

ANIMAL HEALTH AND PRODUCTION BILL, 2013

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SCHEDULE



D R A F T

ANIMAL HEALTH AND PRODUCTION BILL, 2013

A BILL FOR AN ACT TO PREVENT THE INTRODUCTION AND SPREAD OF ANIMAL DISEASES; TO PROTECT AND PROMOTE ANIMAL HEALTH; TO CONTROL THE MOVEMENT OF ANIMALS AND ANIMAL PRODUCTS INTO, FROM AND WITHIN THE BAHAMAS.

Enacted by the Parliament of The Bahamas

PART I – PRELIMINARY

This Act may be cited as the Animal Health and Production Bill, 2013.

1. Interpretation.

In this Act —

“**abattoir**” means premises used for the slaughter of non-aquatic animals for human consumption or animal feeding;

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

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

“**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 inspector**” or “**inspector**” means appropriately qualified officers in the public service designated under section 7 to perform specified tasks for the purposes of this Act;

- “**animal health status**” means the status of a country or a zone or a compartment with respect to an animal disease;
- “**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;
- “**animal by-product**” means the animal carcasses, bones and the bone-meal, untanned hides and skins, flashings, hooves, horns, claws, hair bristles, wool, feathers, offal, whether fresh or dehydrated blood, semen, embryos and ova, 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 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 traceability**” means the ability to follow an animal or group of animals during all stages of their lives until slaughter;
- “**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.
- “**approved**” means officially approved, accredited or registered by the Ministry or National Veterinary Service.
- “**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;
- “**authorised officer**” means veterinarian registered under the Veterinary Surgeons Act, Ch 245 who has been so designated under section 14 and qualified to perform certain specified functions of a veterinary officer;
- “**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;
- “**compartment**”, in the terrestrial animal health context, means an animal subpopulation 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;

“consignment” means a quantity of animals, animal products or other animal-related items being moved from or into The Bahamas and covered, where required, by a single veterinary certificate; (A consignment may be composed of one or more lots)

“container” means a non-self propelled receptacle or other rigid structure for holding animals, animal products or animal-related items during a journey by one or several means of transport;

“designated entry point” or **“designated point of entry”** means an entry point from the list of designated ports of entry established by the Comptroller of Customs under the Customs Management Act, Ch. 298. such entry point being for the import of animals, animal products and animal related items;

“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” means a determination of the nature of a disease, and “diagnostic” shall have corresponding meaning;

“disease” means the clinical or pathological manifestation of infection in animals;

“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;

“disposal” means slaughter, destroy, bury or burn;

“early detection system” means a system under the control of the Service for the timely detection and identification of animal diseases;

“epidemiological unit” means a group of animals with a defined epidemiological relationship sharing approximately the same likelihood of exposure to a pathogen;

“equivalent sanitary measures” means the state wherein the sanitary measures proposed by the exporting country as an alternative to the sanitary measures of the importing country, achieves the same level of protection.

“eradication” means the elimination of a pathogenic agent of disease from a zone;

“establishment” means premises in which animals are grown, kept, sold or slaughtered, including fish premises, aquaculture facilities, aquaculture sites or other premises or area;

“hazard” means a biological, chemical or physical agent in, or a condition of, an animal, animal product with the potential to cause an adverse effect on animal and human health and the environment;

“import permit” means the document used to authorize the import of terrestrial or aquatic animals, animal products and animal related items; as issued by the National Veterinary Service in accordance with this Act;

“infected zone” means a zone in which a disease has been diagnosed and declared, by Order, to be an infected zone;

“infection” means the presence of the pathogenic agent, including zoonotic agents, in the host;

“international transportation facility” means (a) a container that transports persons, animals, animal products, animal related items or other commodities internationally; (b) an airport that receives any aircraft operating as an international flight; (c) a port that receives any ship sailing on an international voyage; or (d) a warehouse or other facility that receives any international air or water traffic;

“international veterinary certificate” means a certificate issued by the National Veterinary Service of the Bahamas or national veterinary authority of other countries, in the prescribed form;

“killing” means any procedure which causes the death of an animal.

“litter” means straw or any other substance commonly used as bedding for, or otherwise used in respect of animals;

“meat” means all edible parts of a non-aquatic animal;

“Minister” means the Minister responsible for animal diseases and veterinary services and who shall be responsible for implementing this Act;

“national pathogens” means pathogens of national importance that are the subject of control with respect to their entry, establishment and spread and these pathogens, as soon as detected or suspected, must be brought to the attention of the Service;

“National Advisory Committee on Animal Production” means the Committee established under section 9 to perform the functions set out under this Act

“National Veterinary Service” or **“Service”** means the National Veterinary Service established under this Act;

“notice” is the written document issued by a veterinary officer in implementation of this Act;

“notifiable disease” means a disease which requires notification to the OIE ;

“official control programme” means a programme which is approved and managed or supervised by the Service 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;

“official laboratory” means a laboratory certified by the National Veterinary Service to carry out laboratory tests under this Act;

“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;

“owner” or **“person in charge”** in relation to an establishment **or consignment**, includes any person having for the time being the possession, custody or control thereof;

“person” means a natural person or a body corporate;

“population” means a group of animals sharing a common defined characteristic;

“premises” includes any building, tent or other structure, permanent or otherwise, together with the land on which the same is situated and any adjoining land employed in connection therewith, used for activities carried out in relation to animals, animal products or commodities;

“prescribed disease” means a disease listed by the National Veterinary Service under this Act and that, which as soon as detected or suspected, should be brought to the attention of the National Veterinary Service in accordance with this Act;

“quarantine station” means a facility under the control of the Service 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 animal or human health;

“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 estimating the risks associated with the importation of animals, animal products and animal

related items and evaluating the biological and economic consequences of those risks;

“sanitary action” refers to all actions undertaken by an animal health inspector or an *authorized officer* in the implementation of this Act;

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

“sell” includes to offer, advertise, keep, store, display, transmit, consign, convey or deliver for sale, or to exchange or to dispose of to any person in any manner whether for a consideration or otherwise, and “sold”, “selling” and “sale” shall have corresponding meanings;

“slaughter” means any procedure approved by the Service which intentionally causes the death of an animal by bleeding, such animal being for human consumption;

“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;

“traceability” means the ability to follow the movement of an animal through all stages of the production chain;

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

“vehicle” means any means of conveyance including truck, aircraft or ship that is used for transporting animals, animal products or animal related items;

“veterinary biological product” 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 germplasm of animals for use in artificial insemination, and embryo transfer;

“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 duly qualified person registered under the Veterinary Surgeons Act, Ch 245 as a veterinarian and authorised by the Service to perform certain designated official tasks associated with animal health and/or public health and inspections of *commodities* and, when appropriate, to certify in

conformity with the provisions of Chapters 5.1. and 5.2. of the *Terrestrial Code*. and working in the public service as a veterinarian;

“**working animal**” means animals trained to perform tasks.

