

ANIMAL HEALTH AND PRODUCTION BILL, 2015

Arrangement of Sections

Section

PART I – PRELIMINARY	4
1. Short title and commencement.....	4
2. Interpretation.....	4
3. Objectives of Act.....	7
4. Application of Act.....	8
PART II – ADMINISTRATION OF ACT	8
5. Director of Veterinary Services.....	8
6. Functions of the Director.....	8
7. Register.....	10
ANIMAL HEALTH ADVISORY COMMITTEE	10
8. Establishment and functions of Animal Health Advisory Committee.....	10
VETERINARY AND AUTHORIZED OFFICERS	11
9. Powers of veterinary officers.....	11
10. Designation of authorized officers.....	11
ANIMAL HEALTH INSPECTORS	12
11. Designation of animal health inspectors.....	12
12. Duties and powers of inspectors.....	12
13. Inspectors to issue notices.....	14
14. Inspection report.....	14
LABORATORIES	15
15. Designation of laboratories.....	15
PART III - ANIMAL DISEASE CONTROL	15
DISEASES	15
16. Notifiable diseases.....	15
17. Early detection systems.....	15
EMERGENCY PREPAREDNESS	16
18. Animal disease emergency plan.....	16
19. Declaration of disease emergency.	16
20. Provisional measures in case of disease emergency.....	17
21. Declaration of infected zone.....	18
22. Revocation of declaration of an infected zone.....	19

23.	Designation of disease free zones, buffer zones and surveillance zones.....	19
DISEASE CONTROL MEASURES		20
24.	Animal quarantine.....	20
25.	Destruction of animals for disease control purposes.....	20
26.	Additional disease control measures.....	21
27.	Movement restrictions within The Bahamas.....	22
28.	Notification of diseased animals.....	22
29.	Compensation.....	23
PART IV – ANIMAL ESTABLISHMENTS AND ANIMAL CARE		23
ANIMAL ESTABLISHMENTS		23
30.	Maintenance of animal establishments.....	23
31.	Registration of establishments.....	23
32.	Suspension or revocation of certificate of registration.....	24
33.	Duty of an animal establishment operator to cooperate with inspector.....	25
34.	Abattoirs.....	25
35.	Animal breeding.....	26
ANIMAL OWNERS		26
36.	Duty of owner of animals.....	26
CARE OF ANIMALS		26
37.	Care of animals.....	26
38.	Animal welfare.....	26
39.	Animal Feed.	27
40.	Veterinary drugs.....	27
PART V – IMPORT, EXPORT AND TRANSIT		27
IMPORTS AND MOVEMENT RESTRICTIONS		27
41.	Interpretation.....	27
42.	Designated ports.....	28
43.	Import requirements.	28
44.	Prohibition of imports.....	29
45.	Possession or dispossession of prohibited imports.	29
46.	Notification of arrival.....	29
47.	Inspection of imports.....	30
48.	Obligations of captains.	31
49.	Movement restrictions from overseas.....	32
EXPORTS AND TRANSIT REQUIREMENTS		32
50.	Export requirements.....	32
51.	Transit requirements.....	32
52.	International transportation facility.....	33
PART VI - OFFENCES AND PENALTIES		33
53.	Offences and penalties.	33

54.	Offences by inspectors.....	34
55.	General penalty.....	35
56.	Fixed penalties.....	35
57.	Offences by corporate entities and penalties.	35
58.	General provisions as to prosecutions under this Act.....	36
59.	Forfeiture.....	36
60.	Animal owner liability.	36

PART VII – MISCELLANEOUS PROVISIONS **36**

61.	Sanitary conditions required.	36
62.	Confidentiality.....	37
63.	Duty to assist and cooperate.....	37
64.	Right of appeal.....	37
65.	Good faith defence.....	37
66.	Presumptions.....	37
67.	Regulations.....	38
68.	Repeal and conflicts.....	39

SCHEDULE **39**

REPEAL	39
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OBJECTS AND REASONS **40**



ANIMAL HEALTH AND PRODUCTION BILL, 2015

A BILL FOR AN ACT TO PROTECT AND PROMOTE ANIMAL HEALTH, TO PREVENT THE INTRODUCTION AND SPREAD OF ANIMAL DISEASES AND TO PROVIDE APPROPRIATE SANITARY MEASURES FOR THEIR CONTROL; TO FACILITATE TRADE IN ANIMALS AND ANIMAL PRODUCTS AND TO REGULATE OTHER MATTERS CONNECTED THERETO

Enacted by the Parliament of The Bahamas

PART I – PRELIMINARY

1. Short title and commencement.

- (1) This Act may be cited as the Animal Health and Production Act, 2015.
- (2) This Act shall come into force on a day to be appointed by the Minister by notice published in the Gazette and different dates may be appointed by such a notice for the coming into force of particular sections or parts of this Act.

2. Interpretation.

In this Act —

“**animal**” means a terrestrial and aquatic animal (including birds and bees) of any kind, domestic and wild and semen, embryos and ova;

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

- “animal establishment”** or **“establishment”** means premises in which animals are grown, kept, sold or slaughtered, including fish premises, aquaculture facilities, aquaculture sites or other premises or area;
- “animal establishment operator”** or **“operator”** means a person, who owns or is in charge of an animal establishment, including farms, agricultural units, collection and storage facilities, and other person having for the time being the possession, custody or control thereof;
- “animal feed”** means a mixture of nutrients that are produced under hygienic conditions that comply with the requirements of each species, the age and type of production, of the species either as the only source of feed or as a supplement;
- “Animal Health Advisory Committee”** means the Committee established under section 8 to perform the functions set out under this Act;
- “animal health status”** means the status of a country or a zone or a compartment with respect to an animal disease;
- “animal by-product”** means the animal carcasses, bones and the bone-meat, untanned hides and skins, flashings, hooves, horns, claws, hair bristles, wool, feathers, offal, whether fresh or dehydrated blood, meat scraps of an animal or any other part of an animal other than the meat or offal, which has been separated from the carcass;
- “animal owner”** or **“owner of animal”** includes any person, as defined under the Interpretation and General Clauses Act (*Ch. 2*), having, for the time being, the possession, custody or control of an animal, animal product or animal-related item;
- “animal product”** means the derivatives of animals intended for human or animal consumption or for pharmaceutical, agricultural, industrial or domestic use, animal by-products, as well as other products used for veterinary production, feed, veterinary drugs and veterinary biologicals, fodder and litter;
- “animal-related item”** includes packaging, container, equipment, or other appliances used in on or for an animal or animal product, and objects or material capable of harbouring or spreading animal diseases;
- “aquatic animal”** means all life stages, including eggs and gametes, of fish, molluscs crustaceans and amphibians originating from aquaculture facilities or removed from the wild, for farming purposes, for release into the aquatic environment or for human consumption;

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- “Authority”** means the Bahamas Agricultural Health and Food Safety Authority, the body corporate established under section 4 of the Bahamas Agricultural Health and Food Safety Authority Act, 2015;
- “authorized officer”** means a person registered under the Veterinary Surgeons Act (*Ch. 245*) who has been designated under section 10 to perform certain specified functions of a veterinary officer;
- “disinfection”** means the utilization of any approved substance or process designed to prevent, eliminate or reduce any pest or micro-organisms with which animals, animal carcasses or animal products, may be affected;
- “diagnosis”** or **“diagnostic”** means a determination of the nature of a disease;
- “disease”** means the clinical or pathological manifestation of infection in animals;
- “eradication”** means the elimination of a pathogenic agent of disease from a zone;
- “exporter”** means any person who, as an owner or as consignee, consignee, agent or broker is in possession of or is in any way entitled to the custody or control of any food imported into or exported from The Bahamas respectively;
- “hazard”** means a biological, chemical or physical agent in, or a condition of, an animal or animal product with the potential to cause an adverse health effect;
- “importer”** means any person who, as an owner or as consignee, consignee, agent or broker is in possession of or is in any way entitled to the custody or control of any food imported into or exported from The Bahamas respectively;
- “infection”** means the presence of the pathogenic agent, including zoonotic agents, in the host;
- “international veterinary certificate”** means a certificate issued by the Director of Animal Health and Production or national veterinary authority of other countries;
- “Minister”** means the Minister responsible for animal diseases and veterinary services;
- “OIE”** means the World Organization for Animal Health;
- “outbreak”** means the occurrence of one or more cases of a disease or an infection in an epidemiological unit;
- “quarantine station”** means a facility under the control of the Director of Animal Health and Production where animals are maintained in isolation with no direct or indirect contact with other animals, to

prevent the transmission of a specified disease or pathogen into their surrounding environment while the animals are undergoing observation for a specified length of time as well as, if appropriate, testing and treatment;

