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**A BILL** to control the movement of animals, animal products and animal-related items into and within Saint Christopher and Nevis in order to prevent the introduction and spread of notifiable animal diseases within Saint Christopher and Nevis and other countries; to safeguard animal health; to provide for collaboration among Government Ministries and departments and regional and international organisations in the provision of veterinary public health; to establish standards for animal welfare in Saint Christopher and Nevis; and for other incidental matters.

**BE IT ENACTED** by the King's Excellent Majesty by and with the advice and consent of the National Assembly of Saint Christopher and Nevis and by the authority of the same as follows:

## **PART I PRELIMINARY**

### **Short title.**

1. This Act may be cited as the Animal Health Act, 2023.

### **Interpretation.**

2. In this Act, unless the context otherwise requires —

“**animal**” means an animal, whether domestic, wild, terrestrial, aquatic, genetically engineered or altered and includes -

- (a) mammals;
- (b) birds;

- (c) fish;
- (d) reptiles;
- (e) amphibians;
- (f) insects; and
- (g) eggs of any animal;

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

**“animal disease”** means the clinical and pathological manifestations of infection or infestation and animal diseases as set out in Schedule 2;

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

**“animal health status”** means the status of a country or a zone with respect to an animal disease in accordance with the criteria listed in the OIE Terrestrial Animal Health Code;

**“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 unique group identifier;

**“animal products”** means the derivatives of animals intended for human or animal consumption or for pharmaceutical, agricultural, industrial or domestic use;

**“animal parts”** means the bones and the bone-meal, untanned hides and skins, flashings, hooves, horns, claws, hair bristles, wool, feathers, offal, whether fresh or dehydrated blood, meat scraps of an animal or any other part of an animal other than the meat or offal intended for human or animal consumption which has been separated from the carcass;

**“animal-related items”** includes –

- (a) animal carcass, animal genetic material, animal parts, feed, and litter;
- (b) any packaging, container, equipment, or other appliances used on animals; and
- (c) objects or material capable of harbouring or spreading animal diseases;

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

**“CAHFSA”** means the Caribbean Agricultural Health and Food Safety Agency established by Agreement among member states of the Caribbean Community in Dominica on March 12, 2010, as continued by the Revised CAHFSA Agreement signed on February 25, 2011;

**“captain”** includes the master or person in charge or control of a sea-going vessel or aircraft;

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

**“competent authority”** means —

- (a) the Veterinary Authority referred to under section 5;
- (b) a public authority or public officer of another country charged with the duty of administering the laws of that country with respect to the importation and quarantine of animals; or
- (c) for the treatment of goods in free circulation in the Economic Union Area under Part VII, any regional body designated by the Organisation of Eastern Caribbean States to regulate matters relating to the importation, exportation and movement of animals, animal products, animal parts and animal carcasses;

**“containment zone”** means a defined zone around and including suspected or infected establishments, taking into account the epidemiological factors and results of investigations, where control measures to prevent the spread of the infection are applied;

**“Chief Veterinary Officer”** means the person having primary responsibility over animals within Saint Christopher and Nevis;

**“Customs Act”** means the Customs Act Cap. 20.04;

**“designated port of entry”** means any place at which a customs officer is authorised under the Customs Act to accept the entry of goods and to enforce the provisions of the various customs laws of Saint Christopher and Nevis;

**“disease”** means the clinical or pathological manifestation of infection or infestation;

**“disease-free zone”** means a zone in which the absence of the disease under consideration has been demonstrated by the requirements specified in the OIE Code for free status being met;

**“disinfection”** means the application, after thorough cleansing, of procedures intended to destroy the infectious or parasitic agents of animal diseases, including zoonoses and applies to premises, vehicles and different objects which may have been directly or indirectly contaminated;

**“dispatch”** means to take goods or cause goods to be taken outside Saint Christopher and Nevis to another OECS Protocol Member State;

**“Eastern Caribbean Economic Union”** means the Economic Union established pursuant to Article 1 of the Protocol of the Eastern Caribbean Economic Union of the Revised Treaty of Basseterre;

**“Economic Union Area”** means the collective territorial jurisdictions of OECS Protocol Member States;

**“Economic Union Area origin”** shall be construed in accordance with Article 5.2 of the Economic Union Protocol;

**“Economic Union Protocol”** means the Protocol to the Revised Treaty of Basseterre entitled the Protocol of Eastern Caribbean Economic Union;

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

**“establishment”** means any premises where there are animals, animal products, animal genetic material and animal related items;

**“export”** means to take goods or cause goods to be taken outside Saint Christopher and Nevis, to a third country and exportation has a corresponding meaning;