PART II – ADMINISTRATION

2. Objectives of Act.

The objectives of this Act are to regulate animal health and production including, the regulation of-

- (i) the trade of animals, animal products and animal-related items;
- (ii) the production of animals and animal products except for matters regulated under food safety legislation;
- (ii) other matters relating specifically to pathogens from animals in food products of animal origin;
- (iii) ante-mortem and post-mortem animal inspections in abattoirs;
- (iv) all aspects of feed production and use, except for feed safety matters regulated under food safety legislation;
- (v) the issuance of international veterinary certificates for all animals and animal products for which a such certificate is required, including honey, wild species and fish; and
- (vi) animal breeding and animal welfare.

3. Functions of the Minister.

The Minister responsible for animal diseases and veterinary services shall be responsible for for administering this Act and shall—

- (a) approve regulations under this Act;
- (b) from the list of ports designated as ports of entry under the Customs Management Act, Ch. 293, by Order declare specific ports designated entry points;
- (c) designate official laboratories and quarantine stations;
- (d) propose the implementation of fees and cost recovery mechanisms under this Act; and
- (e) perform any other functions, as prescribed by this Act.

4. National Veterinary Service.

- (1) There is hereby established the National Veterinary Service which shall be responsible for implementing and this Act.

- (2) The Service shall be headed by a Chief Veterinary Officer, who shall be a qualified veterinarian and have a minimum of ten years of experience in animal health.
- (3) The Chief Veterinary Officer shall have overall responsibility for the organisational arrangements of the Service and for the implementing the Act.

5. Functions of the National Veterinary Services

The principal functions of the Service shall be to—

- (a) prevent and control the introduction, establishment or spread of notifiable, prescribed and other animal diseases within The Bahamas;
- (b) approve sanitary measures as necessary for preserving the animal health status;
- (c) develop and update a list of notifiable diseases;
- (d) designate quarantine stations, disease-free zones, buffer zones and surveillance zones;
- (e) establish, monitor, carry out, coordinate and evaluate detection, surveillance and monitoring programs relating to animal health and epidemiological matters;
- (f) establish and regulate licensing and certification programs for animal production, including breeding programs and, collaborate with the relevant authorities dealing with animal products and related matters;
- (g) set up an early warning system and undertake emergency action for disease and pathogen outbreaks;
- (h) where an animal disease or threat may present a [health] hazard to humans, communicate and collaborate with the Ministry responsible for Health;
- (i) develop and implement systems for animal identification and animal traceability;
- (j) establish risk-based import requirements under this Act for live animals, animal products, animal by-products and animal related items, in coordination with other competent authorities;
- (k) develop a system of controls for live animals, animal products, animal by-products and animal related items produced, imported, distributed and sold in The Bahamas, including but not limited to border and inter-island controls;
- (l) issue international veterinary certificates, upon application and payment in the prescribed manner;

- (m) develop animal health diagnostic and analytical capabilities;
- (n) recommend to the Minister the establishment of quarantine stations at any place as may be necessary manage quarantine stations;
- (o) maintain up-to-date information on the animal health status of The Bahamas and provide information where requested;
- (p) notify the OIE of outbreaks of notifiable diseases and comply with other international reporting requirements under regional and international bodies;
- (q) evaluate equivalent sanitary measures used by trading partners ;
- (r) in coordination with the authorities responsible for standard setting, food safety and veterinary drugs, regulate the setting up of standards for animal products which are to be used in feed and veterinary biological products or drugs;
- (s) in coordination with the relevant Government Ministries to carry out inspections on animals and animal products in abattoirs;
- (t) in coordination with the Comptroller of Customs and other relevant Government Ministries, regulate and carry out inspections, at ports of entry, on food products of animal origin;
- (u) undertake risk analysis or assessment studies as may be required under the Act;
- (v) carry out communication, training and public awareness campaigns;
- (w) issue permits and licenses, including movement permits under this Act;
- (x) approve and collect fees as required under this Act;
- (y) where relevant, work in coordination with the food safety, human health and other relevant national authorities to implement this Act;
- (z) enhance awareness raising, participation and involvement of stakeholders in the processes of setting standards, formulating policies and implementing this Act;
- (aa) advise the Minister on the development of implementing regulations under this Act; and
- (bb) regulate all matters relating to animal health and to do all such acts as appear to it to be requisite, advantageous or convenient for or in connection with the carrying out of the Service's functions or to be incidental to their proper discharge and may carry on any such activities in that behalf either alone or in association with any other person or body whether public or private.

6. Principles for the approval and implementation of sanitary measures.

- (1) In taking the sanitary measures necessary for the implementation of this Act, the competent authorities should take into consideration the principles of:
 - (a) harmonization with the international standards;
 - (b) science-based risk assessment;
 - (c) necessity; and
 - (d) proportionality.
- (2) All sanitary measures and sanitary actions shall be based on risk analysis.

7. Designation animal health inspectors.

- (1) The Minister may from time to time designate any public servant with qualifications as shall be prescribed by regulations, as an animal health inspector to carry out all or any of the functions assigned to animal health inspectors.
- (2) The Chief Veterinary Officer and every veterinary officer are animal health inspectors for purposes of this Act and by virtue of their office.
- (3) The Minister may, in writing, and for a prescribed period, designate any duly qualified person as an authorized officer to perform certain functions of an animal health inspector.