“**risk**” means the likelihood of the occurrence and the likely magnitude of the biological and economic consequences of an adverse event or effect to human health or animal health;

“**risk analysis**” means a process composed of hazard identification, risk assessment, risk management and risk communication;

“**risk assessment**” means the scientific evaluation of the likelihood and the biological and economic consequences of entry, establishment and spread of a hazard within The Bahamas ;

“**Sanitary and Phytosanitary Appeal Tribunal**” means the Appeal Tribunal established under section 25 of the Bahamas Agricultural Health and Food Safety Authority Act, 2015;

“**sanitary measures**” means a measure, such as those prescribed in regulations and guidelines under this Act, to protect animal or human health or life from risks arising from the entry, establishment and /or spread of a hazard;

“**SPS Agreement**” means the World Trade Organization Agreement on the Application of Sanitary and Phytosanitary Measures;

“**terrestrial animal**” means a mammal, bird or bee, and includes insects, reptiles, amphibians, fertilized ova and embryos;

“**vehicle**” means any means of conveyance including a motor vehicle, aircraft or vessel that carries an animal, animal products or animal-related items;

“**veterinary drug**” means a substance or composition of synthetic origin applied or administered to an animal, whether used for therapeutic, prophylactic or diagnostic purposes or for the modification of an animal’s physiological function or behaviour, or any substance or composition presented as having such properties or uses, and includes antibiotics, growth promoting substances and veterinary pesticides, such as those applied for control of diseases and ectoparasites of animals;

“**veterinary officer**” means a person registered under the Veterinary Surgeons Act (*Ch. 245*) and employed in the public service.

3. Objectives of Act.

The objectives of this Act are—

- (a) to promote animal health and production through good agricultural practices;

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- (b) to prevent the introduction and spread of animal diseases and alien species;
 - (c) to regulate the trade in animals, animal products and animal-related items; and
 - (d) to give effect to the SPS Agreement.

4. Application of Act.

- (1) This Act applies to animal establishments and all animal owners.
- (2) Veterinary public health principles shall be adhered as it relates to zoonotic diseases and the Director of Veterinary Services shall work collaboratively, in relation to zoonotic diseases, with the Chief Medical Officer with responsibility for public health.
- (3) Nothing in this Act shall be construed as affecting or derogating from the functions of the Director of Food Safety under the Food Safety and Quality Act, 2015 to ensure that food is safe for human consumption and the Director of Veterinary Services shall work collaboratively with the Director of Food Safety by ensuring that all animal products intended for human consumption are subjected to risk analysis and risk assessment that is based on the available scientific evidence, undertaken in an independent, objective and transparent manner.
- (4) For the avoidance of doubt, in the event of any conflict or inconsistency between the provisions of this Act and any other enactment in force in The Bahamas, the provisions of this Act shall prevail.

PART II – ADMINISTRATION OF ACT

5. Director of Veterinary Services.

- (1) There shall be a Director of Veterinary Services (hereinafter referred to as the “Director”), appointed under section 12 of the Bahamas Agricultural Health and Food Safety Authority Act, 2015.
- (2) The Director shall be responsible for administering and carrying out the objectives of this Act.
- (3) The Director shall be a duly qualified veterinarian.

6. Functions of the Director.

- (1) The Director shall supervise—
 - (a) every veterinary officer employed in the public service;

- (b) every authorized officer designated under section 10(1); and
 - (c) any person designated as an animal health inspector under section 11.
- (2) The functions of the Director are—
- (a) to implement measures to prevent and control the introduction, establishment or spread of animal diseases and hazards within The Bahamas, including the prevention of the introduction and spread of alien species and shall take due account of the provisions on alien species found in the Convention on Biological Diversity ratified by The Bahamas on 15 January, 2004;
 - (b) to regulate all matters and advise the Minister on all matters related to animal health and production;
 - (c) to establish, monitor, carry out, coordinate and evaluate the detection, surveillance and monitoring programs relating to animal health and epidemiological matters;
 - (d) to liaise with foreign, regional and international bodies dealing with agriculture health and trade in agriculture products;
 - (e) to issue international veterinary certificates, permits and certificates of registration and collect fees under this Act;
 - (f) to establish and regulate licensing and certification programs for animal production, including breeding programs and, collaborate with the relevant agencies dealing with animal products and related matters;
 - (g) to coordinate all matters relating to regional and international agreements relating to animal health and production;
 - (h) to establish communication, training and public awareness campaigns and to develop animal health diagnostic and analytical capabilities;
 - (i) to coordinate with relevant agencies in other countries to establish recognition of the animal health status of that country in the manner prescribed;
 - (j) to establish a system for the identification of animals and the ability to follow the movement of an animal through all stages of the production chain (hereinafter referred to as “animal traceability”);
 - (k) to develop training programmes required to carry out the objectives of this Act;
 - (l) where an animal disease or threat may present a health hazard to humans, to inform and collaborate with the Ministry responsible for health;
 - (m) to approve and implement sanitary measures as necessary for preserving the animal health status;

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- (n) to evaluate equivalence of sanitary measures taken by trading partners; and
 - (o) to do all such acts as appears to him to be requisite, advantageous or convenient for or in connection with the carrying out of the functions of the Act.
- (3) For the purposes of this section—
- “animal identification”** means the combination of the identification and registration of an animal individually, with a unique identifier, or collectively by its epidemiological unit or group, with a unique group identifier; and
- “animal traceability”** means—
- (a) for any animal, the ability to follow that animal or group of animals;
 - (b) in respect of food animals, the ability to follow any animal or group of animals during all stages of their lives until slaughter.

7. Register.

- (1) For the purposes of this section an “importer” or “exporter” means the owner of imported or exported animal, animal products or animal related-product.
- (2) The Director shall establish and maintain a register which shall contain the following information for animal establishments, animal owners; and importers and exporters of animals or animal products—
 - (a) the name and address of the establishment and owner's name;
 - (b) the type and amount of animals;
 - (c) the purpose for which the animal is kept, and
 - (d) such other particulars as may be prescribed by regulations.

ANIMAL HEALTH ADVISORY COMMITTEE

8. Establishment and functions of Animal Health Advisory Committee.

- (1) There shall be established a committee to be known as the Animal Health Advisory Committee (hereinafter referred to as “the Committee”).
- (2) The Committee shall comprise of—
 - (a) the Director of Veterinary Services *ex officio*;
 - (b) an animal production officer in the public service;

- (c) a representative of the veterinary association of The Bahamas;
 - (d) an animal producer;
 - (e) a representative from the Department that deals with public health;
 - (f) a representative from the Department of Environmental Health; and
 - (g) such other persons as the Minister considers necessary.
- (3) The Minister shall, on the advice of the Director, appoint persons under subsection 2 (b) – (d) and (g).
- (4) The Committee may establish *ad-hoc* committees to assist the committee for specific purposes.
- (5) The Committee shall—
- (a) provide advice to the Director regarding animal health and production policies, strategies and sanitary measures relative to animal health, disease prevention, control and eradication, zoonoses and trade in animals and animal products;
 - (b) assist the Director in the development of the animal disease emergency plan established pursuant to section 19.

