

Animal Health (Enforcement and Control) Regulations [2017]

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Schedule Fixed Penalty Notice

[Enabling powers, etc.]

Part 1 Preliminary

1 Citation and commencement

These Regulations may be cited as the Animal Health (Enforcement) Regulations [2017] and come into force on [date / procedure].

2 Interpretation

(1) In these Regulations

(a) words and expressions defined in section 2 of the Act have the meaning given in that Act;

(b) the Act means the Animal Health and Production Act 2016; and

(c) unless the context otherwise requires

“animal health inspector” means an animal health inspector designated under section 11 of the Act;

“animal health Regulations” means any regulations made under the Act, including these Regulations;

“animal health requirement” means, in respect of a person, any requirement applicable to that person under the Act, regulations made under the Act or in accordance any term or condition of any licence, certificate, permit or other authorisation issued to that person under the Act or regulations made under it;

“business operator” means any person who operates a business where that business or persons employed by that business are, in the course of their employment duties, subject to animal health requirements;

“emergency control notice” means an emergency control notice served under regulation 6; and

“zone” means any premises or any other area (whether on land or in water, including at sea).

(2) In these Regulations, an animal health requirement applicable to an employee of a business is an animal health requirement applicable to the business operator employing that person.

3 Application

These Regulations apply in relation to

(a) the enforcement of the Act;

(b) any Regulations made under the Act, unless expressly excluded.

Part 2 Enforcement Notices

4 Improvement notices

(1) If an animal health inspector has reasonable grounds for believing that a business operator is failing to comply with any animal requirements applicable to it, the authorized officer may serve an improvement notice on that business operator.

(2) An improvement notice served under paragraph (1) shall

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- (a) state the animal health inspector's grounds for believing that the business operator is failing to comply with the animal health requirements;
 - (b) specify the matters which constitute the business operator's failure to comply;
 - (c) specify the measures which, in the officer's opinion, the business operator must take in order to secure compliance;
 - (d) require the business operator to take those measures, or measures which are at least equivalent to them, within such period as may be specified in the notice; and
 - (e) inform the business operator of the right to appeal against the notice under section 64(1) of the Act.
- (3) Without limiting the generality of paragraph (2) an improvement notice may direct a person to
- (a) clean and disinfect premises or equipment;
 - (b) enhance operational and sanitary measures;
 - (c) modify or replace equipment;
 - (d) alter animal health, safety or welfare practices at any stage of the business process.
- (4) The period of time specified in paragraph (2)(c) shall take into account
- (a) the seriousness of the act of non-compliance and the level of animal health risk that presents;
 - (b) the extent and complexity of the modifications required in the business operator's practices, procedures or facilities and the capacity of the business operator to implement those modifications
- but in any case shall not be less than 14 days and shall be no longer than one year.
- (5) Any person who fails to comply with an improvement notice commits an offence.

5 Enforcement notices

- (1) If an animal health inspector
- (a) considers that there is a contravention of, or failure to comply with, an animal health requirement; and
 - (b) reasonably suspects that as a result of such contravention or failure to comply, there is a risk to human or animal health,
- the animal health inspector may serve an enforcement notice on that business operator.
- (2) An enforcement notice served under paragraph (1) shall
- (a) state the animal health inspector's grounds for believing that
 - (i) the business operator is contravening or failing to comply with animal health requirements; and
 - (ii) there is a risk to human or animal health;
 - (b) specify the matters which constitute the business operator's failure to comply;

- (c) specify the steps that must be taken in order to secure compliance;
 - (d) specify the date by which the steps must be taken; and
 - (e) inform the business operator of the right to appeal against the notice under section 64(1) of the Act.
- (3) Without limiting the generality of paragraph (2) an improvement notice may direct a person to
- (a) clean and disinfect premises or equipment;
 - (b) enhance operational and sanitary measures;
 - (c) modify or replace equipment;
 - (d) alter animal health, safety or welfare practices at any stage of the business process;
 - (e) modify or stop operations until the person has taken the remedial actions specified in the notice.