8. Powers of animal health inspectors.

- (1) An animal health inspector may, without a warrant, but upon the presentation of his identification badge, detain, for a period to be stated in an inspection report, any animal, animal product or animal related item suspected of posing a hazard and the inspector shall issue written notice, where a person-
 - (a) fails to comply with any requirement of this Act relating to the-
 - (i) importation or landing of any animal, animal product, or animal-related item; or
 - (ii) placement or retention of any animal in quarantine;
 - (iii) disinfection of any animal, animal product, or animal-related item;
 - (iv) refusal to surrender any equipment used in connection with the foregoing;or

- (b) obstructs or impedes the execution of an animal health inspector's duties.
- (2) Where a person refuses to comply with the orders of the animal health inspector or continues to impede the inspector's investigation, such inspector may, with the assistance of the police, seek a warrant for the person's arrest.
 - (3) An animal health inspector may, without a warrant, but upon the presentation of his identification card enter any abattoir, establishment, vehicle, including vessels, port facilities or other place, except a dwelling place, where activities in relation to animal health are being carried out, or are suspected of being carried out, and for the purpose of determining whether this Act is being violated, carry out any of the following actions —
 - (i) inspect or search such premises, and examine any animal, or open and examine any animal product, animal-related item, object or substance which is, or is suspected of being used in activities relating to animal health;
 - (ii) require the owner or person in charge of such premises to submit any information or documentation regarding such 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, 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 such premises that the veterinary officer 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 entry in it;
 - (v) inspect any operation, process or system used or carried out on such premises;
 - (vi) seize 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, subject to subsection (5) of this section;
 - (vi) order the disposal of animals, animal products or animal related items which have contagious diseases or are contaminated and order the disposal of carcasses of diseased animals;
 - (vii) issue notices and order modifications in the animal establishments if not in compliance with the applicable rules;

- (viii) order enclosure of animals for the purpose of further testing and analysis;
- (ix) prohibit the movement of animals;
- (x) decontaminate or disinfect, or order the decontamination or disinfection of any vehicle, premises or place;
- (xi) 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;
- (xii) stop and search any vessel, vehicle or container containing or suspected of containing animals, animal products or animal related items-
 - (a) moving within The Bahamas;
 - (b) upon entry into or transit through The Bahamas;
 - (c) upon exit from The Bahamas ,
 - and in the case of consignments under paragraphs (b) and (d) the animal health inspector will stop and search before releasing the consignment to the Comptroller of Customs ;
- (xiii) for a prescribed period, stop the distribution, sale or use of any animal, animal product or animal related item which the veterinary officer has reason to believe is infected with or may spread a notifiable disease.; and
- (xiv) require the owner or person in charge of animals, animal products or animal-related item or premises to give–
 - (a) assistance or carry out instructions as may be reasonably necessary to facilitate the exercise of the veterinary officer’s functions or to implement the provisions of this Act;
 - (b) information as may be reasonably necessary in connection with the furtherance of the eradication of any animal disease or for the implementation of this Act.
- (4) Where an animal health inspector is satisfied that there has been a failure on the part of the person in charge of a consignment or vehicle to comply with a requirement of this Act or with a condition imposed pursuant thereto, and this poses a hazard, he may detain the vehicle or stop the docking or offloading of animals, animal products or animal related items and communicate the decision to the Chief Veterinary Officer and the Comptroller of Customs.
- (5) The animal health inspector shall, without delay, give the person in charge of the consignment or vehicle a written and signed notice of detention stating the particulars of the non-compliance.

- (6) Upon communication under subsection (4), the Chief Veterinary Officer shall, without delay, take the appropriate sanitary actions.
- (7) Where an animal health inspector is required to seize or detain an animal, animal product or animal-related item or other thing under this Act, he shall give written notice providing signed written reasons for exercising that power.
- (8) An animal health inspector shall have the right to request and receive the assistance of law enforcement personnel in the execution of his duties.

9. Establishment of the National Advisory Committee on Animal Health and Production.

- (1) There shall be established a Committee to be known as a National Advisory Committee on Animal Health and Production., hereinafter referred to as the “Committee”.
- (2) The Committee shall assist the Service in the development of the Animal Disease Emergency Plan established under section 23.
- (3) The Committee shall advise and provide assistance to the Service regarding policies, strategies and sanitary measures relative to animal health, disease prevention, control and eradication,. zoonoses, and trade in animals and animal products.

10. Composition of the Committee.

The Committee shall be made up of the following permanent members—

- (a) the Chief Veterinary Officer;
 - (b) Member of the Veterinary Association;
 - (c) Animal Producers or Organization;
- and any other persons as needed.

11. Improvement notice.

If an animal health inspector has reasonable grounds for believing that an owner or person in charge of an animal is failing to comply with this Act, including in relation to animal welfare, he may serve an improvement notice on that owner or person in charge-

- (a) stating his grounds for believing that the Act is not being complied with;
- (b) specifying the measures which 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, within the time period specified in the improvement notice.

12. Designation of veterinary officers.

Upon the advice of the Public Service Commission, the Minister shall designate a person registered under the Veterinary Surgeons Act, Ch. 245 to serve a veterinary officer to perform certain designated official tasks associated with animal health and/or public health and to conduct inspections of animals, animal products and animal related items and, where appropriate, to certify in conformity with the provisions of this Act and regulations.

13. Powers of veterinary officers.

A veterinary officer shall—

- (a) issue veterinary certificates or any other official documentation;
- (b) act as an official liaison officer with relevant Ministries; and
- (c) perform other functions necessary for the implementation of this Act and prescribed by Regulations and in guidelines.

14. Designation of authorized officers.

- (1) The Minister may, in writing as prescribed by Order, designate any duly qualified person as an authorized officer, who shall be a veterinarian.
- (2) Authorized officers shall perform specified functions of a veterinary officer as shall be specified, in a written instrument issued by the Service and each authorized officer shall wear an identification badge showing his designation and the duration of his service.
- (3) The following functions shall not be delegated to authorized officers :
 - (a) issuance of veterinary certificate or any other official documentation;
 - (b) official liaison duties with other Ministries, or foreign authorities or any notification responsibilities.
 - (c) approval of standards, requirements, rules or sanitary measures;
 - (d) designation of quarantine stations, disease-free zones buffer zones; or
 - (e) others functions as shall be prescribed by regulations.
- (4) The Chief Veterinary Officer shall supervise and train all authorized officers.
- (5) No physical or legal person that has any actual or reasonably perceived interest in a matter or other action to be taken by the Chief Veterinary Officer, whether such interest is direct or indirect shall act as an authorized officer.