VETERINARY AND AUTHORIZED OFFICERS

9. Powers of veterinary officers.

A veterinary officer shall be a public officer and shall have the power to—

- (a) inspect any animal, animal product or animal-related item;
- (b) issue veterinary certificates or other official documentation;
- (c) act as an official liaison officer with relevant agencies; and
- (d) perform such other functions as may be considered necessary for carrying out the purposes of this Act.

10. Designation of authorized officers.

- (1) The Board of the Bahamas Agricultural Health and Food Safety Authority shall, in consultation with the Minister, designate any veterinarian registered under the Veterinary Surgeons Act (*Ch. 245*), as an “authorized officer” for the purposes of this Act.
- (2) An authorized officer shall perform such functions for such period as may be specified, in a written instrument issued by the Director.
- (3) Every authorized officer shall have in his possession an identification card, bearing a photograph of the officer.
- (4) An authorized officer in performing his functions shall not—
 - (a) issue veterinary certificates or other official documentation;

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- (b) liaise with relevant agencies or foreign authorities or perform any notification responsibilities;
 - (c) approve standards, requirements, rules and sanitary measures for the purposes of this Act; or
 - (d) designate any area to be a zone defined under section 24(3).
- (5) The Director shall oversee the supervision and training of all authorized officers carrying out functions under this Act.
 - (6) Any person who has any actual or reasonably perceived interest in a matter or an action to be taken by the Director, whether that interest is direct or indirect, shall not deal with the matter.
 - (7) Where a person under subsection (6) becomes aware of such interest, he shall notify the Director in writing within three days of becoming aware of such interest.
 - (8) Upon receipt of a notice referred to in subsection (7), the Director shall immediately reassign the matter to another officer.

ANIMAL HEALTH INSPECTORS

11. Designation of animal health inspectors.

- (1) The Director, every veterinary officer and all authorized officers are *de facto* animal health inspectors for the purposes of this Act.
- (2) The Chairman of the Authority may, on the recommendation of the Director, designate a person who is serving as a public officer to carry out the functions of an animal health inspector.
- (3) The Chairman shall issue a certificate of appointment to every person appointed under this section.

12. Duties and powers of inspectors.

- (1) An inspector may inspect any person, luggage or means of conveyance moving into The Bahamas to determine whether any animal, animal product or animal-related item is being carried in contravention of this Act.
- (2) An inspector may, without a warrant, but upon the presentation of his identification card, enter and inspect any land or building, including, but not limited to, an animal establishment, vehicle, international transportation facility or container, except a dwelling place, where any activity in relation to animals is being carried out, or is suspected of being

carried out, and for the purpose of determining whether this Act is being violated, do any of the following—

- (a) examine any animal, animal product or animal-related item which is, or is suspected of being used in an activity related to animals;
- (b) seize and detain any animal, animal product, animal-related item, book, statement or document which appears to provide proof of a contravention of any provision of this Act;
- (c) require an—
 - (i) animal establishment operator; or employee of the establishment;
 - (ii) animal owner,

to submit any information or documentation regarding any animal, animal product, animal-related item, object or substance on the premises or suspected of being on the premises;

- (d) 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, or secure or prohibit access to the same;
- (e) examine, make copies of or take extracts from any book, statement or other document found at such premises that the inspector believes on reasonable grounds contains any information relevant to this Act;
- (f) demand from the—
 - (i) animal establishment operator; or
 - (ii) animal owner,

an explanation of any entry in the documents under paragraph (e);

- (g) examine any operation, process or system used or carried out on such premises;
- (h) in relation to any animal, make examinations, apply tests, take samples, use vaccines or serum and apply marks as may be reasonably necessary for the purposes of this Act;
- (i) stop and search any vehicle containing or suspected of containing any animal, animal product or animal-related item before releasing the animal or product to the custom officer;
- (j) for a prescribed period, stop the distribution, sale or use of any animal, animal product or animal-related item which a veterinary officer has reason to believe is infected with or may spread a disease, hazard or is an invasive alien species;
- (k) do any other such thing as may be required for carrying out the duties under the Act.

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- (3) An inspector or peace officer may, without a warrant, apprehend any person who refuses to allow the inspector entry under subsection (2) and the inspector shall take him forthwith before a magistrate to be dealt with according to law.
 - (4) A person apprehended under this section shall be taken with all practicable speed before a magistrate and shall not be detained without a warrant longer than is necessary for that purpose.
 - (5) If an inspector seizes and detains any item under subsection (2)(b), he shall give the owner or occupier of premises or the animal establishment operator—
 - (i) written reasons for such seizure and detention; and
 - (ii) a written inventory of the things that have been seized and detained.
 - (6) An inspector shall investigate an offence or alleged or suspected offence under this Act or any regulations and shall have all powers, privileges, protections and authorities conferred by law on a police officer for and in relation to the investigation of an offence.

13. Inspectors to issue notices.

- (1) Where an inspector has reasonable grounds for believing that an animal establishment operator or an animal owner has failed to comply with the Act, the inspector shall serve a notice on the person—
 - (a) stating the breaches which have been committed under the Act; and
 - (b) specifying the time by which the breach shall be remedied.
- (2) Where personal service cannot be effected, a notice shall be affixed to a conspicuous place on the animal establishment or the animal owner's premises, and such notice shall be deemed to be served for the purposes of this section.
- (3) Any person who fails to comply with a notice served under this section commits an offence.
- (4) Any person who tampers with, removes or destroys a notice under subsection (2) commits an offence and is liable on summary conviction to a fine not exceeding five thousand dollars.

14. Inspection report.

Every inspector shall, following the conduct of an inspection, prepare a written report outlining the details of the inspection and shall forward a copy thereof to the Chief Technical Officer.

LABORATORIES

15. Designation of laboratories.

- (1) The Minister shall cause to be established a national veterinary diagnostic laboratory for the purposes of this Act and may —
 - (a) approve of a laboratory in The Bahamas;
 - (b) designate a recognized veterinary laboratory outside The Bahamas, as an “official laboratory” for the purposes of this Act.
- (2) Any person operating an official laboratory who has any actual or reasonably perceived interest in work assigned to it or any action taken by the Director, whether such interest is direct or indirect, shall not perform any duties in relation to such matters.
- (3) Where a person under subsection (2) becomes aware of such interest, he must notify the Director in writing immediately upon becoming aware of such interest.
- (4) Upon receipt of a notice under subsection (3), the Director shall as soon possible transfer the matter to another laboratory.

PART III - ANIMAL DISEASE CONTROL

DISEASES

16. Notifiable diseases.

- (1) For the purposes of this Act, “**notifiable disease**” means a disease listed by the Director and that, as soon as detected or suspected, should be brought to the attention of the Director in accordance with this Act.
- (2) The Director shall adopt and update a list of notifiable diseases based on the the OIE list of notifiable diseases; and shall establish a list of diseases of national concern, based on risk analysis.
- (3) The Director shall update the list from time to time based on risk analysis.
- (4) The Minister shall by Order publish the list of notifiable diseases, and any subsequent amendments thereto in the Gazette.
- (5) The Director shall immediately report to OIE all detected or suspected outbreaks of a notifiable disease.

17. Early detection systems.

- (1) For the purposes of this section, “**population**” means a group of animals sharing a common defined characteristic.

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- (2) The Director shall establish early detection systems for the timely detection and identification of an incursion or emergence of a disease or infection in the country, in a zone or in a compartment.
 - (3) The early detection system shall be under the control of the Director and shall include the following—
 - (a) a national chain of command;
 - (b) representative coverage of targeted animal populations by inspectors;
 - (c) the ability to undertake effective disease investigation and reporting;
 - (d) access to laboratories capable of diagnosing and differentiating relevant diseases;
 - (e) training in the detection and reporting of diseases and hazards for veterinarians, inspectors, livestock owners and others involved in handling animals for detecting and reporting unusual animal health incidents;
 - (f) the legal obligation of veterinarians and official laboratories to report animal diseases or hazards to the Director.
 - (4) Any veterinarian or official laboratory that fails to comply with subsection (3)(f) commits an offence.