6 Emergency control notices

- (1) Where a veterinary officer reasonably suspects
- (a) on the basis of any information or knowledge that he acquires in the course of his duties; or
 - (b) on the basis of any formal notification made to him, another authorized officer or the Director pursuant to the Act or any Regulations made under it,
- that an animal establishment or any other area is infected or a disease poses a serious and imminent threat to animal or human health, the authorized officer may serve an emergency control notice on that business operator.
- (2) An emergency control notice may be served
- (a) on any person in charge of or in occupation of an animal establishment or other premises;
 - (b) any employee of an animal establishment present on the premises of that animal establishment; or
 - (c) if no person can reasonably be located or identified, by affixing it in a conspicuous place in the animal establishment or other premises.
- (3) Following service of a notice under paragraph (1), a veterinary officer or animal health inspector may enter the premises and on the premises or elsewhere require any person or take steps to
- (a) prevent, control or reduce the risk of the spread of disease;
 - (b) destroy or treat any infected animals or infected material;
 - (c) modify or stop operations until remedial actions have been completed.
- (4) A veterinary officer acting under paragraph (1) or (3) or an animal health inspector acting under paragraph (3) must, if requested to do so, show evidence of their authority to act.
- (5) Paragraph (1) does not apply in relation to any premises which are used wholly or mainly as a private dwelling, unless 24 hours notice has been given to the occupier.
- (6) Paragraph (1) does not affect any right of entry conferred by a warrant issued by a justice of the peace.

- (7) A veterinary officer or animal health inspector may be accompanied by such other persons and may bring onto the premises such equipment and vehicles, as the officer considers necessary.
- (8) A person accompanying an officer under paragraph (7)ô
 - (a) may remain on the premises and from time to time re-enter the premises without the officer;
 - (b) bring onto the premises any equipment or vehicle which the person considers necessary;
 - (c) carry out work on the premises in the manner directed by an officer.
- (9) A person accompanying an officer under paragraph (7) must, if so requested, show evidence of their authority given in that behalf by these Regulations.

Part 3

Control of Disease Outbreaks

7 Disease outbreak

- (1) Where a veterinary officer reasonably suspectsô
 - (a) on the basis of any information or knowledge that he acquires in the course of his duties; or
 - (b) on the basis of any formal notification made to him, another authorized officer or the Director pursuant to the Act or any Regulations made under it,

that an animal establishment or any other area is infected or a disease poses a serious threat to animal or human health, he shall designate a provisional zone to prevent or limit the spread of the disease.
- (2) Where the Director has reasonable grounds to believe that there is ô
 - (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,

he shall make a recommendation to the Minister, based on risk assessment, that a disease emergency be declared under section 19(1) of the Act.

8 Provisional zone

- (1) Where a veterinary officer reasonably suspectsô
 - (a) on the basis of any information or knowledge that he acquires in the course of his duties; or
 - (b) on the basis of any formal notification made to him, another authorized officer or the Director pursuant to the Act or any Regulations made under it,

that an animal establishment or any other area is infected or a disease poses a serious threat to animal or human health in any zone, he shall designate a provisional zone to prevent or limit the spread of the disease.
- (2) Where a veterinary officer has designated a provisional zone under paragraph (1) he shall immediately notify the Director of that designation.
- (3) Where a veterinary officer has designated a provisional zone under paragraph (1), the Director shallô

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- (a) take, or arrange to have taken, samples of or from any animal, premises, land or water in the provisional zone as may be necessary to establish whether the disease is present;
- (b) examine, or arrange to have examined, the samples in an official laboratory designated under section 15 of the Act;
- (c) place any animal establishment or other area, as appropriate, in the provisional zone under surveillance; and
- (d) where he suspects that the disease is present, initiate an epizootic investigation in order to determine
 - (i) the possible origin and means of contamination;
 - (ii) whether animals have left the provisional zone during the period preceding its designation;
 - (iii) whether other animal establishments have been infected.