- (6) Where a person under subsection (5) becomes aware of such interest, he must notify the Chief Veterinary Officer in writing within three days of becoming aware of such interest.
- (7) Upon receipt of the notice in subsection (6), the Chief Veterinary Officer shall immediately reassign the authorized officer.

15. Designation of laboratories.

- (1) The Minister may designate any laboratory as an official laboratory for the purposes of this Act.
- (2) No physical or legal person shall serve as an official laboratory if he has any actual or reasonably perceived interest in a matter or action to be taken by the Service, whether such interest is direct or indirect.
- (3) Where a person under subsection (2) becomes aware of such interest, he must notify the Service in writing immediately upon becoming aware of such interest.
- (4) Upon receipt of the notice in writing under subsection (3), the Service shall immediately reassign such matter to another laboratory.

16. Inspection report.

Each animal health inspector shall, following the conduct of an inspection or an official control programme, prepare a written inspection report for submission to the Chief Veterinary Officer as prescribed in guidelines.

17. Written notice.

- (1) Where an animal health inspector takes a sanitary action, he shall prepare a written notice and provide a copy to the owner of the animal or establishment as set out in Form ____.
- (2) Where an animal health inspector has reasonable grounds for believing that an owner or person in charge of an animal, animal product, or animal related items has failed to comply with this Act, the animal health inspector may serve a notice, using Form ____, on that owner or person in charge—
 - (a) stating the animal health inspector's grounds for believing that the Act is not being complied with;
 - (b) specifying the sanitary measures which 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, within the time period specified in the notice, implement the sanitary measures referred to in paragraph (b).

(3) Where no person is in actual occupation of any land, or where the occupier or owner cannot be located, service of any notice under this Act or the Regulations shall be made by affixing the notice to a conspicuous place on the land of an establishment, and such affixing shall be considered as good service of the notice.

(4) Any persons who tampers with, removes or destroys the notice under subsection (3) commits an offence and shall be liable upon summary conviction to a fine not exceeding \$5,000.00.

18. Confidentiality.

Veterinary officers, animal health inspectors and authorized officers and all other employees of the Service are prohibited from disclosing any information acquired in the performance of official duties relating to any person, firm, or business, except when required to by the Chief Veterinary Officer or by a court.

PART III - ANIMAL DISEASE CONTROL

19. List of prescribed diseases

- (1) The Service shall develop a list of prescribed diseases based on risk analysis.
- (2) The Service shall regularly update the list of prescribed diseases based on risk analysis.
- (3) The Service shall communicate the list of prescribed diseases, and any subsequent amendments to it, to the Minister for approval and publication.

20. List of notifiable diseases.

- (1) The Service shall develop a list of notifiable diseases based on risk analysis and on the OIE list of notifiable diseases, and shall regularly update the list based on risk analysis.
- (2) The Minister shall by Order publish the list of notifiable diseases, and any subsequent amendments.

21. List of national pathogens

- (1) The Service shall develop a list of national pathogens based on risk analysis.
- (2) Each national pathogen shall satisfy at least one of the following criteria—
 - (a) it is the causative agent of a disease listed by OIE;

- (b) it is the causative agent of a disease the occurrence of which would have significant socio-economic impacts;
 - (c) it is either exotic or occurring in limited parts of the country;
 - (d) it is clearly identifiable;
 - (e) it is the causative agent of a prescribed disease which is reportable;
- (3) The Service shall regularly update the list of national pathogens based on risk analysis.
- (4) The Service shall communicate the list of national pathogens and any subsequent amendments to it to the Minister for approval and publication.

22. Early detection system.

- (1) The Service shall create an early detection system to detect animal diseases or hazards.
- (2) The system established under subsection (1) shall include the following characteristics-
- (a) an established national chain of command and national system of communication;
 - (b) representative coverage of target animal populations by field services;
 - (c) 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, veterinary para-professionals, livestock owners and others involved in handling animals;
 - (f) the legal obligation of private veterinarians to report to the Service.

23. Animal disease emergency plan.

The Service shall prepare an animal disease emergency plan, which shall be regularly updated as prescribed

24. Declaration of disease emergency.

- (1) On the recommendation of the Chief Veterinary Officer, the Minister shall issue an Order declaring a disease emergency where the Chief Veterinary Officer on reasonable grounds believes that there-
- (a) is an outbreak of a notifiable disease; or

- (b) is a high risk of an outbreak of a notifiable disease; and that that such outbreak poses or would pose a hazard hazard [to animal or human health or the environment.]
- (2) The declaration of a disease emergency shall—
- (a) be based on risk assessment and be limited to the extent and duration necessary to minimize the risk;
 - (b) trigger the implementation of the animal health emergency plan by the Service.
- (3) Sanitary measures adopted in case of emergency shall be published in the Gazette, newspapers, on television and radio and posted on the Government website.
- (4) The Chief Veterinary Officer shall regularly update the Minister with respect to the hazard under subsection (1) and the Minister shall by Order revoke the disease emergency declaration when the Chief Veterinary Officer, determines that the hazard to animal or human health or the environment has ended. or is being controlled.
- (5) The Chief Veterinary Officer may by notice implement provisional measures to verify and control the risk of an outbreak before the emergency is declared by the Minister. under subsection (1).
- (6) The provisional measures shall be proportional to the risk, and limited by such time as shall be specified in the notice issued under subsection (5) and upon the expiration of such time period, if the disease outbreak has not been verified, the Chief Veterinary Officer shall revoke such notice.
- (7) Where a disease emergency is declared the Chief Veterinary Officer may carry out do any of the following-
- (a) mark the boundaries of the emergency area;
 - (b) set up roadblocks at all entrances and exits to and from the area;
 - (c) set up facilities for the cleansing and disinfection of all persons, things likely to spread animal disease and conveyances entering or exiting the area;
 - (d) disinfect all vehicles, containers, controlled commodities and other articles which are likely to carry animal diseases and which are being sent out of the area;
 - (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, controlled commodities and vehicles for as long as is necessary to minimise or eliminate the sanitary 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.
- (8) A person who knowingly and without reasonable excuse—
 - (a) fails to comply with a notice issued under subsection (5)
 - (b) enters or leaves an animal disease emergency area except in accordance with this Act or Regulations;
 - (c) moves animals, animal products or animal related items from or into an area where a disease has been declared, or from one place within the area to another place within that area, except with the written permission of the Chief Veterinary Officer.
 - (d) interferes with any of the actions taken under subsection (7)

commits an offence and shall be liable upon summary conviction to a fine not exceeding \$5,000.00.