EMERGENCY PREPAREDNESS

18. Animal disease emergency plan.

- (1) The Director shall prepare an animal disease emergency plan.
- (2) The plan shall be updated from time to time.
- (3) The Director shall cause simulation exercises to be carried out once every two years.
- (4) The Director shall collaborate with the National Emergency Management Agency in preparing the animal disease emergency plan.

19. Declaration of disease emergency.

- (1) Where the Director has reasonable grounds to believe that there is —
 - (a) an outbreak of a disease or a high risk of an outbreak of a disease; and
 - (b) that such an outbreak poses or possibly poses a hazard,the Minister shall, by Order, declare a disease emergency.

- (2) A declaration made under subsection (1), shall —
 - (a) be based on risk assessment and be limited to such duration as is necessary to minimize the risk;
 - (b) cause the animal disease emergency plan to be immediately initiated.
- (3) Where a disease emergency is declared the Director shall notify the Department of Public Health, general public and the OIE and may cause any of the following actions to be carried out—
 - (a) mark the boundaries of the emergency area;
 - (b) establish roadblocks at all entrances and exits to and from the area;
 - (c) establish facilities for the cleansing and disinfection of all persons, or things likely to spread the animal disease;
 - (d) disinfect all vehicles entering or exiting the area and other articles which are likely to carry the disease;
 - (e) inspect and disinfect all persons and their possessions leaving the area so as to prevent any pathogen from leaving the area;
 - (f) for the purposes of this subsection, detain persons, animal-related items and other articles and vehicles for as long as is necessary to minimise or eliminate any risk presented by them;
 - (g) perform surveillance activities to ascertain the extent and status of the emergency;
 - (h) perform any other measures that may be necessary.
- (4) The Director shall regularly update the Minister with respect to the disease or hazard and the Minister shall by Order revoke the disease emergency declaration when the Director determines that the hazard or disease has ended or is being controlled.
- (5) Sanitary measures adopted in case of a disease emergency shall be published in the Gazette, newspapers, on television and radio and posted on the Government website.
- (6) Any person who interferes with any of the actions under subsection (3) commits an offence and shall be liable to a fixed penalty of one thousand dollars.

20. Provisional measures in case of disease emergency.

- (1) The Director may by notice implement provisional measures to verify and control the risk of a disease outbreak once an emergency is declared by the Minister under section 19 (1).
- (2) The provisional measures shall be proportional to the risk, and limited by such time as shall be specified in the notice issued under subsection (1)

and upon the expiration of such time period, if the disease outbreak has not been verified, the Director shall revoke such notice.

- (3) A person who knowingly and without reasonable excuse —
- (a) fails to comply with a notice issued under subsection (1);
 - (b) enters or leaves an animal disease emergency area except in accordance with this Act or Regulations;
 - (c) moves an animal, animal product or animal-related item from or into an area where provisional measures have been implemented, or from one place within the area to another place within that area, except with the written permission of the Director;
 - (d) interferes with any of the provisional measures taken under subsection (1),
- commits an offence and is liable upon summary conviction to a fine not exceeding **ten thousand dollars**.

21. Declaration of infected zone.

- (1) For the purposes of this Act, “**infected zone**” means a zone for which a disease has been diagnosed.
- (3) Where a veterinary officer reasonably suspects that a zone is infected or a disease poses a serious threat to animal or human health in any zone, he shall—
- (a) without delay by notice specify the limits of the suspected infected zone and provisionally declare it to be an infected zone;
 - (b) serve such notice upon the—
 - (i) operator of any establishment; or
 - (ii) an animal owner,within the zone; and
 - (c) provide a copy of the notice issued under paragraph (b) to the Director.
- (3) Where an inspector reasonably suspects that a zone is infected or a disease poses a serious threat to animal or human health in any zone, he shall report the matter to the Director.
- (4) Upon confirmation that a zone has been infected, the Minister shall by Order, declare the zone to be an infected zone and the Order shall—
- (a) specify the limits of the infected zone;
 - (b) prohibit the trade or movement of animals, animal products and animal-related items from the infected zone; and
 - (c) give directives to persons within the zone as he deems necessary.

- (5) The Director shall —
 - (a) regularly review the animal health status within the zone;
 - (b) verify compliance with any directives given by him.
- (6) Where an operator of an establishment in an infected zone fails to comply with the provisions of this section his certificate of registration shall be suspended or revoked.
- (7) Any person who knowingly and without reasonable excuse fails to comply with an order under subsection (4) commits an offence and is liable on summary conviction to a fine not exceeding ten thousand dollars.

22. Revocation of declaration of an infected zone.

On the recommendation of the Director, the Minister may, by Order revoke the declaration of an infected zone, at which time the place shall cease to be an infected zone.

23. Designation of disease free zones, buffer zones and surveillance zones.

- (1) For the purposes of this Act —
 - “**disease-free zone**” means a zone in which the absence of a prescribed disease has been demonstrated and an official control programme is effectively applied for animals and animal products and their transportation;
 - “**buffer zone**” means a zone established to protect the health status of animals in a disease free zone from those in a zone of a different animal health status, using measures such as vaccination, movement control and disease surveillance based on the epidemiology of the disease or pathogen under consideration, in order to prevent spread of the causative pathogenic agent into a disease free zone;
 - “**surveillance zone**” means a zone established within, and along the border of, a disease-free zone separating the disease free zone from an infected zone.
- (2) Upon the recommendation of the Director, the Minister may, by Order, declare a zone to be—
 - (a) a disease-free zone;
 - (b) a buffer zone; or
 - (c) a surveillance zone.
- (3) The Director shall approve the sanitary measures necessary to maintain disease free zones, buffer zones and surveillance zones.

DISEASE CONTROL MEASURES

24. Animal quarantine.

- (1) The Minister may, as he deems necessary—
 - (a) establish a quarantine station at any place or designated port;
 - (b) designate any place as a temporary quarantine station.
- (2) A quarantine station shall—
 - (a) meet prescribed standards for the reception and quarantine of animals, animal products or animal-related items; and
 - (b) be regularly monitored by a veterinary officer or inspector to provide care to the animals quarantined therein.
- (3) A veterinary officer may place any animal in a quarantine station where he suspects that the animal—
 - (a) is suffering from a notifiable disease;
 - (b) has been in contact with an animal suspected of suffering from a notifiable disease; or
 - (c) has otherwise been exposed to the risk of contracting a notifiable disease.
- (4) Any animal in quarantine which—
 - (a) develops a notifiable disease; or
 - (b) in the opinion of the veterinary officer, presents a risk for the spread of any disease in The Bahamas,may, with the approval of the Director, be destroyed without compensation to the owner.

25. Destruction of animals for disease control purposes.

- (1) For the purposes of this section, an **“epidemiological unit”** means a group of animals with a defined epidemiological relationship sharing approximately the same likelihood of exposure to a pathogen.
- (2) A veterinary officer may cause to be killed —
 - (a) any animal suffering from a notifiable disease or that is considered a hazard or vector; or
 - (b) any animal of an epidemiological unit,that is reasonably suspected of having a notifiable disease, in order to prevent the spread of the disease, and for that purpose the veterinary officer may give all necessary directions.

- (3) A veterinary officer may, for the purpose of observation, treatment and disposal —
 - (a) take possession of and retain any animal liable to be killed under this section; and
 - (b) take appropriate action.
- (4) Where an animal or animal product has been in contact with, or in close proximity to another animal or animal product or item that was or is suspected of being or having been affected by or contaminated by a disease, or a hazard, or of being a vector, a veterinary officer may require the owner of an animal or an animal establishment operator to dispose of the animal or animal product in accordance with such directions as may be issued by the officer.
- (5) Any diseased animal which has been destroyed under the provisions of this Act shall be disposed of as soon as possible by the owner of the animal or the animal establishment operator in accordance with directions issued by the veterinary officer.

