub-clause (1) for the Minister on the advice of the Chief Veterinary Officer to order compensation to be paid to owners in circumstances for example, where an animal has been destroyed in order to achieve eradication, control or prevention of the spread in or introduction of a notifiable disease; where the owners of the animals have complied with the order and directions of the Veterinary Authority; or otherwise comply with the requirements of the Bill. Sub-clause (2) provides that compensation is not to exceed the fair market value of the animal immediately before it was destroyed. Sub-clause (3) provides that the amount of compensation paid may be reduced or refused where the owner of the animal is found guilty of an offence under the Bill. In addition, sub-clause (4) provides that an owner is not entitled to compensation where an animal dies or is compulsorily killed while in a quarantine station.

PART IV  
VETERINARY PUBLIC HEALTH

**Clause 29:** Clause 29 of the Bill provides the legal foundation for a system for the control of veterinary medicinal products (including animal feed containing veterinary medicinal products) for both aquatic and terrestrial animals. Sub-clause (1) prohibits the importation, sale, advertisement and distribution of veterinary medicinal products in Barbados except they are registered by the Veterinary Authority. Sub-clause (2) creates an exception to sub-clause (1), providing three circumstances under which unregistered veterinary medicinal products may be imported, sold, advertised or distributed in Barbados. These circumstances are where there is an animal disease emergency which justifies the importation, production or use; the Veterinary Authority recognizes that the registered veterinary medicinal products are insufficient to meet local needs; or for the purpose of testing, trial and research. Sub-clause (3) also creates an exception to sub-clause (1), exempting traditional animal remedies from the requirement of registration. Provision is also made in sub-clause (4) for the Veterinary Authority and the ministry responsible for public health to co-ordinate the registration and labelling of veterinary medicinal products so that the systems for which each is responsible do not circumvent the other. Moreover, the Food and Agricultural Organisation, World Organization for Animal Health and the World Health Organisation recommend the co-ordination of controls, including sharing lists of approved products and dossiers on active ingredients. Provision is made in sub-clause (5) for the Veterinary Authority to establish standards and requirement relating *inter alia* to the categories of professionals that are entitled to prescribe veterinary medicinal products, the conditions and

the forms to be used for veterinary products and the distribution of veterinary medicinal products. Provision is also made in sub-clause (6) for the Minister on the recommendation of the Chief Veterinary Officer to prohibit the use of ingredients and substances used as veterinary medicinal products and the non-therapeutic use of antimicrobials. Sub-clause (7) provides that for the purposes of the Bill, animal feed containing veterinary medicinal products shall be considered as a veterinary medicinal product.

**Clause 30:**

Clause 30 of the Bill seeks to regulate ante-mortem and post-mortem inspections at slaughterhouses to control the spread of animal diseases and for the benefit of veterinary public health by establishing Veterinary Authority control over facilities that are established by private operators, or by the Veterinary Authority directly. In this clause provision is made for the operation of slaughterhouses to fall within the ambit of the *Market and Slaughterhouses Act*, Cap. 265 and further that failure to comply with the conditions of registration may cause operations to be suspended and in serious cases revoked where there is an immediate risk to animal, human or environmental health. Sub-clauses (2) to (4) set out the basics of a registration system for facilities that are not publicly operated, and set out the safeguards to ensure that there is transparency and predictability in decision making, thus preventing arbitrary decision-making while at the same time allowing inspectors to shut down premises if there is a risk to animal or human health or the environment. Sub-clause (5) sets out a range of areas for which regulations may be made. Sub-clause (6) provides for collaboration between the Veterinary Authority and the ministry of responsible for public health to ensure that inspection systems meet public

health and food safety requirements; and the Markets Division to ensure that inspections meet the requirements under the *Market and Slaughthouses Act*, Cap. 265.

- Clause 31:** Clause 31 of the Bill seeks to provide that the Veterinary Authority is under an obligation to control the spread of animal diseases at knackeries and rendering facilities. According to this clause, this is to be achieved by collaborating with the ministry responsible for public health and the Markets Division of the *Markets and Slaughthouses Act*, Cap. 265.
- Clause 32:** Clause 32 of the Bill seeks to provide that the Veterinary Authority is under an obligation to prevent the introduction and spread of zoonotic and emerging diseases.