25. Declaration of infected zone.

- (1) Where a veterinary officer suspects that a notifiable disease or a disease posing a serious threat to animal or human health or the environment exists in any zone, he shall-
 - (a) without delay by notice specify the limits of the infected zone and provisionally declare it to be an infected zone, and shall serve such notice upon the owner or occupier of the place; and
 - (b) provide a copy of the notice issued under paragraph (a) to the Chief Veterinary Officer.
- (2) The place provisionally declared an infected area shall be subject to confirmation by the Service following an investigation within the prescribed number of days.
- (3) Where such finding of an infected zone is confirmed under this section, upon the recommendation of the Chief Veterinary Officer, the Minister may by Order published in the Official Gazette, declare such zone to be infected with the disease, and the Order shall specify—
 - (a) the limits of the infected zone;
 - (b) the duties of persons in the zone;
 - (c) that no international trade in animals, or animal products or animal related products shall be conducted in or from The Bahamas in respect of animals in the infected zone.
- (4) The Service shall continuously review the animal health status of the zone and verify compliance with the Order and shall revise the animal health status of the zone as necessary.

(5) Where an operator of an establishment fails to comply with the provisions of this section his license shall be suspended or revoked.

26. Revocation of declaration of an infected zone.

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

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

- (1) The Minister may, by Order, declare a zone to be a disease-free zone, a buffer zone or a surveillance zone upon the recommendation of the Service.
- (2) The Service shall approve the sanitary measures necessary to preserve disease free zones and to contain a risk in buffer zones and surveillance zones.

28. Animal quarantine.

- (1) The Minister may, as he deems necessary, establish quarantine stations or designate any place as a quarantine stations as he deems necessary, which shall—
 - (a) meet prescribed standards for the reception and quarantine of the animals; and
 - (b) have available a veterinary officer to provide veterinary attention to the quarantined animals.
- (2) By order of a veterinary officer , any animal may be placed under quarantine in a quarantine station where the veterinary officer suspects that the animal—
 - (a) is suffering from a notifiable disease; or
 - (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.
- (3) 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 Bahamasmay, with the approval of the Chief Veterinary Officer, be destroyed without compensation to the owner.

- (4) Quarantine stations shall be established at all designated points of entry.

29. Control measures.

For the purposes of controlling or eradicating a notifiable disease and preventing its introduction or spread, the Service may enforce control measures, which include, but are not limited to the following—

- (a) prohibition or regulation of the movement of persons and vehicles, 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 varying control measures for each compartment;
 - (c) authorizing 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,

30. Killing of animals for disease control purposes.

- (1) A veterinary officer may cause any animal suffering from a notifiable disease, or any epidemiological unit animal reasonably suspected of having a notifiable disease, whether or not in an infected zone, to be killed in order to prevent the spread of any animal disease, and for that purpose the veterinary officer may give all necessary directions.
- (2) A veterinary officer may, for the purpose of observation and treatment, take possession of and retain any animal liable to be killed under this article and take sanitary action
- (3) A veterinary officer may require the owner or person in charge of the animal to dispose of the animal or animal product under this article where such animal or animal product has been in contact with, or in close proximity to, another animal or animal product or an item that was, or is suspected of being (or having been) affected or contaminated by a disease, or a toxic substance, or of being a vector.
- (4) Any animal destroyed under the provisions of this Act or which dies as the result of disease, shall be disposed of as soon as possible by the owner of the animal in accordance with prescribed requirements issued by the veterinary officer.

31. Compensation.

- (1) It shall be lawful for the Minister, out of moneys approved for that purpose by Parliament, to make grants by way of compensation to owners of animals, according to their respective interests, in respect of:—

- (a) healthy animals destroyed in order to achieve eradication, control or prevention of the further spread or introduction of an animal disease; or
 - (b) diseased animals destroyed in order to achieve eradication, control or prevention of the further spread or introduction of an animal disease, where the owner or person in charge of such animal notified the Service of the presence of disease in the said animal.
- (2) The amount of compensation for each animal slaughtered pursuant to this section shall not exceed the fair market value of the animal immediately before slaughter, and compensation may be reduced or refused where the owner or the person having charge of the animal has been found guilty in relation to the animal, of an offence under this Act.
- (3) No compensation shall be payable in respect of an animal compulsorily slaughtered while in a quarantine station if, in the opinion of the Service that animal was diseased at the time of importation.

32. Movement permits.

- (1) In circumstances as shall be specified by regulation, any movement of animals shall require a movement permit issued by the Service.
- (2) Where an animal health inspector or authorized officer has reasonable grounds to believe that any animal, animal product or animal related item has been removed from or taken into an infected zone, buffer zone, disease-free zone, or surveillance zone in contravention of subsection (1), the veterinary officer may:
- (a) seize such item, when there is a sanitary risk; or
 - (b) postpone the movement for such period as he may specify in a written notice; or
 - (c) take other sanitary measure as necessary.

33. Responsibilities of owners and persons in charge of establishments.

- (1) Owners of animals or establishments shall be deemed responsible for maintaining the sanitary status of their establishments and ensure compliance with the provisions of this Act.
- (2) Owners of animals or establishments shall—
- (a) ensure that their establishments and animals are registered;
 - (b) apply for a license to the Service to carry out any commercial activity involving animals;
 - (c) keep records as prescribed, and

- (d) ensure persons in charge of establishments, vehicles and workers under their supervision involved in the production, care, transport or keeping of animals comply with this Act.
- (3) During an inspection , the owner of an animal or person in charge of the establishment, or any other person employed at the establishment—
 - (a) may accompany the veterinary officer;
 - (b) shall supply any information or documents requested by the veterinary officer relating to installations, appliances, materials, procedures or other matters relevant to an inspection; and
 - (c) shall comply with requests of the veterinary officer issued in accordance with this Act.