9 Content and publication of provisional zone notices

- (1) A provisional zone notice shall
 - (a) state that the purpose of the notice is to declare a provisional zone, pursuant to section 21(2) of the Act;
 - (b) state the date on which it shall come into operation;
 - (c) specify the location and size of the zone being designated;
 - (d) specify the nature of the prohibitions, restrictions and requirements applicable within that area or any part of that area.
- (2) It is an offence for a person, except under, and in accordance with the requirements of, a provisional zone notice, to
 - (a) move any animal or animal product into, out of or within a provisional zone; or
 - (b) dispose of any animal (whether alive or dead) which comes from a provisional zone.
- (3) Without prejudice to anything which may be included in an emergency control notice under regulation 6, a provisional zone notice may
 - (a) prohibit or restrict the movement of any equipment, material or substances liable to transmit disease into, out of or within the provisional zone or any part of that zone;
 - (b) impose, in relation to the provisional zone or any part of that zone, such additional control measures as are considered necessary to prevent or limit the risk of the spread of disease to other animals.
- (4) The Director shall serve a copy of the provisional zone notice on any person he considers likely to be affected by the making of the designation.
- (5) A provisional zone notice may be amended, suspended or withdrawn by further notice.

10 Powers of animal health inspectors in a provisional zone

- (1) Without prejudice to (and subject to) the powers of animal health inspectors under section 12 of the Act, an animal health inspector may
 - (a) remove, slaughter or make arrangements to slaughter, destroy or dispose of any animal showing clinical signs of disease in the provisional zone;

- (b) cleanse and disinfect any premises in the provisional zone or anything on those premises liable to transmit disease.
- (2) Without prejudice to anything which may be included in an emergency control notice under regulation 6, an animal health inspector may, by emergency control notice served on the occupier of any premises in the provisional zone, require that person to
 - (a) take such measures as are specified in the notice to secure the slaughter, destruction, removal or disposal of any aquatic animal on the premises;
 - (b) provide and operate a disinfection facility at the entrances and exits of the premises in such manner as may be specified in the notice;
 - (c) cleanse and disinfect any premises or anything on those premises liable to transmit disease in such manner as may be specified in the notice;
 - (d) take such other measures as are specified in the provisional zone notice as the inspector considers necessary to eradicate the suspected disease or to prevent or limit the spread of the suspected disease to other aquatic animals.

11 Withdrawal of provisional zone notice

The Director shall withdraw a provisional zone notice if

- (a) he is satisfied that the suspected disease is not present, or is not likely to become present, in the provisional zone; or
- (b) an infected zone has been declared in an Order under section 21(4) of the Act.

12 Declaration of infected zone

(1) Where the Director has confirmed that

- (a) an animal establishment or any other area in the provisional zone is infected with a published notifiable disease or an emerging disease;
- (b) the disease poses a serious threat to animal or human health in The Bahamas, or any area within The Bahamas;

he shall make a recommendation to the Minister that an infected zone be declared under section 21(4) of the Act.

- (2) Where the Minister intends to declare an infected zone under section 21(4) of the Act, the Director shall provide advice on the demarcation of the zone and of the controls to be provided in the zone taking into account
 - (a) the disease profile;
 - (b) the geographical situation of the restricted zone;
 - (c) the ecological and hydrological factors and meteorological conditions of the restricted zone;
 - (d) the presence, distribution and type of vectors in the restricted zone;
 - (e) the results of any epidemiological enquiries and other epidemiological data and studies;
 - (f) the results of laboratory tests;
 - (g) the disease control measures applied;
 - (h) other relevant epidemiological factors.