PART V  
HEALTH PROVISIONS RELATING TO ANIMAL PRODUCTION

- Clause 33:** Clause 33 of the Bill is broad in its scope and in a general way addresses all aspects of feed control. In this clause provision is made for animal feed and animal feed ingredients to meet safety standards; it is the responsibility of the Veterinary Authority to issue the safety standards. Sub-clause (1) prohibits the importation, production, manufacture, sale and distribution of feed in Barbados except it is registered by the Veterinary Authority. Sub-clause (2) creates an exception to sub-clause (1), providing three circumstances under which unregistered feed may be imported into Barbados. These circumstances are where: there is an animal disease emergency which justifies the importation, production or use; the Veterinary Authority recognizes that the registered animal feed is insufficient to meet local needs; or for the purpose of testing, trial and research. Provision is made in clause (3) for



the Veterinary Authority to makes regulations to establish standards and requirements relating *inter alia* to, the ingredients and composition of animal feed, the production, manufacture, importation and exportation of animal feed. Sub-clause (4) prohibits the use of animal feed and animal feed ingredients in food for human consumption unless they meet the safety standards issued by the Veterinary Authority. Provision is made in sub-clause (5) for the collaboration between the Veterinary Authority and the ministry responsible for food safety to set the limits and tolerance levels for biological, chemical or physical hazards in animal feed and feed ingredients.

**Clause 34:** Clause 34 of the Bill provides that the Veterinary Authority is responsible for establishing a system to identify and trace certain species of animals, to be provided for in regulations. According to sub-clause (2), the Veterinary Authority should collaborate with the ministry responsible for health when developing traceability systems for foods of animal origin, as required for food safety purposes. Important considerations in the development of the system include: ensuring the confidentiality of information collected; and ensuring that the information is used for the specified purposes i.e. animal health and production and human health. It is not to be used for other purposes, such as taxation and levies.

**Clause 35:** Clause 35 of the Bill seeks to provide that the Veterinary Authority is responsible for the establishment of conditions and requirements governing the reproduction of animals. The objective of this provision is to create a framework to prevent the spread of pathogenic micro-organisms.

PART VI  
IMPORT, EXPORT AND TRANSIT

**Clause 36:** Clause 36 of the Bill provides for the establishment of standards and requirements for the provision and maintenance of facilities to accommodate inspections of animals and related products at the designated ports of entry. Through this provision, whether the owner of a facility is public or private, the required space and furnishings must be provided to enable the Veterinary Authority to carry out its functions. Sub-clause (3) allows for the Minister to serve a notice to the owner or operator of an inspection facility of desired improvements to an inspection facility where that facility does not comply with the established standards and requirements. An exception is made where the inspection is conducted at a private residence. In that case the Minister has no jurisdiction to cause any improvements to be made.

**Clause 37:** Clause 37 of the Bill identifies designated ports of entry as the only points at which an animal, animal product or animal-related item is to enter Barbados. Sub-clause (2) prohibits the importation of an animal, animal product or animal-related item that does not comply with the provisions of the import permit issued by the Veterinary Authority and is not accompanied by an international veterinary certificate or any other document which is required by the Veterinary Authority, a provision which recognizes that not all items require a veterinary certificate and gives the Veterinary Authority the flexibility to accept an alternative document. Sub-clause (3) allows the Minister to prohibit the importation of an animal, animal product or animal-related item to prevent the introduction or spread of any vector, pathogen, disease or toxic substance. Sub-clause (4) places an obligation on the

Veterinary Authority, based on a risk analysis, to develop and maintain a list of animals and animal products the importation of which is to be restricted or prohibited on the basis of their own decision or that of an international agreement. Sub-clause (5) provides the penalty for not complying with the provisions of this clause.

**Clause 38:** Clause 38 of the Bill provides in sub-clause (1), the documents that are required to import an animal, animal product or animal-related item into Barbados. They are an international veterinary certificate, an import permit or approval in writing from the Veterinary Authority. Sub-clause (2) provides that the lists of animals and animal products that require an international veterinary certificate or import permit and animal-related items are to be prescribed by order to facilitate and control entry of different types of animals, animal products and animal related items. Sub-clause (2) creates a distinction for animal-related items that would not be subject to an import permit and recognizes that because they can serve as a disease pathway, that control is necessary. Sub-clause (3) reflects the obligations under the SPS Agreement, that import requirements are to be based on international standards or a science-based risk assessment. Also important is that the clause provides that the Veterinary Authority is to keep import requirements under review. Sub-clause (4) makes provision for the making of various import requirements regulations.