34. Duty of animal owners with respect to segregation and notification of diseased animals.

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

PART IV - ANIMAL PRODUCTION

35. Animal identification and traceability.

The Service shall establish a system for the identification and traceability of animals and animal products as prescribed by regulations.

36. Registry.

- (1) The National Veterinary Service shall establish and maintain a registry of-
 - (i) establishments,
 - (ii) animal owners;
 - (iii) importers of animals and animal products;
 - (iv) exporters of animal and animal products.

- (2) The Registry shall contain the following information on persons listed in subsection (1)—
 - (i) names;
 - (ii) addresses;
 - (iii) number and type of animals;
 - (iv) type of activity; and
 - (v) any other particulars as may be prescribed by regulations.

37. Licenses.

- (1) Any person wishing to—
 - (a) establish any business involving animals or the slaughter of animals; or
 - (b) manufacture, import, export, distribute or sell veterinary drugs;shall apply to the Service for a license using the prescribed Form___, together with the payment of such fees as may be prescribed.
- (2) A license issued under this section shall be a precondition to the issuance of a business license under the Business Licence Act, Ch 329.
- (3) Where the Service finds that the applicant meets the requirements, the Service shall—
 - (a) issue such license, including such terms and conditions as may be applicable;
 - (b) register such person ;
 - (c) issue such person a registration number.
- (4) Where the applicant does not meet the requirements, the Service shall deny the application and inform the applicant of the reasons in writing.
- (5) Licenses issued under this section shall be valid for a year and subject to renewal upon payment of a fee.

38. Suspension or revocation of licence.

Where the licensee fails to observe the terms and conditions of the license, the Service may suspend or revoke such license, depending on the gravity of the offence, and shall inform the licensee in writing providing the grounds for such suspension or revocation.

39. Abattoirs.

- (1) The slaughter of animals intended for marketing, shall only be carried out in an abattoir authorized by the Service as shall be prescribed in Regulations.

- (2) The Service shall coordinate with the authorities in charge of public health and food safety for the setting up of standards and controls in abattoirs.
- (3) During a disease emergency or in such circumstances as shall be prescribed, slaughter may be carried out outside an abattoir subject to the authorization and supervision of a veterinary officer.
- (4) Where the owner of an abattoir fails to comply with any provisions of this Act or Regulations, a veterinary officer shall issue a notice specifying the breach and shall specify a time in which the breach shall be remedied.
- (5) Notwithstanding, subsection (4), where a veterinary officer identifies a breach presents a risk for animal, human or environmental health, the veterinary officer may immediately suspend the operation of the abattoir.

40. Animal Feed.

- (1) The Service shall collaborate with the authorities responsible for food safety in the setting of standards for animal feed and animal feed production, import requirements, labelling and sale of animal feed.
- (2) The Service shall regulate the use of feed.

41. Veterinary biological products and drugs.

- (1) The Service shall collaborate with the authorities responsible for drugs in the setting up of standards and the trade of veterinary biological products and drugs. (Pharmacy Act, Ch 227)
- (2) The Service shall regulate the use of veterinary biological products and drugs by veterinarians.

42. Animal breeding.

No person shall undertake animal breeding or commercial reproductive activities except by permit..

43. Animal welfare.

- (1) No person shall torture an animal, neglect to provide adequate care, sustenance or shelter, or maltreat any animal or subject any animal to fights with other animals.
- (2) The Service shall approve guidelines, 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 working animals, including animals used in exhibitions, performances or in circuses.

PART V – IMPORT, EXPORT AND TRANSIT

44. Principles for the approval and implementation of sanitary measures.

- (1) In taking the sanitary measures necessary for the implementation of this Act, the Service should take into consideration the principles of:
 - (a) necessity;
 - (b) harmonization with the international standards;
 - (c) risk assessment and science-based actions;
 - (d) transparency;
 - (e) equivalence; and
 - (f) proportionality:
- (2) All sanitary measures and sanitary actions shall be applied and taken on the basis of risk analysis.

45. Prohibition of Imports.

- (1) The Minister may on the advice of the Chief Veterinary Officer, and on the basis of sanitary risk assessment, by notice prohibit the importation of –
 - (a) specified animals, animal products or animal related items;
 - (b) animals or animal products from a specified country, if such importation would result in a serious sanitary risk.
- (2) If a notice prohibiting the importation of a controlled commodity is issued under subsection (1), written reasons for the notice must be stated.
- (3) A person who imports or attempts to import a prohibited item under subsection (1) commits an offence and shall be liable upon conviction to a fine of \$50,000.00.

46. International transportation facility.

- (1) 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.

- (2) The Minister—
 - (a) may require the undertaking of improvements that he considers necessary to any area, office, laboratory or other facility under subsection (1);
 - (b) shall require the posting of signs for the safe operation and use of the area, office, laboratory or other facility;
 - (c) where the owner or operator fails to comply with a request under paragraph (a), shall cause the improvements to be carried out and the owner or operator shall be liable for all reasonable costs incurred.

47. Import requirements.

- (1) The Chief Veterinary Officer shall approve and publish the list of animals, animal products requiring an international veterinary certificate to be imported into The Bahamas.
- (2) The Chief Veterinary Officer shall approve the requirements for imported consignments under this Act.
- (3) Import requirements shall be based on international standards, and science-based risk assessment and shall be regularly updated and shall be published.
- (4) The Minister may, on the recommendation of the Chief Veterinary Officer and on the basis of risk analysis, prohibit the importation any animal, animal product or animal related item where such importation would result in or pose a serious risk of introduction or spread of any vector, disease or toxic substance, and the Chief Veterinary Officer shall provide reasons for such action in writing to the importer.
- (5) Any imported animal or animal products, unless exempted by the Service, shall when landed be placed in quarantine for such period as and under such conditions as may be prescribed.
- (6) Nothing in this section shall be construed as restricting the power of the Service to impose, as a condition of an import permit, the requirement that the animal be placed in quarantine for such period and subject to such conditions as the Service may specify in the import permit.
- (7) Persons importing consignments at any port other than a designated point shall be guilty of an offence and shall be liable to a fine—
 - (a) not exceeding \$50,000.00; or
 - (b) of an amount which is triple the value of the consignment,and such fine shall be the greater of the amounts specified in paragraphs (a) and (b).