13 Actions relating to infected zones

- (1) Where the Minister has declared an infected zone under section 21(4) of the Act, the Director shall
- (a) take, or arrange to have taken, samples of or from any animal, premises, land or water in the declared infected zone as may be necessary to monitor the presence of the disease;
 - (b) examine, or arrange to have examined, the samples in an official laboratory designated under section 15 of the Act;
 - (c) place any animal establishment or other area, as appropriate, in the declared infected zone under surveillance; and
 - (d) conduct further epizootic investigations as may be necessary in order to determine
 - (i) the possible origin and means of contamination;
 - (ii) whether animals have left the declared infected zone during the period preceding its declaration;
 - (iii) whether other animal establishments have been infected.
 - (e) take all necessary measures to fully inform persons in the infected zone of the restrictions in force and the nature of the disease control measures;
 - (f) impose the necessary obligations on operators in order to prevent the further spread of disease.
- (2) Without prejudice to any powers that may be exercisable by any person under section 21 of the Act, upon the declaration of an infected zone, the Director shall take or shall cause to be taken any of the following actions, as may be required
- (a) identify the establishments, food or feed businesses, animal by-products establishments or other locations where infected animals or animal products have been found;
 - (b) visit the establishments, food or feed businesses, animal by-products establishments or other locations where infected animals or animal products have been found, and, where necessary, examinations, sampling and laboratory examination of the samples taken;
 - (c) impose conditions for the movement of persons, animals, products, feed, vehicles and any other material or substance that may be contaminated or contribute to the spread of that listed disease within and from any restricted zone and transport through a restricted zone;
 - (d) biosecurity requirements for
 - (i) the production, processing and distribution of products of animal origin;
 - (ii) the collection and disposal of animal by-products;
 - (iii) cleaning, disinfection, control of insects and rodents;
 - (iv) other necessary biosecurity and risk-mitigating measures to minimise the risk of the spread of disease;
 - (v) the vaccination and treatment with other veterinary medicinal products of kept animals;

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- (e) the designation or where relevant, approval of a food business establishment for the purposes of the slaughtering of animals or the treatment of products of animal origin originating from the infected zone.
- (3) When determining which of the disease control measures provided for in paragraph (2) are to be taken, the Director shall take the following into account
 - (a) the disease profile;
 - (b) the types of production;
 - (c) the feasibility, availability and effectiveness of those disease control measures.
- (4) It is an offence for a person, except in accordance with any requirement or condition in the Order to
 - (a) sell, buy or otherwise trade any animal, animal product or animal-related item from an infected zone;
 - (b) move any animal, animal product or animal-related item into, out of or within an infected zone; or
 - (c) dispose of any animal (whether alive or dead) which comes from an infected zone.

14 Contents and publicity of infected zone Order

- (1) The measures to be taken by the Director referred to in regulation 13 shall be established by means of an infected zone Order, published by the Director in accordance with this Regulation.
- (2) An infected zone Order shall
 - (a) state the date on which it shall come into operation;
 - (b) declare any animal establishment or any other area is infected where the presence of the disease has been confirmed to be infected;
 - (c) specify the location and size of the area being designated;
 - (d) specify the nature of the prohibitions, restrictions, requirements and other conditions applicable within that area or any part of that area.
- (3) An infected zone Order shall be published in such manner and to such extent as the Director considers necessary.
- (4) The Director shall serve a copy of the infected zone Order on any person it considers likely to be affected by the making of the Order.
- (5) An infected zone Order may be amended, suspended or withdrawn by further notice.
- (6) It is an offence for a person to fail to comply with any prohibition, restriction or requirement imposed under an infected zone Order.

15 Powers of inspectors in an infected zone

- (1) An inspector may
 - (a) remove, slaughter, destroy or dispose of any animal suspected of being infected in the confirmed designation area;
 - (b) cleanse and disinfect any premises in the confirmed designation area or any thing on those premises liable to transmit disease.

- (2) An inspector may, by notice served on the occupier of any premises in the confirmed designation area, require that person to
 - (a) take such measures as are specified in the notice to secure the slaughter, destruction, removal or disposal of any animal on the premises;
 - (b) provide and operate a disinfection facility at the entrances and exits of the premises in such manner as may be specified in the notice;
 - (c) cleanse and disinfect any premises or any thing on those premises liable to transmit disease in such manner as may be specified in the notice;
 - (d) empty, cleanse and disinfect any vehicle, item of equipment or machinery or other thing on the premises in such manner as may be specified in the notice;
 - (e) take such other measures as are specified in the notice as the inspector considers necessary to eradicate the disease or to prevent or limit the spread of the disease to other animals.
- (3) An inspector may, by notice, prohibit any person from entering any farm or farming area in the infected zone.
- (4) It is an offence for a person to fail to comply with any requirement or prohibition imposed under this regulation.