**Clause 39:** Clause 39 of the Bill provides that where an import permit is required, an application is to be made to the Veterinary Authority. There is a fee attached. Sub-clause (4) provides that the Veterinary Authority is required to have regard for the import requirements when evaluating an application. This is important for the transparency and predictability of the permit

issuance process to reduce the likelihood of arbitrary decision making. Sub-clause (5) establishes the duty of the Veterinary Authority to keep records of applications and the issuance of import permits.

**Clause 40:** Clause 40 of the Bill places the obligation on the importer to inform the Veterinary Authority in advance of the arrival of animals, animal products or animal related items.

**Clause 41:** Clause 41 of the Bill seeks to make provision for the mandatory inspections at designated ports of entry. Sub-clause (2) is a practical measure that allows for inspections to take place in facilities other than quarantine stations or border inspection facilities, where such places have prior approval from the Veterinary Authority. Sub-clause (3) makes provision for the place and times for which an inspection may take place, either at a designated port of entry during regular business hours or, with the approval of the Veterinary Authority, at the port of final destination. Sub-clause (4) allows for animal-related items that do not require prior written approval to be submitted for inspection at the designated ports of entry. Sub-clause (5) provides for an inspector to release an animal, animal product or animal-related item for clearance to a customs officer or the importer or person in charge of the shipment where it is found not to pose a risk for the introduction and spread of disease. This clause also prevents a customs officer from releasing an animal, animal product or animal related item without the approval of the Veterinary Authority. Sub-clause (7) specifies that a written notice should normally be provided to the importer, but if urgent action is required, the inspector may take any required action and notify the importer after such action has been taken. Sub-clause (8) provides that an

inspector may forego the required notice and apply any of the measures provided for in sub-clause (7). This sub-clause also imposes the duty on the inspector to inform the importer in writing of the reasons why notice was not given. Sub-clause (9) makes clear provisions for the destruction of shipments that are not claimed. Sub-clause (10) is a reiteration of the principle that all actions should be based on an assessment of disease risks. Sub-clause (11) is important to protect the Veterinary Authority from liability for actions taken in good faith to prevent the introduction and spread of diseases into Barbados.

**Clause 42:** Clause 42 of the Bill provides that the cost of the care and welfare of any animal subject to a pre-shipment inspection and any measures applied by an inspector in the course of an inspection of an imported animal, animal product or animal-related item suspected of posing a risk of the introduction and spread of disease is to be borne by the importer.

**Clause 43:** Clause 43 of the Bill provides for the Veterinary Authority to determine with an exporting country any arrangements relating to pre-shipment inspections and the equivalence of animal health measures. This is an important principle of the SPS Agreement and is designed to facilitate trade, where the Veterinary Authority recognizes the measures taken by its trading partners, offer the same protection as its own measures. Article 5.3 of both the Terrestrial Animal Health Code and the Aquatic Animal Health Code devotes significant attention to the concept of making equivalence judgments.

**Clause 44:** Clause 44 of the Bill seeks to provide the circumstances under which an inspector may refuse entry to an animal or animal-related item which is suspected of being infected with a notifiable disease or other infectious disease. In addition,

provision is made for the procedures which an inspector must follow in circumstances where the suspected disease is capable of being treated. Provision is also made for the circumstances in which an animal or animal related item may be seized and disposed.

***Clause 45:***

Clause 45 of the Bill corresponds to Chapter 5.5 of the Terrestrial Animal Health Code and Chapter 5.7 of the Aquatic Animal Health Code and sets out the procedures for applying to the Veterinary Authority for a transit permit. Sub-clause (5) contributes to the predictability and clarity of the system by enumerating the actions that can be taken and the grounds for doing so to verify the health status of an animal, animal product or animal-related item. Transit may be denied, for example if certain diseases exist in the exporting country, or in a transit country which precedes it in the itinerary; or if on arrival, an inspection shows that the animal is affected by a notifiable disease. Sub-clause (6) provides that an owner or person in charge of the animal, animal product or animal-related item is not to be compensated where any measure is applied. Sub-clause (7) places an obligation on the captain of a vessel carrying animals, animal products or animal-related items to comply with prescribed by the Veterinary Authority where the vessel stops in a port in Barbados or transits through a port in Barbados to a port outside Barbados.