26. Additional disease control measures.

- (1) For the purposes of this section —

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

“**official control programme**” means a programme which is approved and managed or supervised by the Director for the purpose of controlling a vector, pathogen or disease by specific sanitary measures applied within an infected zone, disease free zone, surveillance zone, buffer zone or compartment.
- (2) For the purposes of controlling or eradicating a notifiable disease or hazard and preventing its introduction or spread, the Director may implement control measures, which include, but are not limited to the following—
 - (a) prohibition or regulation of the movement of any animal, person or vehicle, within, into or out of a disease free zone, buffer zone or surveillance zone;
 - (b) provision for the establishment of compartments within a zone and various control measures for each compartment;

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- (c) authorization of the disposal or treatment of animals, animal products or animal-related items that are or have been in a buffer zone, surveillance zone or disease free zone; or
 - (d) implementation of any other disinfection measures, eradication measures, official control programs and stamping-out program.

27. Movement restrictions within The Bahamas.

- (1) For the purposes of this section, “**zone**” means a clearly defined part of a territory containing an animal sub population with a distinct animal health status with respect to a specific disease for which required surveillance and bio-security measures have been applied for the purpose of national or international trade.
- (2) No person shall move an animal from —
 - (a) one zone to another;
 - (b) one island to another,unless the person is in possession of a valid permit issued by the Director.
- (3) Where an inspector has reasonable grounds to believe that an animal or product has been removed from or taken into an infected zone, buffer zone, disease-free zone, or surveillance zone in contravention of subsection (2), the inspector may —
 - (a) seize such item, if there is a sanitary risk;
 - (b) postpone the movement for such period as he may specify in a written notice; or
 - (c) takes such sanitary measure as he deems necessary.

28. Notification of diseased animals.

- (1) Any person having in his possession or under his charge an animal suffering from a notifiable disease or hazard or having knowledge of any fact surrounding the notifiable disease or hazard, including, but not limited to the slaughter and disposal of such animal, shall—
 - (a) after he becomes aware of the presence of or any fact surrounding the notifiable disease or hazard, immediately notify the nearest veterinary officer or inspector or the person in charge of the nearest police station or Family Island Administrator; and
 - (b) keep the diseased animal or animal affected by a hazard, separate from other animals.
- (2) The police or Administrator shall immediately transmit the information obtained under subsection (1)(a) to the Director.

29. Compensation.

- (1) Subject to the provisions of this section, the Minister may in his discretion order compensation to be paid to the **legal owner** of any animal slaughtered under the provision of this Act.
- (2) The compensation payable under this section, shall not exceed the market value that animal as may be determined by the Director immediately before slaughter.
- (3) The value shall not exceed any amount as may be prescribed from time to time.
- (4) No compensation shall be paid under this section, where an animal owner has been convicted of an offence under this Act in relation to such animal, or where such animal was imported and was, in the opinion of the Director, diseased at the time of importation.

PART IV – ANIMAL ESTABLISHMENTS AND ANIMAL CARE

ANIMAL ESTABLISHMENTS

30. Maintenance of animal establishments.

An operator of an animal establishment shall—

- (a) ensure compliance with the provisions of this Act and any other applicable law;
- (b) ensure that the establishment is registered in accordance with section 31;
- (c) maintain and keep proper records in relation to the facility and animals kept therein; and
- (d) ensure that all persons in charge of the establishment comply with the provisions of this Act.

31. Registration of establishments.

- (1) No person shall operate an establishment involving, but not limited to —
 - (a) the purchase and sale of animals;
 - (b) animal breeding;
 - (c) the care of animals;
 - (d) animal slaughter and stunning;
 - (e) animal housing and feeding;
 - (f) animal transport by land, air or boat;

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- (g) the use of animals in research and education;
 - (h) the use of animals trained to perform tasks, including animals used in exhibitions, performances or in circuses,
- unless the establishment is registered in accordance with this section.
- (2) Any person who is desirous of operating an animal establishment shall —
 - (a) make application in the prescribed form; and
 - (b) pay the prescribed fee.
 - (3) Once the Director is satisfied that—
 - (a) the premises are fit and proper for such purposes;
 - (b) the premises have been duly inspected by an inspector under this Act;
 - (c) the relevant provisions of the Animal Protection and Control Act (*No. 19 of 2010*) have been complied with;
 - (d) any other conditions are satisfied as may be considered necessary,the Director shall register such establishment and issue the establishment a certificate of registration with a unique identification number, specifying such terms and conditions as the Director deems necessary.
 - (4) Where the applicant does not meet the requirements, the Director shall inform the applicant of its reasons in writing.
 - (5) A certificate of registration shall be valid for one year and shall be subject to renewal on satisfaction of the conditions specified in subsection (3).
 - (6) The grant of a certificate of registration under this Act shall be a precondition to the issuance of a business license under the Business Licence Act (*No. 25 of 2010*).
 - (7) Any person who fails to register his establishment commits an offence and shall be liable to the payment of a fixed penalty as prescribed.

32. Suspension or revocation of certificate of registration.

- (1) Where an operator fails to—
 - (a) observe any provision of this Act; or
 - (b) observe the terms and conditions of a certificate of registration; or
 - (c) has been convicted of an offence under this Act,the Director may order the immediate suspension or revocation of the registration.
- (2) If the Director proposes to suspend or revoke the registration, he must
 - (a) give the operator notice in writing of the proposal;

- (b) give written reasons specifying the grounds for the proposal; and
 - (c) invite the operator to show cause why the Director should not proceed as proposed.
- (3) Where the Director has ordered the immediate suspension or revocation of the registration—
- (a) the operator shall immediately cease all operations of the business until further notice;
 - (b) he shall stipulate the actions that the operator must take in order to resume operations.

33. Duty of an animal establishment operator to cooperate with inspector.

During an inspection of an animal establishment, the operator or an employee of the establishment shall—

- (a) provide 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;
- (b) provide all information as may be reasonably necessary in connection with the furtherance of the enforcement of this Act;
- (c) have the right to—
 - (i) accompany the inspector throughout the inspection;
 - (ii) request the inspector to provide written reasons for the actions taken during an inspection.

34. Abattoirs.

- (1) For the purposes of this Act, “**abattoir**” means premises used for the slaughter of non-aquatic animals for human consumption or animal consumption and includes any place referred to as a “slaughterhouse” in any law of The Bahamas.
- (2) The building named the “New Abattoir” under the Slaughterhouse (Oakes Field) Order, shall continue to be an abattoir for the purposes of this Act.
- (3) The Minister may by Order declare any other place in The Bahamas to be an abattoir and may define the limits thereof.
- (4) No person shall slaughter an animal intended for sale, unless the slaughter is carried out in a place declared to be an abattoir under section (3).
- (5) Notwithstanding section (4), the slaughter of an animal for sale—
 - (a) may carried out in such other place as may be authorized by the Director; and
 - (b) shall be under the supervision of a veterinary officer.

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- (6) No animal shall be slaughtered nor shall the carcass of the slaughtered animal be removed from the abattoir until inspected and approved by a veterinary officer.
 - (7) Any person who fails to comply with subsections (4), (5) and (6) commits an offence and shall be liable to a fixed penalty of five thousand dollars.

35. Animal breeding.

No person shall carry out commercial animal breeding or any other commercial reproductive activities unless that person is in possession of a permit issued by the Director.

ANIMAL OWNERS

36. Duty of owner of animals.

An animal owner shall—

- (a) where applicable, ensure that the animal is licensed in accordance with the Animal Protection and Control Act (*No. 19 of 2010*);
- (b) when required to do so, render assistance to and carry out the instructions of a veterinary officer or inspector as may be required to facilitate the exercise of the officer's functions;
- (c) provide information as may be considered necessary to aid in the eradication of any animal disease or for the implementation of this Act.

CARE OF ANIMALS

37. Care of animals.

Every person who is the owner of an animal shall care for that animal in accordance with the provisions of the Animal Protection and Control Act (*No. 19 of 2010*) and any regulations made hereunder.

38. Animal welfare.

The Director shall establish standards and requirements with regard to animal welfare, including, but limited to —

- (a) animal killing and stunning;
- (b) animal housing and feeding;
- (c) animal transport by land, air or boat;
- (d) the use of animals in research and education;

- (e) the use of animals trained to perform tasks, including animals used in exhibitions, performances or in circuses.