Part 4

General Provisions as to Notices

16 Service of notices

- (1) A notice under these Regulations may be served on any person
 - (a) by delivering it to him personally;
 - (b) by leaving it for him at his usual or last known place of abode or business;
 - (c) by sending it in a prepaid registered letter addressed to him at his usual or last known place of abode or, where an address for service has been given by that person, at that address; or
 - (d) in the case of a body corporate, or other body, by delivering it to the Director or other officer of that body at its registered or principal office in The Bahamas, or by sending it in a prepaid registered letter addressed to the secretary or other officer of that body at that office.
- (2) Where a notice under these Regulations is to be served on the occupier or other person in charge of premises, and the last known place of abode or business of that person cannot be ascertained after reasonable inquiry, the notice shall be taken to be served seven days after it has been addressed to the occupier and affixed conspicuously to an object on the premises to which the notice relates.
- (3) Where a notice is served under these Regulations, an animal health inspector may, either in that notice or in a separate notice served on the owner or on such other person as appears to him to be in charge of the premises to which the notice relates, require the person on whom the notice is served to inform
 - (a) the Director of any change in the occupation of the premises to which the notice relates together with the date of such change and the name of the new occupier; and

- (b) the new occupier of the premises of the contents of the notice.

17 Coming into effect of notices

(1) Unless a notice specifies a later date

- (a) an emergency control notice shall come into effect at the time it is served; and
- (b) any other notice shall come into effect either 24 hours after it has been served.

18 Information as to compliance with notices

A person on whom a notice has been served, or is deemed to have been served, under these Regulations shall, if so required by an animal health inspector, immediately inform the animal health inspector whether the requirements of the notice have been complied with and, if they have been complied with, of the details of the steps taken in order to comply with those requirements.

19 Failure to comply with a notice

If any person fails to comply with a notice, other than a notice served under regulation 4, an animal health inspector may

- (a) take such steps as the inspector considers necessary to
 - (i) ensure compliance with the notice; or
 - (ii) remedy the consequences of the failure to comply with the notice;
- (b) recover any expenses reasonably incurred in so doing from any person who has failed to comply with the notice.

20 Costs of compliance

Unless the Director directs otherwise in writing, a notice served under these Regulations shall be complied with at the expense of the person on whom it is served.

21 Disapplication of control measures

(1) Any animal health requirement which prohibits or restricts the movement of any person or any thing do not apply to an animal health inspector acting in the execution of these Regulations.

**Part 5
Offences and Penalties**

22 False or misleading information

(1) It is an offence for a person, in relation to a notice served upon him

- (a) to make a statement which that person knows or suspects is false or misleading in a material particular; or
 - (b) intentionally to fail to disclose any material particular.
- (2) It is an offence for a person intentionally to make a false entry in any document or record required to be kept by virtue of an authorisation or a requirement under animal health Regulations.

23 Obstruction

- (1) It is an offence for a person
- (a) intentionally to obstruct any person acting in the execution of animal health Regulations;
 - (b) without reasonable cause, to fail to give any person acting in the execution of these Regulations or any other animal health requirement any assistance or information or to provide any facilities which that person may reasonably require the person to give or provide for the performance of that person's functions under animal health Regulations;
 - (c) knowingly or recklessly to give false or misleading information to any person acting in the execution of animal health Regulations;
 - (d) without reasonable cause, to fail to produce any document or record when required to do so by any person acting in the execution of animal health Regulations.
- (2) Nothing in paragraph (1)(b) shall be construed as requiring any person to answer any question if to do so might incriminate that person.

24 Offences subject to fixed penalty notices

- (1) Any offence for which, following conviction, the maximum penalty (whether specified in the Act or in regulations under it) includes a fine of ten thousand dollars or less shall be liable to a fixed penalty in accordance with this regulation and regulation 25.
- (2) The amount of a fixed penalty for an offence referred to in paragraph (1) shall be [20 per cent] of the maximum fine specified for that offence in the Act or regulations.