**“free circulation”** means the unhindered movement of goods within the Economic Union Area

(a) where the goods are of Economic Union Area origin; or

(b) after the goods have entered into the Economic Union Area and, at the first port of entry in the Economic Union Area —

- (i) have adhered to all applicable customs-related procedures and requirements associated with the clearance and release of goods upon importation; and

- (ii) all duties or other charges having equivalent effect which are payable on the goods have been levied, and the goods have not benefitted from any drawback of those duties or charges;

**“free compartment”** means a compartment in which the absence of the animal pathogen causing the disease under consideration has been demonstrated by all requirements specified in the OIE Code for free status being met;

**“fund”** means the Animal Disease Emergency Fund, established under section 15;

**“goods”** includes any tangible property, including personal property, livestock, conveyances, stores, baggage, documents, including in electronic form, currency and mail and packets imported by post, and includes prohibited or restricted goods; animals, animal products and animal-related items shall also be considered as goods;

**“import”** means to bring goods or cause goods to be brought into Saint Christopher and Nevis from a third country and importation has a corresponding meeting;

**“importer”** means anyone who, whether as owner, consignor, consignee, agent, broker or otherwise, is in possession of or is in any way entitled to the custody of animals, animal products or animal-related items landed or likely to be landed in Saint Christopher and Nevis from a third country;

**“infected zone”** means a zone in which a disease has been declared;

**“inspector”** means a veterinary inspector appointed under section 11;

**“international border inspection point”** means an airport that receives any aircraft operating an international flight, an undertaking that transports persons, animals, animal-related items or things internationally; a port that receives any ship sailing on an international voyage; or a warehouse or other facility that receives any packages for international air, water, rail or road traffic;

**“International Organisation for Standardization”** means the international non-governmental organisation responsible for developing and publishing international standards;

**“international standards”** means the standards articulated or promulgated by the OIE and accepted by Saint Christopher and Nevis;

**“international veterinary certificate”** means a certificate which describes the animal health requirements that are fulfilled by the exported animals, animal products or animal-related items;

**“ISO/IEC 17025”** means the standard containing general requirements for the competence of testing and calibration laboratories issued by the International Organisation for Standardization;

**“law enforcement officer”** includes a police officer;

**“listed animal-related item”** means an animal-related item which is included on the list published pursuant to section 35 as an animal-related item for which an international veterinary certificate or other health certificate is required for importation into Saint Christopher and Nevis;

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

**“Minister”** means the Minister responsible for livestock and veterinary services;

**“notifiable disease”** means a disease listed in Schedule 2;

**“occupier”** in relation to any land or building, means the person in actual occupation thereof, or if there is no person in actual occupation, the owner of the land or building;

**“OECS Protocol Member State”** means a State or territory that possesses membership in the Organisation of Eastern Caribbean States and is party to the Economic Union Protocol as listed in Schedule 1;

**“official control programme”** means a programme which is approved, and managed or supervised by the Veterinary Authority for the purpose of controlling a vector, pathogen or disease by specific measures applied throughout Saint Christopher and Nevis, or within a zone or compartment of Saint Christopher and Nevis;

**“Organisation of Eastern Caribbean States”** means the international organisation established by the Treaty of Basseterre signed on June 18, 1981 and continued under the Revised Treaty of Basseterre;

**“owner”** in relation to any item or thing, includes any person having for the time being the possession, custody or control thereof;

**“OIE”** means the World Organization for Animal Health;

**“OIE Code”** means the OIE Terrestrial Animal Health Code;

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

**“package”** means any container, box, covering, wrapper or any other thing in which animal products, or animal-related items are or have been or, are capable of being, imported, kept or conveyed from one point to another;

**“police”** means an authorised member of the Royal Saint Christopher and Nevis Police Force pursuant to the Police Act, Cap. 19.07;

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

**“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 with the premises, used for activities carried out in relation to animals, animal products or animal-related items;

**“prescribed”** means specified by this Act or Regulations or orders made under this Act;

**“provisional infected zone”** means a zone declared to be a provisional infected zone under section 21 (1) (b);

**“quarantine station”** means an establishment under the control of the Veterinary Authority where animals are maintained in isolation with no direct or indirect contact with other animals, to ensure that there is no transmission of a specified pathogen outside of the establishment while the animals are undergoing observation for a specified length of time and, if appropriate, tested and treated;

**“reportable disease”** a disease or condition listed in Schedule 2A;

**“Revised Treaty of Basseterre”** means the Revised Treaty of Basseterre establishing the Organisation of Eastern Caribbean Economic Union signed on June 18, 2010 in Gros Islet, Saint Lucia;