***Clause 46:***

Clause 46 of the Bill empowers public officers other than the Veterinary Authority to detain imports of prescribed products, and to inform the Veterinary Authority of their arrival to the country as soon as possible. An item detained by any of the persons listed in sub-clause (1) is to be treated as an action on the behalf of the Veterinary Authority and the item to be

detained is to be conveyed to the Veterinary Authority within 3 days.

**Clause 47:** Clause 47 of the Bill seeks to provide for the conditions and requirements relating to the issue of a veterinary certificate. Sub-clause (1) prohibits the exportation of an animal product or animal-related item from a place other than a designated port of exit and without a veterinary certificate issued by the Veterinary Authority. In sub-clause (2) provision is made for mandatory inspections as a condition to the issue of a veterinary certificate for export. Sub-clause (3) provides that the Veterinary Authority in the course of an inspection is required to consider the requirements of the importing country and should not issue a veterinary certificate if the animal, animal product or animal related item does not meet the requirements of the importing country. In addition, provision is made for an exporter to remedy any instances of non-compliance with the requirements of an importing country by subjecting the animal, animal product or animal-related item to treatment in order to comply with the requirements of the importing country. Sub-clause (4) provides factors that the Veterinary Authority considers in determining whether to issue an international veterinary certificate.

**Clause 48:** Clause 48 of the Bill makes provisions for quarantine stations for terrestrial animals and is aligned with Chapter 5.6 of the Terrestrial Animal Health Code, in particular Article 5.6.2. This clause provides that quarantine stations should be recommended by the Chief Veterinary Officer and designated by the Minister. While a quarantine station is most likely public, the wording of the clause allows for flexibility to designate private facilities that meet prescribed standards either as a permanent quarantine facility or on a temporary or

restricted basis. The key elements of this clause are that these facilities are to meet prescribed standards and are to be under the oversight or supervision of the Veterinary Authority even if the day-to-day operations are contracted or assigned to the private sector.

**Clause 49:** Clause 49 of the Bill applies only to terrestrial animals. Sub-clause (1) sets out the grounds for which an animal may be placed in quarantine. Those grounds are: for the purpose of trade; or where an inspector has reason to believe that an animal while being transported may be suffering from a notifiable disease or other contagious animal disease; may have been in contact with an animal which is or may be suffering from a notifiable disease or other contagious disease or one whose disease status is unknown; or has otherwise been exposed to the risk of contracting a notifiable or other contagious disease. Sub-clause (2) empowers an inspector to either seize and detain, destroy or otherwise dispose of an animal if that animal is removed from quarantine without written authorization. Sub-clause (3) empowers an inspector to destroy an animal as a result of specific causes listed without payment of compensation to the owner and sub-clause (4) reiterates the right of the Veterinary Authority to impose quarantine as an import condition.

**Clause 50:** Clause 50 of the Bill seeks to protect the welfare and safety of animals and to prevent the spread of disease by making provision for the Veterinary Authority to regulate the conditions under which animals are transported by vehicles.

**Clause 51:** Clause 51 of the Bill seeks to provide for the methods available to the Veterinary Authority to dispose of waste arising from foods of animal origin, animal-related items or other items associated with the transport of animals aboard a



vehicle coming into Barbados. This clause provides that the waste may be destroyed at the expense of the importer at the port of entry; reshipped to the country of origin, at the expense of the importer or denied entry into Barbados; the method will be determined based on the requirements established by the Veterinary Authority.

PART VII  
ANIMAL WELFARE

- Clause 52:** Clause 52 of the Bill prohibits the mistreatment of and cruelty to animals and in particular prohibits an owner of an animal from allowing a third party to cause suffering to an animal. This provision is primarily directed at terrestrial animals. Sub-clause (3) provides the penalty for torturing, beating, injuring, mutilating, neglecting, cruelly treating any animal or overloading any working animal.
- Clause 53:** Clause 53 of the Bill seeks to make provision for the welfare of terrestrial animals. Sub-clause (1) is aligned with Article 7.1.2 of the Terrestrial Animal Health Code, which contains guiding principles for animal welfare, including the “five freedoms” which are stated at paragraph (a) to (e) of sub-clause (1). Sub-clause (2) makes provision for the Veterinary Authority to prescribe animal welfare standards and aligns with chapter 7 of the Terrestrial Animal Health Code. The standards relating to animal welfare are extensive and include: farms, transportation, slaughter and production
- Clause 54:** Clause 54 of the Bill seeks to make provision for the Veterinary Authority to prescribe aquatic animal welfare standards for farmed fish. The welfare standards for farmed fish included in this clause relate to aquaculture facilities; transportation; killing of farmed fish for human consumption

or to control disease; research and testing, recreation, entertainment and companionship.