25 Fixed penalty notices

- (1) Where on any occasion an animal health inspector finds a person who he has reason to believe is committing, or has on that occasion committed, a fixed penalty offence, he may give to that person a fixed penalty notice offering him the opportunity of discharging any liability to conviction for that offence by payment of a fixed penalty.
- (2) Where a person is given a fixed penalty notice in respect of a fixed penalty offence
- (a) no proceedings shall be instituted for that offence before the expiration of the period for paying the fixed penalty; and
 - (b) he shall not be convicted of that offence if the fixed penalty is paid before the expiration of that period.
- (3) A fixed penalty notice shall
- (a) be in the form set out in the Schedule, or such other form as the Minister may prescribe;
 - (b) give such reasonable particulars of the circumstances alleged to constitute the offence to which the notice relates; and
 - (c) state
 - (i) the amount of the fixed penalty;
 - (ii) the period for paying the fixed penalty;
 - (iii) the person to whom and the address at which

- (A) the fixed penalty may be paid, and
 - (B) any correspondence relating to the fixed penalty notice may be sent;
 - (iv) the method or methods by which payment may be made;
 - (v) the consequences of not making a payment within the period for paying the fixed penalty.
- (4) The Minister may extend the period for paying the fixed penalty in any particular case if it considers it appropriate to do so by sending notice to the person to whom the fixed penalty notice was given.
- (5) If in any particular case the Attorney General considers that a fixed penalty notice which has been given ought not to have been given, he may give to the person to whom the fixed penalty notice was given a notice withdrawing the fixed penalty notice; and where notice under this subsection is given
 - (a) any amount which has been paid by way of fixed penalty in pursuance of the fixed penalty notice shall be repaid; and
 - (b) no proceedings shall be instituted or continued against that person for the offence in question.
- (6) In any proceedings, a certificate signed by or on behalf of the Minister and stating either
 - (a) that payment of a fixed penalty was, or (as the case may be) was not, received on or before a date specified in the certificate, or
 - (b) that an envelope containing an amount sent by post in payment of a fixed penalty was marked as posted on a date specified in the certificate,shall be received as evidence of the matters so stated and shall be treated, without further proof, as being so signed unless the contrary is shown.

26 Requirements for seized animals and other property

- (1) An animal health inspector may seize and detain
 - (a) any animal in order to safeguard the animal health of that animal; and
 - (b) any animal or other property that he suspects on reasonable grounds may provide evidence that an offence under this Act has been, is being, or is about to be committed.
- (2) Except where paragraph (3) applies, an animal or other property may only be seized under paragraph (1) by an animal health inspector if the inspector gives to the person who appears to him to be the owner of, or to be entitled to possession of, the object, a receipt identifying the object and indicating the date on which, and the place at which, it was seized.
- (3) Where the ownership of any animal or other property cannot at the time of intended seizure be ascertained, the animal or other property may be seized and shall be forfeited to the Government and shall be disposed of as directed by the Director after 90 days from the date of seizure if, within that time, it has not been possible to establish the ownership of the animal or other property.
- (4) Where, pursuant to paragraph (3), any animal or other property is sold, a purchaser for valuable consideration of any item sold shall derive good and unencumbered title in respect of that item.

- (5) The Director may, at any time until an information or charge is laid in respect of an alleged offence for which an animal or other property was seized, on application by
- (a) the person from whom the animal or other property was seized; or
 - (b) the owner or person entitled to the possession of the animal or other property seized;
- release the animal or other property to any such person under bond in such sum and under such sureties and conditions, if any, as the Director may specify.
- (6) The conditions referred to in paragraph (5) shall, where the item in question is an animal (whether alive or dead), include conditions relating to applicable animal health requirements.
- (7) Where a person to whom property is released under paragraph (5) fails to comply with the conditions of the bond
- (a) the property may be re-seized at any time at the direction of the Director;
 - (b) the Director may apply to the Court for release to the Authority of the bond;
 - (c) where the Director so applies the Court shall fix a time and place for the hearing of the application, and shall, not less than 7 days before the time fixed, cause to be served on every person bound by the bond a notice of the time and place so fixed; and
 - (i) if on the hearing of any such application it is proved to the satisfaction of the Court that any condition of the bond has not been kept, the Court may make an order to entreat the bond to such an amount as it thinks fit to any person bound thereby on whom notice is proved to have been served in accordance with this subsection; and
 - (ii) any penalty payable in accordance with this subsection shall be recoverable as if it were a fine.