48. Equivalent Sanitary Measures

The Minister shall by Order published in the Official Gazette, upon the recommendation of the Chief Veterinary Officer, specify the countries which are deemed to have equivalent sanitary measures.

49. Import permits.

- (1) No person shall import an animal or animal product without—
 - (a) a valid import permit issued by the Service;
 - (b) meeting the conditions stipulated in the import permit ;and
 - (c) an international veterinary certificate in English or an official English translation, issued by the exporting country, accompanies such animal or animal product.
- (2) Any person who wishes to import any animal or animal product shall apply for an import permit to the Service using Form ___ set out in the _____ Schedule and shall pay the specified fee.
- (3) Applications for import permits shall be submitted to the Chief Veterinary Officer in such manner as shall be prescribed and shall include the following information—
 - (a) the proposed date of entry;
 - (b) the designated point of entry;
 - (c) country of origin, and transit;
 - (d) species name and quantity;
 - (e) means of transport; and
 - (f) such other information as may be prescribed.
- (4)
 - (a) On receipt of an application made in accordance with subsection (2), the Chief Veterinary Officer may, subject to such terms and conditions as he thinks fit, issue to the applicant an import permit which shall be in the form and with the conditions prescribed by regulation;
 - (b) The Chief Veterinary Officer shall ensure that import applications and other documentation are kept as records by the Service for a prescribed period.

50. Arrival notification.

- (1) A customs officer shall—
 - (a) notify the Service of the arrival of any animal, or animal product in the time and manner as prescribed; and
 - (b) not release or dispose of the animal, animal product, or animal related item unless authorized by the Service.

51. Obligations of captains and owners of vessels and aircrafts.

- (1) All animals, animal products and animal related items being brought into the Bahamas by vessel or aircraft, must be declared by the captains on or before coming into port, such declaration shall be made in Form ____ in the _____ Schedule .
- (2) If an animal health inspector is satisfied that—
 - (a) there has been a failure on the part of the captain or owner of a vessel or aircraft to comply with the requirement in subsection (1); or
 - (b) there is on board the vessel or aircraft any animal or animal product that is being imported in contravention of this Act,

the inspector may cause the vessel or aircraft to be detained until the Chief Veterinary Officer directs its release.

- (3) The inspector must give the captain and owner 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 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 its cargo.
- (6) The captain shall take all reasonable steps to ensure that—
 - (a) all garbage generated on the vessel or aircraft is in a leak-proof container, with a lid, and the container 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.
- (7) The captain shall take all reasonable steps to ensure that no ships' stores are removed from the vessel or aircraft while it is in port, except under and in accordance with the directions of an animal inspector.
- (8) An animal inspector may lock or seal the stores of any incoming vessel or aircraft while it is in the port.
- (9) An incoming vessel must comply with any de-ratting requirements prescribed by regulations.
- (10) Where a consignment is landed from any vessel in contravention of this Act, the captain of the vessel and the owner of the consignment shall be guilty of an offence and liable upon summary conviction to a fine not exceeding \$20,000.00.

52. Inspection of imports.

- (1) All animals, animal products and animal related items shall, upon importation, be subject to inspection by an animal health inspector at the designated point of entry.
- (2) Inspections shall be carried out during regular business hours, except where the articles to be inspected are goods in transit or are extremely perishable, in which case, upon application by the importer and on payment of the prescribed fee, the inspection shall be carried out at a reasonable time.
- (3) Where an animal health 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 Service in writing of his findings; and
 - (b) provide written notice to the importer of the following measures:-
 - (i) the taking of samples for submission to an official laboratory for analysis;
 - (ii) transfer to a quarantine station or any other location identified by the Service for testing or disinfection;
 - (iii) return to the country of origin; or
 - (iv) or confiscate and forfeit the consignment for destruction.
- (4) Where the consignment lies unclaimed for a prescribed period after its entry into or transit through The Bahamas, or after any treatment thereof, the Service shall take action to dispose of it.
- (5) The cost of any action taken by the Service 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 consignment imported in contravention of this Act.

53. Prohibition of possession or disposition.

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 or the regulations, commits an offence and shall be liable upon summary conviction to a fine not exceeding \$3,000.00.

54. Exports.

- (1) All exporters of animals and animal products shall-

- (a) apply in the prescribed form to the Service for international veterinary certificate ;
 - (b) pay any applicable fees as shall be prescribed; and
 - (c) make the consignment available for inspection at the port of export.
- (2) Where the consignment meets the importing country's sanitary requirements, the Service shall issue an international veterinary certificate for such export consignments.
- (3) Where the Service is not satisfied that the export consignment does not meet the requirements under subsection (2), such consignment shall be subject to the appropriate treatment in order to remove the risk, before it can be exported.
- (4) For the purposes of issuing international veterinary certificates the Service may—
- (a) carry out biological tests, vaccinations or disinfection procedures;
 - (b) carry out inspections, approval and certification procedures of animals and establishments;
 - (c) observe animals during transport to the place of shipment and at the point of departure; and
 - (d) and carry out any other required activities.
- (5) Following the issuance of the international veterinary certificate, the Service shall undertake the appropriate measures to maintain the sanitary integrity of the consignment until it leaves the country.
- (6) Any person who attempts to export or exports consignments at any port other than a designated point of entry shall be guilty of an offence and shall be liable to a fine of \$ 5,000.00.
- (7) Any person who exports any animal, animal product or item except in accordance with this Act, commits an offence and shall be liable to a fine of \$5,000.00.

55. Transit.

- (1) Persons intending to transit consignments through The Bahamas shall apply in the prescribed form and where permission is granted, the consignment shall be accompanied by the payment of the prescribed fee.
- (2) Sanitary requirements shall not apply to consignments 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 a vector or notifiable diseases that may be present in the consignment;

- (b) is accompanied by the relevant documents and comply with the sanitary requirements of the country of destination;
- (c) is accompanied by the international veterinary certificate issued by the country of origin.