39. Animal Feed.

- (1) The Director shall —
 - (a) set standards for animal feed and for the production of animal feed;
 - (b) set the import requirements for animal feed; and
 - (c) set labelling requirements for animal feed.
- (2) The Director shall regulate the use of animal feed.

40. Veterinary drugs.

- (1) For the purposes of this section, “**veterinary biological products**” includes any substance commonly known as antibiotics, chemotherapeutic agents, hormones, vaccines, sera, toxins, antitoxins, antigens and micro-organisms and parts of micro-organisms living or killed or any other biological substance which is intended solely for use in the practice of veterinary medicine, and includes germ plasm of animals for use in artificial insemination, and embryo transfer.
- (2) The Director shall collaborate with the relevant authority responsible for pharmaceutical drugs in the setting of standards, management and the trade of veterinary biological products and drugs.
- (3) The Director shall regulate the use of veterinary biological products and drugs used for veterinary purposes.

PART V – IMPORT, EXPORT AND TRANSIT

IMPORTS AND MOVEMENT RESTRICTIONS

41. Interpretation.

For the purposes of this Part —

“**designated port**” means a place designated by the Minister for the purposes of this Act and selected from customs places established under the Customs Management Act, (*No. 30 of 2011*);

“**consignment**” means a quantity of animals, animal products or animal-related items being moved from or into The Bahamas and covered where required by a single veterinary certificate.

42. Designated ports.

- (1) The Minister may by Order designate a port for the purposes of this Act (hereinafter referred to as a “designated port”).
- (2) An animal may be imported into The Bahamas at any port designated pursuant to subsection (1).
- (3) In the event of an emergency, where an animal has to be imported at a port other than a designated port, the importer shall be liable to pay all the expenses incurred for the inspection of that animal.
- (4) Any person who imports any consignment at any place other than a designated port commits an offence and is liable upon summary conviction—
 - (a) to a fine not exceeding fifty thousand dollars; or
 - (b) to a fine of an amount which is triple the value of the consignment, whichever is the greater.
- (5) Any consignment imported contrary to the provisions of this section may be seized and destroyed as may be determined by a veterinary officer.

43. Import requirements.

- (1) Any person who is desirous of importing any animal or animal product shall make application in the prescribed form and pay the prescribed fee.
- (2) A person who imports or attempts to import an animal, animal product or animal-related item without being in possession of —
 - (a) a valid import permit issued by the Director; and
 - (b) where applicable, an international veterinary certificate in English or an official English translation, issued by the exporting country, accompanying such animal, animal product or animal-related item,commits an offence.
- (3) A consignment under subsection (2) may be seized and destroyed at the expense of the importer who importer shall be liable upon summary conviction to a fine—
 - (a) not exceeding fifty thousand dollars; or
 - (b) of an amount which is triple the value of the consignment,and such fine shall be the greater of the amounts in paragraphs (a) and (b).
- (4) The Director may review, modify or revoke an import permit at any time by written notice.

- (5) Import requirements shall be based on international standards and where an international standard is not used the import requirements shall be based on risk assessment.
- (6) The Director shall from time to time, publish a list of animals, animal products and animal-related items which require an international veterinary certificate prior to that animal and those products being imported into The Bahamas.

44. Prohibition of imports.

- (1) The Minister may by Order on the advice of the Director, prohibit the importation of any animal, animal product or animal-related item where such importation would present a serious risk to human health, animal health or the ecosystem and such advice shall be based on risk analysis
- (2) The Minister shall give written reasons for his decision to prohibit imports under subsection (1).
- (3) A person who imports or attempts to import an item prohibited under subsection (1) commits an offence and is liable upon summary conviction to a fine not exceeding one hundred thousand dollars.
- (4) Any consignment imported in contravention of this Part, shall be disposed of as the Director determines.

45. Possession or dispossession of prohibited imports.

A person who possesses or disposes of an animal, animal product or animal-related item that he knows was imported in contravention of this Act, commits an offence and is liable on summary conviction to a fine not exceeding twenty thousand dollars.

46. Notification of arrival.

- (1) It shall be the duty of any person intending to import any consignment to notify the Director in writing of—
 - (a) the date of arrival of the consignment;
 - (b) designated port of entry;
 - (c) country of origin and transit;
 - (d) species name and quantity;
 - (e) means of transportation; and
 - (f) such other information as may be prescribed.
- (2) The customs officer shall—

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- (a) promptly notify the Director of the arrival of all consignments as defined under this Act;
 - (b) ensure that the consignment is inspected by an animal health inspector; and
 - (b) not release or dispose of the consignment unless authorized by an animal health inspector.

47. Inspection of imports.

- (1) All consignments shall, upon importation, be subject to inspection by an animal health inspector.
- (2) All inspections shall be carried out prior to the completion of customs clearance and during regular business hours, except where the consignment is in transit or is extremely perishable, in which case, upon application by the importer, the inspection shall be carried out at a reasonable time, upon payment of the prescribed fees.
- (3) Where an inspector is satisfied that the consignment will or is likely to result in the introduction or spread of a vector or a notifiable disease, or where an inspector finds that the documentation accompanying the consignment fails to meet the prescribed import requirements, he shall —
 - (a) inform the Director in writing of his findings; and
 - (b) if necessary, provide written notice to the importer of the intention —
 - (i) to transfer the consignment to a quarantine station or any other location identified by the Director for testing or disinfection;
 - (ii) to carry out testing and treatment of the consignment;
 - (iii) to return the consignment to the country of origin; or
 - (iv) to confiscate the consignment for destruction.
- (4) Where a consignment lies unclaimed for a prescribed period after —
 - (a) its entry into or transit through The Bahamas; or
 - (b) any treatment thereof,the Director shall take action to dispose of it.
- (5) The cost of any action taken by the Director under subsections (3) and (4) shall be borne by the importer.
- (6) The Government shall bear no liability for actions taken in good faith for the disposal of a consignment imported in contravention of this Act.

48. Obligations of captains.

- (1) The captain of every vessel or aircraft arriving into The Bahamas shall declare in the form prescribed any consignment (as defined under this Act) being imported by that vessel or aircraft.
- (2) Where an inspector is satisfied that —
 - (a) there has been a failure on the part of the captain of a vessel or aircraft to comply with the requirement in subsection (1); or
 - (b) there is on board the vessel or aircraft any consignment that is being imported in contravention of this Act,the inspector may cause the vessel or aircraft to be detained until the Director orders its release.
- (3) The inspector must give the captain of the vessel or aircraft written notice of the failure or contravention referred to in subsection (2).
- (4) The captain of every incoming vessel or aircraft shall, while in port —
 - (a) take all necessary steps to prevent any animal on board the vessel or aircraft from making contact with any animal on shore unless permitted by an inspector, and then only as directed by the inspector;
 - (b) seal all hatches and holds and enclosed cargo areas during the hours of darkness, except as needed for the working of the vessel or aircraft or its cargo.
- (5) The captain shall take all reasonable steps to ensure that—
 - (a) all garbage generated from a consignment is in a leak-proof container, which is securely fastened at all times and kept within the vessel or aircraft;
 - (b) garbage is not disposed of in the sea, and is only removed from the vessel or aircraft under and in accordance with the directions of an inspector.
 - (c) nothing is removed from the vessel or aircraft while it is in port, except under and in accordance with the directions of an inspector.
- (6) An inspector may lock or seal the stores of any incoming vessel or aircraft while it is in port.
- (7) An incoming vessel or aircraft must comply with any sanitary requirements as may be prescribed by regulations.
- (8) Where any consignment is landed from any vessel or aircraft in contravention of this Act, the captain of the vessel or aircraft commits an offence and is liable upon summary conviction to a fine not exceeding twenty thousand dollars.