PART VIII  
MANAGEMENT OF STRAY ANIMALS

**Clause 55:** Clause 55 of the Bill allows for the Veterinary Authority to ensure that stray animals do not spread diseases and do not become a public nuisance or hazard. Sub-clause (3) requires co-operation among different stakeholders for the proper implementation of this clause. The Veterinary Authority should work in cooperation with other agencies, the private sector to establish programmes. Article 7.7.4 expressly recognizes the role of other authorities in collaborating with the Veterinary Authority in the implementation of programs. Article 7.7.3 guides what the objectives are of a control program and article 7.7.6 sets out control measures. The control of stray livestock may be a responsibility of the Veterinary Authority, insofar as this relates to control of livestock diseases.

PART IX  
ENFORCEMENT

**Clause 56:** Clause 56 of the Bill is an extensive and important provision which seeks to provide robust powers to inspectors in accordance with Article 3.4.5 of the Terrestrial Animal Health Code. The powers listed are extensive but necessary for inspectors to carry out their duties *inter alia* stopping the sale and distribution of animals and animal products. It is to be borne in mind that the robust powers granted to inspectors are to protect the rights of stakeholders and the general public against any abuse of authority Sub-clause (4) indicates that

dwelling places are excluded (on Constitutional grounds) unless an inspector obtains a warrant, and sub-clause (5) is an additional safeguard for the public by requiring all inspectors to identify themselves and show their identification card, and importantly not disclose any confidential information. Recognizing the risks that may be associated with entering and searching premises, provision is made in sub-clause (6) for a member of the Police Service to accompany an inspector in the execution of his duties.

**Clause 57:** Clause 57 of the Bill provides for the guiding principles on which measures and requirements should be based. This clause seeks to incorporate Articles 2.2, 3 and 5 of the SPS Agreement, to establish the basis on which sanitary measures are developed and implemented in Barbados. Sub-clause (1) lists that measures are to be harmonized with international standards, technically based on risk assessments and science-based decisions; be favourable to the development of regionalization; be favourable to trade and proportionate to the risk. These principles must directly inform and shape the measures that are implemented under the Bill. Sub-clause (2) places the obligation on the Veterinary Authority to keep the measures under review every 3 years to ensure they are current with frequently evolving international standards.

**Clause 58:** Clause 58 of the Bill empowers inspectors to issue written notices setting out the grounds for which corrective action must be taken and the time period for complying with the order. Ensuring that this is done in writing protects the individual against whom the notice is written and ensures the specific date is captured. Manuals and Standard Operating Procedures can further detail the specifics that must be set out in the written notice. However, the latter is provided for in

paragraph (d) of sub-clause (1) where a notice serves to inform the violator of the facts, the date and nature of the offence and the assessed sanction. Notice is served prior to the imposition of a penalty so as to afford the accused a reasonable opportunity to object, either in writing or in person. In addition, an offender is granted the right to appeal a decision under clause 62.

**Clause 59:** Clause 59 of the Bill reiterates some of the powers set out in the foregoing clauses. This clause seeks to allow an inspector to direct the owner of the animal, animal product or animal-related item to move it to a place specified by the inspector and gives the inspector an alternative option to directly confiscate the item.

**Clause 60:** Clause 60 of the Bill seeks to prohibit any person whose item is confiscated or detained by an inspector, to attempt to recover or move the item in a manner contrary to the written authority of the Veterinary Authority.

**Clause 61:** Clause 61 of the Bill seeks to make provision for the detention and disposal of animals, animal products and animal-related items. Where an animal, animal product or animal-related item is seized and detained by an inspector, sub-clause (1) requires that the Veterinary Authority returns the animal, animal product or animal-related item where it is found that the provisions of the Bill are not breached and that there is no risk of the spread of disease. This creates a safeguard for the public not to have an item detained without cause and also protects the Veterinary Authority when having to dispose of items that are not in compliance with the Bill. In addition, sub-clause (2) provides that where an animal, animal product or animal-related item is seized and detained, the Veterinary Authority has the power to institute proceedings to sell or

destroy that animal or animal-related item if the owner or person in charge of the item cannot be identified. The time-frame within which the Veterinary Authority may institute proceedings is to be prescribed by regulations. Sub-clause (3) allows the Veterinary Authority to dispose an animal or animal product to prevent the possible spread of disease and sub-clause (4) allows for the sale or destruction of an unclaimed animal where the Authority serves notice on the owner to claim the animal.