PART VI - OFFENCES AND PENALTIES

56. Offences and penalties.

- (1) Any person who
 - (a) fails to comply with any order or direction lawfully made or given under this Act;
 - (b) attempts to improperly influence a veterinary officer in the exercise of his official functions under this Act;
 - (c) poses as a veterinary officer;
 - (d) fails to provide access, samples or information to a veterinary officer upon request, gives false information to a veterinary officer, 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 a veterinary officer 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 an animal health inspector, veterinary officer or an authorized officer while exercising lawful powers under this Act or the Regulations,shall be guilty of an offence and liable upon summary conviction to a fine of \$2,000.00.
- (2) Any person who possesses, sells, transports, imports or exports any animal, animal product or animal related item knowing it is infected with a notifiable disease or may transmit a notifiable disease, or intentionally permits or causes the introduction or spread of any notifiable disease; shall be guilty of an offence and liable upon summary conviction to a fine of \$20,000.00.
- (3) An animal health inspector or authorized officer who acts outside the scope of his duties, commits an offence and shall be liable, upon summary conviction to a fine not exceeding \$1,000.00.

- (4) Upon conviction for an offence under subsection (3) an animal health inspector shall be liable to dismissal by the competent authority or in the case of an authorized officer he shall cease to function as such and may be ineligible for reappointment.

57. General penalty.

- (1) Any person who contravenes any of the provisions of this Act or regulations is guilty of an offence and where there is no specific penalty provided, is liable on summary conviction to a fine not exceeding \$ 300.00 and in the case of a second or subsequent offence, to a fine not exceeding \$500.00.
- (2) In the case of a continuing offence, the offender is liable to a further fine not exceeding \$200.00 for each day that such offence continues after the day of conviction thereof.

58. Procedure for offences.

Where a veterinary officer or an authorized officer reasonably believes that a person has contravened any of the provisions of this Act, he may provide such information to the Police who may issue a summons to the person accused of contravening the Act ordering that the person appear before a Magistrate.

59. Fixed penalties.

- (1) Notwithstanding anything to the contrary in this Act or any other applicable law, where a veterinary officer has reasonable grounds to believe that a person is committing or has committed certain minor offences so prescribed by regulation, the veterinary officer may then and there serve notice in writing upon the alleged offender charging him or her with the commission of the offence.
- (2) The veterinary officer shall at the time of the service of notice referred to in subsection (1) of this section, 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.

60. Forfeiture.

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

PART VII – MISCELLANEOUS PROVISIONS

61. Review of Inspections, Testing and Other Procedures by Trading Partners

The competent authority of all trading partners, responsible for animal health, may conduct a periodic review of sanitary measures carried out by the Service; including but not limited to inspections and testing.

62. Duty to assist and cooperate.

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

63. Right of appeal.

- (1) Any person aggrieved by an action or decision of a veterinary officer may within forty eight (48) hours of the action or decision appeal in writing to the Chief Veterinary Officer to review the same
- (2) An appeal shall lie to the Appeals Tribunal from a decision under subsection (1) within forty eight hours of that decision.
- (3) An appeal shall lie within seven days to the Supreme Court on a question of law from a decision of the Appeals Tribunal which otherwise shall be final on technical issues.
- (4) Pending an appeal no decision will take effect.

64. Good faith defence.

No member of the Committee, veterinary officer, authorised officer, or animal health inspector or other representative of the Service shall be liable to suit or to prosecution in respect of anything done in good faith in the performance of their official functions under this Act.

65. Power of the Minister to make regulations.

- (1) The Minister may, upon recommendations by the Service, 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 for-
- (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 procedures applicable for the approval, suspension and denial of registration of importers and exporters of animals and animal products;
 - (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 veterinary officers, authorised officers and official laboratories in the exercise of their functions under this Act;
 - (h) the fees necessary to give effect to this Act, including the cost for inspections and analysis;
 - (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) rules and procedures applicable to the implementation of disinfection measures, official control measures and stamping-out programs;

- (k) rules and procedures on animal housing, feeding, transport and animal welfare;
 - (l) rules and procedures on abattoirs and meat inspection;
 - (m) preserving 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) any other matters deemed necessary to implement this Act.
- (2) Regulations made under subsection (1) shall comply with the OIE Code, and where there is inconsistency between the regulations and the OIE Code, the regulations shall be based on scientific justification .
- (3) The Minister shall ensure appropriate consultation with the relevant public and private entities relevant to the veterinary sector in the process of developing the regulations in subsection (1).

66. Repeal and conflicts.

- (1) The Animal Contagious Diseases Act Ch. 246 is hereby repealed.
- (2) The Act mentioned in the second column of the ____ Schedule is hereby repealed to the extent specified in the third column of that Schedule.
- (3) 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 66)**

REPEAL

Chapter No.	Short Title	Extent of Repeal
231	Health Services Act	Section 22

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, including animal breeding and animal welfare.

In order to achieve these objectives, sanitary measures shall be based on risk assessment, which is based on the available scientific evidence, undertaken in an independent, objective and transparent manner. The National Veterinary Service, (hereafter referred to as the Service) established under section 4 of the Bill, is the body charged with the implementation of this Act. The Service is required to observe, in so far as is possible, standards, guidelines and recommendations for sanitary measures set by the World Organization for Animal Health (OIE). Where relevant scientific evidence is insufficient, the Service may adopt sanitary measures on the basis of available pertinent information, including information from the OIE.

In order to minimize the negative effects of sanitary measures on trade, the SPS Agreement requires that these measures be applied only to the extent necessary to protect human, animal or plant life or health and that the sanitary measures are based on assessment of risk, taking into account scientific evidence, relevant processes and production methods, inspection, sampling and testing methods, specific diseases or pests, ecological and environmental conditions and, in the case of animal health, relevant economic factors. Furthermore, national SPS measures must not be applied in a manner that constitutes arbitrary or unjustifiable discrimination or a disguised restriction on trade.

Part I includes the short title and definitions.

Part II of the Bill provides for the administration of the Act and includes the establishment of a National Veterinary Service, which shall have responsibility for implementing the provisions of this Act.

Animal disease control measures are covered under Part III. Part IV provides for animal production. The import and export requirements and for consignments which are in transit through The Bahamas are covered provided under Part V of the Bill.

The offences and penalties for the same are outlined in Part VI. Miscellaneous provisions are covered under Part VII.