49. Movement restrictions from overseas.

Whenever the relevant authority in any country responsible for animal health establishes a quarantine for a disease in a jurisdiction, being a jurisdiction which the Director recognizes as one in which the disease is not known to exist and the respective jurisdiction proposes prohibitions or other restrictions on the movement of animals or animal products from the quarantine area within the jurisdiction, such animals and animals products shall be prohibited from being imported into The Bahamas.

EXPORTS AND TRANSIT REQUIREMENTS

50. Export requirements.

- (1) Any person who is desirous of exporting a consignment from The Bahamas shall —
 - (a) make application in the prescribed form;
 - (b) pay the prescribed fee;
 - (c) make the consignment available for inspection by a veterinary officer at a designated port of export or such other place as the veterinary officer shall stipulate.
- (2) The Director shall issue an international veterinary certificate for export consignments.
- (3) Any person who attempts to export or exports any consignment at a port other than a designated port, commits an offence and is liable to a fine not exceeding ten thousand dollars.
- (4) Any person who exports any consignment except in accordance with this Act, commits an offence and shall be liable to a fine not exceeding fifty thousand dollars.

51. Transit requirements.

- (1) Any person who is desirous of having a consignment transit through The Bahamas, shall prior to entry make application in the prescribed form and pay the prescribed fee.
- (2) The Director may determine that sanitary measures shall not apply to a consignment in transit provided that the consignment —
 - (a) has been containerized in a manner that does not permit any risk of the spread or introduction of any vector or notifiable disease;
 - (b) is accompanied by the relevant documents and comply with the sanitary requirements of the country of destination;

- (c) is accompanied by an international veterinary certificate issued by the country of origin.

52. International transportation facility.

- (1) For the purposes of this section, an “**international transportation facility**” means—
 - (a) a port that receives any ship sailing on an international voyage;
 - (b) an airport that receives any aircraft operating as an international flight;
 - (c) a container that transports persons, animals, animal products, animal-related items or other commodities internationally;
 - (d) a warehouse or other facility that receives any international air or water traffic; or
 - (e) any other place as may be designated by the Minister by Order as an international transportation facility upon the advice of the Director.
- (2) The owner or operator of an international transportation facility shall be required by the Minister in writing, where necessary, to provide and maintain adequate areas, offices, laboratories and other facilities, including buildings, accommodation, equipment, furnishings and fixtures, for inspection or for any other purpose related to the administration of this Act or the regulations.
- (3) The Minister—
 - (a) may require a person under subsection (2) to carry out the improvements that he considers necessary to any area, office, laboratory or international transportation facility;
 - (b) shall require the posting of signs for the safe operation and use of the area, office, laboratory or international transportation facility.
- (4) Where an owner or operator of an international transportation facility fails to carry out the improvements under subsection (3)(a), the Minister may cause the improvements to be carried out and the owner or operator shall be liable for all reasonable costs incurred.

PART VI - OFFENCES AND PENALTIES

53. Offences and penalties.

- (1) A person who either personally or indirectly through an employee or agent
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- (a) fails to comply with any order or direction lawfully made or given under this Act;
 - (b) attempts to improperly influence any officer in the exercise of his official functions under this Act;
 - (c) poses as an veterinary officer or inspector under this Act;
 - (d) fails to provide access, samples or information to a veterinary officer upon request, gives false information to a veterinary officer or inspector or otherwise fails to comply with an order properly given under this Act;
 - (e) tampers with any samples taken under this Act or breaks any seal or alters any markings made by an inspector without permission;
 - (f) alters, forges, defaces, or destroys any document issued under this Act or knowingly or recklessly provides information which is false, for the purpose of obtaining any document under this Act; or
 - (g) assaults, resists, threatens, or wilfully obstructs any officer under this Act, exercising lawful powers under this Act or the Regulations, commits an offence and is liable upon summary conviction to a fine of fifty thousand dollars.

(2) A person who—

- (a) possesses, sells, transports, imports or exports any animal or product knowing it is infected with a notifiable disease or may transmit a notifiable disease; or
- (b) intentionally permits or causes the introduction or spread of any notifiable disease, commits an offence and is liable upon summary conviction to a fine of one hundred thousand dollars.

54. Offences by inspectors.

- (1) An inspector or authorized officer commits an offence if he—
 - (a) seizes an animal or animal-related item for any reason other than those prescribed in this Act;
 - (b) discloses any information acquired in the course of exercising his official functions under this Act, except where required to do so by his supervisor or by a court;
 - (c) accepts any monetary or other benefit from a person affected by any of his actions under this Act; or
 - (d) otherwise acts outside the scope of his duties,and shall be liable on summary conviction to a fine not exceeding three thousand dollars.

- (2) Upon conviction for an offence under subsection (1), an inspector shall be liable to dismissal or in the case of an authorized officer he shall cease to function as such and the inspector or authorized officer may be ineligible for reappointment.

55. General penalty.

Any person who contravenes any of the provisions of this Act or any regulations made thereunder commits an offence and where there is no specific penalty provided, is liable on summary conviction to a fine not exceeding five thousand dollars and in the case of a second or subsequent offence, to a fine not exceeding ten thousand dollars.

56. Fixed penalties.

- (1) Notwithstanding anything to the contrary in this Act or any other applicable law, where an inspector has reasonable grounds to believe that a person is committing or has committed a minor offence as may be prescribed, the inspector may then and there serve notice in writing upon the alleged offender charging him with the commission of the offence.
- (2) The veterinary officer shall at the time of service of the notice referred to in subsection (1), inform the alleged offender that he shall —
 - (a) appear before the magistrate on the date specified; or
 - (b) in accordance with procedures set out in subsections (3) and (4) of this section, pay the fixed penalty, in lieu of appearance before the magistrate.
- (3) An alleged offender who chooses to pay the fixed penalty referred to in subsection (2)(b) shall—
 - (a) within seven days of the date of the notice, sign the notice in acknowledgement of guilt and return it, together with the sum cited therein, to the Magistrate's Court;
 - (b) 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 payment was made.
- (4) 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.

57. Offences by corporate entities and penalties.

Where an offence under this Act or regulations has been committed by a body corporate and is proved to have been committed with the consent or connivance of, or to be attributable to any neglect or default on the part of, any director,

manager, secretary or other similar officer of the body corporate, or any person who is purporting to act in any such capacity, such director, manager, secretary or other officer as well as the body corporate is guilty of that offence and is liable to the penalty prescribed by this Act for that offence.

58. General provisions as to prosecutions under this Act.

- (1) Subject to the provisions of Article 78 of the Constitution, proceedings for an offence under this Act shall not be instituted except —
 - (a) by or with the consent of the Bahamas Agricultural Health and Food Safety Board; or
 - (b) by an inspector or other officer authorised in that behalf by special or general directions of the Board.
- (2) Any such inspector or other officer may, although not a counsel and attorney, prosecute or conduct before a court of summary jurisdiction any such proceedings as aforesaid.

59. Forfeiture.

Upon the conviction of any person for an offence under this Act, the court may, in addition to any other sentence imposed, declare any animal or product in respect of which the offence has been committed or which was used in connection thereof, to be forfeited to the Government and disposed of as the Court may direct.

60. Animal owner liability.

In addition to any fines and penalties that may be imposed under this Act, a person may also be held responsible for any damage that results from the breach of the Act.

PART VII – MISCELLANEOUS PROVISIONS

61. Sanitary conditions required.

- (1) All premises used for the accommodation of animals shall be maintained in a clean, comfortable and sanitary condition.
- (2) Where premises are not in compliance with subsection (1), the Director shall authorize an inspector to order that the premises be cleaned and disinfected in a satisfactory manner.
- (3) Where a person does not comply with an order under subsection (2), the inspector shall condemn the said premises as unfit for use; whereupon the

said premises shall not be used for the accommodation of animals until such time as the person satisfactorily carries out the order.

62. Confidentiality.

No person carrying out functions under this Act shall disclose any information acquired in the performance of his official duties except as directed to by the Director or by a court.