**Clause 62:** Clause 62 of the Bill makes provision for a two-tier system of review where any person is aggrieved by a decision or action taken by an inspector or an official analyst. In the first instance an aggrieved person may appeal in writing to the Chief Veterinary Officer within 7 days of any decision or action taken. Sub-clause (2) provides that the Chief Veterinary Officer is required to give a decision on technical matters within 14 days after receiving the appeal. Sub-clause (3) provides that an appeal of an action or a decision of the Chief Veterinary Officer is to be made to the Minister within 7 days after the decision. According to sub-clause (4) the Minister's decision is to be given within 14 days of receiving the appeal. In addition, sub-clause (5) provides that an aggrieved person may appeal to a Judge in Chambers from a decision given by the Chief Veterinary Officer or the Minister, on a matter of law. Sub-clause (6) requires that the Chief Veterinary Officer acts in a timely manner in responding to a appeal involving a notifiable disease.

PART X  
OFFENCES AND PENALTIES

- Clause 63:** Clause 63 of the Bill seeks to list the specific actions that are to be treated as criminal offences and the corresponding penalties. The penalties range from a fine of \$100 000 to \$200 000 or to imprisonment for a term of 2 years or to both. Under this clause, offences are to be tried summarily.
- Clause 64:** Clause 64 of the Bill lists the categories of behaviour that are to be treated as offences for an inspector, official analyst or other official of the Veterinary Authority, where that behaviour is outside of their authority. These behaviours include a failure to take action, as well as more specifically, abuse of power, taking bribes, failing to disclose a financial interest. Sub-clause (3) provides the penalties to which an inspector, official analyst or other official of the Veterinary Authority is subject: ineligible for reappointment or disciplinary action under the *Public Service Act*, Cap. 29.
- Clause 65:** Clause 65 of the Bill makes provision for how contraventions of the provisions of the Bill are to be treated. Under this clause, an inspector is under an obligation to inform the Chief Veterinary Officer where he reasonably believes that there has been a contravention. Sub-clause (2) provides that the Chief Veterinary Officer may determine whether the contravention warrants criminal prosecution, an administrative penalty or both.
- Clause 66:** Clause 66 of the Bill seeks to provide for the Veterinary Authority to issue administrative penalty notices in circumstances where it is satisfied that the act which a person has committed does not warrant criminal prosecution. An administrative penalty provides an enforcement mechanism,

which can be more cost-effective, timely and practical than criminal penalties. Sub-clause (1) provides the following forms of penalties: the suspension or revocation of any permit or other authorization; the suspension or closure of the operations of an establishment; the seizure or confiscation of an animal, animal product or animal-related item. In these circumstances sub-clause (2) makes provision for an inspector to issue an administrative penalty notice, setting out the reasons for the sanction and an obligation to pay a fine not exceeding \$10 000. Sub-clause (3) makes provision for appeal where a person to whom an administrative penalty notice is addressed and who wishes to challenge the notice. Sub-clause (4) makes provision for the revocation of a business licence in cases of repeated violations. Sub-clause (5) provides that where a person fails to comply with the provisions of an administrative notice and that failure to comply results in the spread of disease or poses a serious risk to the animal health status of Barbados, that establishment may be closed or any licence issued may be cancelled.

**Clause 67:** Clause 67 of the Bill sets out the matters that the Chief Veterinary Officer may settle administratively and includes the seizure of animals, animal products or animal-related items and the restoration of anything seized under the Bill.

**Clause 68:** Clause 68 of the Bill provides for the issue of fixed penalty notices for offences prescribed in regulations as fixed penalty offences. Sub-clause (2) provides the maximum penalty for a fixed penalty offence. Sub-clause (3) sets out the procedure for the issue of a fixed penalty notice. Sub-clause (4) describes the consequences where a person to whom a notice is issued, pays the fine or fails to pay the fine. Sub-clause (5) describes the form of and particulars to be contained in a fixed penalty

notice. Sub-clause (6) makes provision for the Chief Veterinary Officer to extend the period for the payment of the fixed penalty notice. Sub-clause (7) provides that fixed penalty notices are to be treated in the same way as an offence for summary conviction for which no conviction is recorded.