**“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, exportation or dispatch of goods and evaluating the biological and economic consequences of those risks;

**“sanitary measure”** —

(a) means a measure designed to protect animal or human health or life within a country from risks arising from the introduction or spread of an animal health hazard or animal disease;

(b) includes a test or treatment requirement, a processing requirement, an inspection or certification procedure, a quarantine confinement and a sampling procedure;

**“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;

**“stray animal”** means any animal not under direct control or ownership by a person, or not prevented from roaming;

**“subpopulation”** means a distinct part of a population identifiable in accordance with specific common animal health characteristics;

**“surveillance zone”** means a zone for the systematic ongoing collection, collation and analysis of information related to animal health and the timely dissemination of information so that action can be taken;

**“third country”** means a country other than an OECS Protocol Member State;

**“unhindered movement of goods”** means the ability of goods to move within the Economic Union Area with no intervention by customs authorities;

**“vehicle”** means an aircraft, train, vessel, motor vehicle, or other thing used to transport animals, animal products or animal-related items to which this Act applies;

**“veterinarian”** means an official veterinarian appointed under section 10;

**“Veterinary Act”** means the Veterinary Act Cap. 9.28;

**“Veterinary Authority”** has the meaning given to it by section 5;

**“veterinary medicinal product”** means any product with approved claims to having a prophylactic, therapeutic or diagnostic effect or to alter physiological functions when administered or applied to an animal;

**“veterinary officer”** means a person qualified to function as veterinary surgeon pursuant to the provisions of the Veterinary Act;

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

**“zone”** means a clearly defined part of a territory containing an animal subpopulation with a distinct health status with respect to a specific disease.

### **Application of Act**

3. For the purpose of the dispatch of any animals, animal products and animal-related items in free circulation from Saint Christopher and Nevis to another OECS Protocol Member State, the provisions of this Act apply with the necessary modifications to the animals, animal products and animal-related items, as those provisions apply to the movement of animals, animal products and animal-related items from one part to another part of Saint Christopher and Nevis.

### **4. Act to bind Crown**

This Act binds the Crown.

## **PART II ADMINISTRATION**

### **Continuation and functions of the Veterinary Authority.**

5. (1) The Veterinary Authority shall continue to operate as the competent authority with primary responsibility for the administration of this Act and shall be comprised of the following:

- (a) the Chief Veterinary Officer;
- (b) veterinary officers;
- (c) animal health assistants; and
- (d) Inspectors.

- (2) The functions of the Veterinary Authority shall be to—
- (a) monitor the implementation of this Act;
  - (b) establish and keep under review programmes and measures to prevent the introduction or spread of notifiable animal diseases within Saint Christopher and Nevis;
  - (c) develop and keep an up-to-date list of notifiable or reportable animal diseases for Saint Christopher and Nevis;
  - (d) develop and execute animal health sanitary and phytosanitary inspection and certification programmes;
  - (e) carry out surveillance and detection activities and maintain up-to-date information on the animal health status of Saint Christopher and Nevis;
  - (f) in collaboration with food safety authorities, regulate and carry out –
    - (i) inspections in slaughterhouses;
    - (ii) ante-mortem inspection of animals to be slaughtered for food; and
    - (iii) post-mortem inspection of slaughtered animals;
  - (g) develop animal health diagnostic and analytical capabilities;
  - (h) distribute information regarding notifiable animal diseases and the means of their prevention and control;
  - (i) carry out the inspection and certification of animals, animal products and animal-related items routinely;
  - (j) issue certificates relating to the health of any animal or to any period of quarantine of any animal in Saint Christopher and Nevis containing any information as is required by any country importing animals, animal products, or animal-related items from Saint Christopher and Nevis;
  - (k) monitor, evaluate and establish disease-free zones, free compartments, infected zones, containment zones, and areas of low prevalence for animal diseases;
  - (l) develop a system of health requirements and controls for animals and animal products produced, distributed and sold in Saint Christopher and Nevis, including but not limited to border and inter-island controls;
  - (m) oversee the training and development of inspectors;
  - (n) set up early warning systems and undertake emergency action for animal diseases, pathogens and toxic substances;
  - (o) establish, monitor, carry out, coordinate and evaluate detection, surveillance and monitoring programs relating to animal health and epidemiological matters;