63. Duty to assist and cooperate.

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

64. Right of appeal.

- (1) Any person aggrieved by an action or decision of an officer under this Act may within forty-eight hours of the action or decision appeal in writing to the Director.
- (2) An appeal from a decision under subsection (1) shall lie to the Sanitary and Phytosanitary Appeal Tribunal within forty eight hours of the decision.
- (3) An appeal shall lie within seven days to the Supreme Court on a question of law from a decision of the Appeal Tribunal which otherwise shall be final on a technical issue.

65. Good faith defence.

No person shall be liable to suit or to prosecution in respect of anything done in good faith in the performance of his official functions under this Act.

66. Presumptions.

In any proceedings under this Act, any laboratory test purporting to be signed by the Director or Head of an official laboratory or by an official analyst shall be accepted as *prima facie* evidence of the facts stated therein provided that —

- (a) the party, against whom the laboratory test is produced, may require the attendance the official analyst who performed the laboratory test for the purpose of cross examination;
- (b) no laboratory test shall be admissible in evidence unless the party intending to produce it has before the trial given the party against whom it is intended to be produced reasonable notice of such intention together with a copy of such certificate.

67. Regulations.

- (1) The Minister may, on the advice of the Board of the Authority and in consultation with the Director, make regulations for the purpose of carrying out the provisions of this Act, and without prejudice to the generality of the foregoing, shall make regulations prescribing —
 - (a) the establishment and implementation of animal identification, animal traceability or animal movement systems;
 - (b) the requirements for the importation and exportation of animals and animal products, including any documentation, procedures and inspections required;
 - (c) the conditions and the procedures for the approval, denial, suspension and revocation of certificates of registration and permits;
 - (d) the requirements and procedures for all licenses and permits to be issued under this Act and the specifics of any information to be kept in records;
 - (e) the operation of quarantine facilities or international transportation facilities;
 - (f) the requirements for registration, importation, manufacture, distribution and sale of veterinary biological products, veterinary drugs and animal feed;
 - (g) the procedures to be followed by official laboratories in the exercise of their functions under this Act;
 - (h) the fees payable under this Act;
 - (i) the forms to be used for the purposes of this Act, including application, registration, permits and receipts for seized articles, as well as the relevant procedures in the issuance and processing of the same;
 - (j) the procedures applicable to the implementation of disinfection measures, official control measures and stamping-out programs;
 - (k) the procedures to be followed for animal housing including the keeping of animals, feeding including the use of waste foods for feeding, transport and animal welfare;
 - (l) the procedures to be carried out for meat inspections and for abattoirs;
 - (m) the preservation of the national genetic resources, improving local breeds, regulating the trade of breeding animals and breeding materials, the provision of breeding services, and controls on breeding activities and breeding businesses;

- (n) the offences that will be subject to a fixed penalty;
 - (o) for any other matters deemed necessary for carrying out the purposes of this Act.
- (2) Any Regulations made pursuant to subsection (1) shall be published forthwith in order to comply with obligations under the SPS Agreement.

68. Repeal and conflicts.

- (1) The laws mentioned in the first column of the *Schedule* are amended to the extent specified in the second column of the *Schedule*.
- (2) In the event of any conflict or inconsistency between the provisions of this Act and any other enactment in force, the provisions of this Act shall prevail.

SCHEDULE

(section 68)

REPEAL

Law	Amendment
Environmental Health Service Act (<i>Ch. 232</i>)	In section 17, delete subsection (1) (b)
Public Markets and Slaughterhouse Act (<i>Ch. 240</i>)	Repeal the entire Act
Animal Contagious Diseases Act (<i>Ch. 246</i>)	Repeal the entire Act
Health Rules (<i>Ch. 231</i>)	In rule 69(2), immediately following the word “Minister”, insert the words “responsible for animal diseases and veterinary services”

OBJECTS AND REASONS

The Animal Health and Production Bill repeals and replaces the Animal Contagious Diseases Act (*Ch. 246*) in order to make The Bahamas' animal health legislation compliant with its obligations under Chapter 5 of the Economic Partnership Agreement. Additionally, the Bill seeks to achieve legislative compliance with the Agreement on Sanitary and Phytosanitary (SPS Agreement) of the World Trade Organization (WTO) in order to meet The Bahamas' international trade obligations.

The objectives of the Animal Health and Production Bill is to regulate the trade in animals and animal products in order to prevent the introduction and spread of animal diseases; to protect and promote animal health and to regulate animal production through good agricultural practices.

Clause 2 of the Bill defines the terms use in the Act.

Clause 3 of the Bill outlines the objectives of the Act.

Part II of the Bill deals with the administration of the Act. Clause 4 of the Bill provides that the Director of Veterinary Services, who shall be responsible for carrying out the objectives and provisions of this Act and will be appointed by the Board of the Authority, in consultation with the Minister. The Director shall follow the directives of the Executive Director of the Authority.

Clause 5 of the Bill outlines the functions of the Director of Veterinary Services. An Animal Health Advisory Council, established under clause 7 of the Bill, shall advise the Director on animal health matters.

Clause 8 of the Bill establishes that veterinarians working in the public service shall be veterinary officers under this Act and the clause provides for their powers. Clause 9 of the Bill provides that the Minister, may by Order, designate veterinarians outside of the public service to serve as "authorized officers". The authorized officers shall only carry out some of functions of veterinary officers.

Clause 10 of the Bill provides that both veterinary officers and authorized officers are *de facto* animal health inspectors. Additionally, the Minister can designate a suitably qualified public officer or any suitably qualified person as an animal health inspector.

Clause 12 of the Bill provides that an inspector can issue a notice to an animal owner or establishment operator who has failed to comply with the Act. The notice will state the breach and specify a time within which the breach is to be remedied. Clause 14 of the Bill gives the Minister the power to establish a national veterinary diagnostic laboratory and the Minister may approve a laboratory within and outside The Bahamas an "official laboratory".

Part III of the Bill deals with animal disease control. Clause 15 of the Bill provides that the Director shall, based on risk analysis, establish a list of notifiable diseases, which shall include the OIE list of notifiable diseases and diseases of national concern.

Under clause 16 of the Bill, the Director shall establish early detection systems for the timely detection and identification of an incursion or emergence of a disease or infection in the country, in a zone or in a compartment.

The Director shall prepare an animal disease emergency plan pursuant to clause 17 of the Bill and he shall collaborate with the National Emergency Management Agency in preparing the plan.

Clause 18 of the Bill provides that where the Director has reasonable grounds to believe that there is an outbreak of a disease or a high risk of an outbreak of a disease, the Minister shall, by Order declare a disease emergency. Any sanitary measures adopted in the event of a disease emergency, shall be published in the Gazette. Any person who contravenes any of the measures put in place during the emergency, commits an offence and shall be liable to a fixed penalty of one thousand dollars.

Clause 19 of the Bill makes provision to implement provisional measures to verify and control the risk of a disease outbreak once an emergency is declared under clause 19. The provisional measures shall be proportional to the risks. There is a fine of up to ten thousand dollars for persons contravening this clause.

Clause 20 of the Bill provides for the Minister to, by Order, declare an area an infected zone. Clause 22 of the Bill provides that the Minister, on the recommendation of the Director, may by Order declare an area to be a disease free zone, buffer zone or surveillance zone.

Clause 23 of the Bill provides that the Minister may, as he deems necessary, establish an animal quarantine station at any place or at any designated port and he may designate any place as a temporary quarantine station.

Part IV of the Bill deals with animal establishments and animal care.

Part V of the Bill provides for the import, export and transit of animals and animal-related articles.

Part VI of the Bill covers offences and penalties.

Miscellaneous provisions are covered under Part VII of the Bill, which includes the right of appeal under clause 62. Persons aggrieved of a decision of a an inspector may first appeal to the Director of Veterinary Services. An appeal from a decision of the Director shall lie to the Sanitary and Phytosanitary Appeals Tribunal, established under the Agricultural Health and Food Safety Authority Act, 2015. The Appeals Tribunal's decision shall be final on any technical issue. An appeal from a decision of the Tribunal shall lie to the Supreme Court on a question of law only. The

Minister under clause 65 is empowered to make regulations under the Act.