- Clause 69:** Clause 69 of the Bill provides that in any prosecution for an offence under the Bill, matters that are certified by the Veterinary Authority or other public official, shall be taken as *prima facie* evidence of the matters stated therein unless there is evidence or grounds to believe that such matters are inaccurate or false and are inadmissible in evidence.
- Clause 70:** Clause 70 of the Bill seeks to protect certain officers and functionaries from actions that are taken in good faith and on a scientific basis where an animal, animal product or animal-related item is destroyed for the purposes of preventing the introduction or spread of disease in the country.
- Clause 71:** Clause 71 of the Bill provides that a member of staff of the Veterinary Authority, inspector, official laboratory or any other entity involved in phytosanitary matters is not liable to a civil suit or to prosecution for anything done in good faith while performing their functions set out in the Bill.
- Clause 72:** Clause of 72 the Bill provides that unpaid administrative fines will be treated as a debt to the State and may be recovered as a debt due to the State in civil proceedings before a magistrate for District “A”.
- Clause 73:** Clause 73 of the Bill makes provisions for persons who are not attorneys-at-law, namely an inspector or any other officer of the Veterinary Authority to prosecute or conduct proceedings.



**Clause 74:** Clause 74 of the Bill seeks to provide that where a person is convicted of an offence, the Court may order that any item used in the perpetration of that offence may be forfeited to the Crown in addition to any penalty imposed under sub-clause (2) provided that where a fine is imposed, the animal, animal product or animal-related item may be detained until the fine is paid ; sold in satisfaction of the fine or destroyed. Sub-clause (3) provides that in the case of an animal, the owner or person in charge is liable for the cost associated with the welfare, food and shelter of the animal while it is detained by the Veterinary Authority which shifts the burden from the Veterinary Authority. Sub-clause (4) provides that where forfeiture is not ordered, that the animal, animal product or animal-related item is to be returned to the owner and where it has been disposed, the proceeds realised from the disposition are to be transferred to the owner or person in charge of the animal, animal product or animal-related item. Sub-clause (5) provides that the Veterinary Authority is responsible for determining the conditions under which an animal, animal product or animal-related item is to be held prior to the Magistrate’s ruling. This is an important provision to ensure that any goods that may carry disease are treated in a manner that does not increase the risk of spread of that disease.

PART XI  
MISCELLANEOUS

**Clause 75:** Clause 75 of the Bill empowers a range of different authorities to collaborate and co-operate with the Veterinary Authority in the execution of their duties. Sub-clauses (1) and (2) specifically recognizes the importance of collaboration on veterinary public health matters.

- Clause 76:** Clause 76 of the Bill seeks to provide that where any notice is required in writing or a document is required to be submitted that it may be submitted in an electronic format.
- Clause 77:** Clause 77 of the Bill provides for the Minister on the advice of the Veterinary Authority to make regulations to give effect to the provisions of the Bill.
- Clause 78:** Clause 78 of the Bill seeks to make provision for the *Schedules* to the Bill to be amended by Order.
- Clause 79:** Clause 79 provides that the standards for animal health and welfare provided for are consistent with international standards of the World Organisation for Animal Health and the Codex Alimentarius Commission.
- Clause 80:** Clause 80 of the Bill repeals the *Animal (Diseases and Importation Control) Act*, Cap. 253, and saves all statutory instruments made under that Act.
- Clause 81:** Clause 80 of the Bill provides that in circumstances where there is a conflict between the provisions of this Bill and the *Animals (Civil Liability) Act*, Cap. 194A, *Dog (Licensing and Control) Act*, Cap. 177, *Health Services Act*, Cap. 44, *Livestock (Control of Strays) Act*, Cap. 139A, *Markets and Slaughterhouses Act*, Cap. 265, *Prevention of Cruelty to Animals Act*, Cap. 144A and *Swine Fever Act*, Cap. 273, this Bill shall prevail to the extent of the conflict.
- Clause 82:** Clause 82 of the Bill provides that the provisions shall apply to the State.
- Clause 83:** Clause 83 of the Bill provides that the Bill shall come into force on a date to be fixed by Proclamation.