- (p) develop and implement systems for animal identification and animal traceability;
- (q) notify the OIE of outbreaks of notifiable diseases and comply with regional and other international reporting requirements;
- (r) provide information regarding import and export regulations in force, and technical requirements for animals, and animal-related items, on request from any interested domestic, regional or international organization, or country, and comply with any reporting requirements;
- (s) inform and collaborate with the Ministry responsible for health or any other relevant agency, on any actions needed to manage risks to human health arising from an animal disease, toxic substance or other hazard;
- (t) carry out risk analyses;
- (u) evaluate sanitary measures taken by trading partners;
- (v) where appropriate, recommend to the Minister the imposition of quarantines;
- (w) participate in the work of the OIE and its subsidiary bodies, other competent authorities in Saint Christopher and Nevis and other OECS Protocol Member States, CAHFSA and other international and non-governmental and regional entities;
- (x) establish guidelines for the welfare of animals which are based on OIE standards;
- (y) coordinate with the Ministry responsible for health and the authorization and use of veterinary medicinal products;
- (z) regulate the importation and manufacture of animal feed and animal feed ingredients;
- (aa) where appropriate, authorize the importation and manufacture of veterinary medicinal products and, in collaboration with the Ministry responsible for health, monitor their distribution and use;
- (bb) establish health measures for animal markets and other significant animal gatherings;
- (cc) establish measures for the regulation of animal reproduction and the collection, processing and disposal of animal products;
- (dd) issue import permits, international veterinary certificates for export and sanitary certificates for dispatch;
- (ee) notify its network of competent authorities in Saint Christopher and Nevis and other OECS Protocol Member States and the OIE of outbreaks of notifiable diseases and comply with other international reporting requirements under regional and international bodies; and
- (ff) inform and collaborate with the Ministry responsible for Health, its network of competent authorities in Saint Christopher and Nevis and

OECS Protocol Member States and the OIE on any actions needed where an animal disease or threat may present an animal health hazard to humans.

### **Chief Veterinary Officer**

6. (1) The Public Service Commission shall appoint a Chief Veterinary Officer who shall be responsible for—
- (a) the day-to-day administration of the Veterinary Authority, including the efficient discharge of its functions in accordance with this Act; and
  - (b) making recommendations to or advising the Minister in accordance with this Act.
- (2) The Public Service Commission may appoint a Senior Veterinary Officer to assist during the absence, incapacity or vacancy in the post of the Chief Veterinary Officer who, when acting as the Chief Veterinary Officer, has the same powers and responsibilities as the Chief Veterinary Officer .
- (3) The Chief Veterinary Officer shall avoid acts which may give rise to a conflict between his private interests and his duties and responsibilities under this Act, or in which his private interests could improperly influence the performance of his duties and responsibilities under this Act.
- (4) If the Chief Veterinary Officer has an actual or reasonably perceived personal interest in any matter falling within the purview of the Veterinary Authority, he shall notify the Minister of such interest in the prescribed form.
- (5) If the Chief Veterinary Officer fails to comply with subsection (3), he or she commits an offence and is liable on conviction to a fine of twenty thousand dollars and any interest or benefit acquired as a result of such conflict of interest shall be forfeited.

### **Delegation of functions of the Veterinary Authority**

7. (1) Subject to subsections (1) and (2), the Veterinary Authority may, by agreement in writing between the Chief Veterinary Officer on behalf of the Veterinary Authority and a veterinarian or an inspector, delegate, for a prescribed period, any of its functions under this Act to the veterinarian or the inspector.

(2) An agreement made under subsection (1) shall set out the terms and conditions of the delegation, including —

- (a) the specific tasks covered by the delegation;
- (b) the control, supervision and financing of the delegation; and
- (c) the conditions for withdrawal of the delegation.

(3) The Veterinary Authority shall not delegate any of the following functions—

- (a) official liaison duties with other Ministries, or foreign authorities or any notification responsibilities;
- (b) approval of standards, requirements, rules or sanitary measures;
- (c) issuing import permits and sanitary certificates;
- (d) designation of emergencies, free compartments, disease-free zones, containment zones or infected zones; and
- (e) other functions as may be prescribed.

#### **Designation of approved laboratories.**

8. (1) The Minister may by Order, on the recommendation of the Chief Veterinary Officer, designate any diagnostic, research or other laboratory as an approved laboratory for the purpose of conducting specified or prescribed laboratory tests required to be done under this Act.

(2) An Order under subsection (1) may specify the tests or testing procedures which may be performed by an approved laboratory under this Act.

(3) The Minister may prescribe standards and criteria for the designation of official approved laboratories under this Act including compliance standards of impartiality and independence.

(4) A laboratory designated under subsection (1) shall meet the requirements set out in ISO/IEC 17025.

#### **Designation of reference laboratories.**

9. (1) The Minister may by Order, on the recommendation of the Chief Veterinary Officer, designate any diagnostic, research or other laboratory as a reference laboratory as may be necessary for the purposes of this Act.