27 Release of seized items upon decision not to proceed, acquittal and absence of forfeiture order

- (1) Where any item has been seized pursuant to the Act or these Regulations, upon
- (a) a decision being made not to lay an information or charge;
 - (b) the acquittal of any person charged with all offences with all the offences for which the item is subject to forfeiture; or
 - (c) the final disposition of all offences for which the item is subject to forfeiture, without any order for forfeiture have being made in accordance with the Act,
- such item, or the proceeds from the sale of such item, shall, subject to paragraph (2), be forthwith released from the custody of the Director to the person entitled thereto.
- (2) The Court may direct that the release of any item, or proceeds from the sale of such item under paragraph (1) shall be contingent upon all fines, penalties, orders for costs and other determination imposed by in respect of any of any

offence having been paid, and failing payment within such time allowed, such item be sold and the balance of the proceeds returned to the owner, his or her nominee or in the absence of the owner or any nominee, to the apparent owner in accordance with the Act or these Regulations after deducting all fines, penalties, orders, costs and other determinations under the Act or these Regulations and the costs for the sale.

28 Liability for loss, damage or deterioration of items in custody

The Government is not liable to any person for any loss, damage to, or deterioration in the condition or quality of, any animal or other property seized, taken possession of or detained or otherwise in its custody for purposes related to implementation or enforcement of animal health rules.

29 Owner's liability for loss, damage or costs incurred

A person who commits an offence against the Act or regulations may, upon conviction or upon payment of any fixed penalty fine, in addition to any fine or penalty imposed on that person under the Act or regulations, be held liable to the Government of The Bahamas for

- (a) any loss or damage caused by the offence;
- (b) any costs incurred in detecting, apprehending, investigating or prosecuting the offence; and
- (c) any costs incurred in detaining, seizing or looking after any animals in respect of that offence,

and the amount of compensation for such loss, damage or costs may be awarded by the Court as restitution in addition to, and recovered in the same manner as, a fine.

Regulation 25 **Error! Reference source not found.**

**Schedule
Fixed Penalty Notice**

FIXED PENALTY NOTICE

Pursuant to the Animal Health (Enforcement and Control) Regulations [2017]

To: _____ of _____

Place of Offence:

Date of Offence:

Time of Offence:

FIXED PENALTY: \$ _____.

YOU ARE HEREBY CHARGED as follows:

Statement of Offence: _____

contrary to _____

Maximum penalty: _____.

Particulars of Offence: _____

TAKE NOTICE that if, not later than 21 days from the date hereof, payment of the fixed penalty specified above is received as specified below by the Director of Veterinary Services, all liability in respect of the offence will be discharged and no further action will be taken.

HOWEVER, if the fixed penalty is not paid within the specified time you will be required to attend court to answer the charges set out above.

UNLESS-

(a) You admit the offence and plead guilty in writing; OR

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(b) An appearance is made on your behalf by a barrister and solicitor, in which case your personal attendance will be excused and the case will be disposed off in your absence.*

NOTICE: In case of default in payment within the time specified in the notice, the court may, if the person is found guilty by the court, impose a penalty which is more than the fixed penalty for the offence.

Signed í í í í í í í í í í í í
í í í í í í í í
Animal health inspector

Designation:

Date: _____

**see back of form for affidavit of Service*

AFFIDAVIT OF SERVICE
(To be completed in all cases)

I, _____ as the animal health inspector whose signature appears at the foot of the Fixed Penalty Notice above, make oath and say that, on the _____ day of _____ at _____ I did serve upon the accused person specified therein.

A true copy of that Fixed Penalty Notice.

Sworn by the above named Animal health inspector at this _day of _____

Before: _____

Justice of Peace or Commissioner of Oaths

Animal health inspector

WRITTEN PLEA OF GUILTY

I, _____ being the person named above
hereby enter a plea of guilty to the charge specified

Signed _____ Date: _____