(2) An Order under subsection (1) may specify the tests or testing procedures which may be performed by a reference laboratory under this Act.

(3) A reference laboratory shall –

- (a) be used for comparative testing in the case of conflicting results or confirmative testing in the case of contested results and shall ensure an appropriate follow-up of such comparative or confirmative testing;
- (b) ensure the dissemination to approved laboratories of information relating to testing procedures in relation to animal health;
- (c) provide scientific and technical assistance to the Veterinary Authority for the implementation of this Act; and
- (d) carry out such other duties as may be prescribed.

(4) Where a reference laboratory is located outside of Saint Christopher and Nevis the services of the reference laboratory may be procured by such contractual or other means as the Minister thinks fit.

(5) The Minister may, on the recommendation of the Veterinary Authority, prescribe additional standards and criteria for the designation of reference laboratories under this Act including compliance standards of impartiality and independence.

(6) A laboratory designated under subsection (1) shall meet the requirements set out in ISO/IEC 17025.

#### **Appointment of official veterinarians.**

**10.** (1) The Public Service Commission shall appoint and employ at such remuneration and on such terms and conditions as the Minister thinks fit, such number of veterinarians as may be necessary for the purposes of this Act.

(2) The Minister shall, on the advice of the Veterinary Board, prescribe the qualifications and experience required of veterinarians.

#### **Appointment of inspectors.**

**11.** (1) The Public Service Commission shall, on the advice of the Chief Veterinary Officer, appoint and employ at such remuneration and on such terms and conditions as the Minister thinks fit, such number of inspectors as may be necessary for the purposes of this Act.

(2) The Minister shall, on the advice of the Veterinary Board, prescribe the qualifications and experience required of an inspector.

(3) The Chief Veterinary Officer may exercise the powers conferred on an inspector under this Act.

### **Duties and responsibilities of inspector.**

**12.** (1) An inspector shall perform the duties assigned by, or on behalf of the Chief Veterinary Officer or delegated by the Chief Veterinary Officer under section 7 and shall perform his duties in accordance with any instructions issued by the Chief Veterinary Officer, and the hierarchical or other system of management determined by the Chief Veterinary Officer to be appropriate, whereby inspectors are entrusted with responsibilities according to rank or other specified basis.

(2) When performing an enforcement function under Part VII, an inspector may -

- (a) be accompanied and assisted by one or more police officers or such other persons as may reasonably be required for the performance of that function; or
- (b) use any aids, including any equipment or device, subject to compliance with any applicable law regarding the use of such aids.

### **Obligations of inspectors.**

**13.** (1) An inspector shall avoid acts which may give rise to a conflict between his private interests and his duties and responsibilities under this Act, or in which his private interests could improperly influence the performance of his duties and responsibilities under this Act.

(2) An inspector who has an actual or reasonably perceived personal interest in any matter falling within the purview of the Veterinary Authority shall notify the Chief Veterinary Officer of such interest in the prescribed form.

(3) An inspector who fails to comply with subsection (2) commits an offence and is liable on conviction to a fine of twenty thousand, and any interest or benefit acquired as a result of such conflict of interest shall be forfeited.

(4) Without prejudice to subsection (3), where the Chief Veterinary Office is notified, under subsection (2) or otherwise, of the interest of an inspector and such interest appears to the Chief Veterinary Officer to be in conflict with the duties or functions of the Veterinary

Authority, the Chief Veterinary Officer shall take such consultative or other measures as may be necessary in the circumstances to prevent the occurrence of such conflict, including the making of an appropriate recommendation to the Veterinary Authority where the circumstances warrant the revocation or suspension of the appointment of the inspector.

### **Identification of inspectors**

**14.** (1) The Chief Veterinary Officer shall issue an identification card to each person appointed as an inspector under this Act.

(2) When performing an enforcement function under this Act, an inspector shall, on demand by a member of the public in relation to whom a request is made or a directive is issued, produce the identification card issued under subsection (1).

### **Animal Disease Emergency Fund**

**15.** (1) There is established an Animal Disease Emergency Fund which is a special fund within the meaning of the Finance Administration Act.

(2) There shall be paid into the Fund —

(a) all monies allocated by the National Assembly for the purposes of dealing with animal disease emergency measures under this Act;

(b) donations, grants, awards and endowments by regional and international bodies intended for the purpose of animal disease emergencies; and

(c) any other contribution which shall be pre-approved by the Minister.

(3) The resources of the Fund must be made available to the Veterinary Authority on declaration of an animal disease emergency under section 23, in accordance with section 16(4).

(4) The Veterinary Authority shall —

(a) keep a record of all expenditure from resources made available to it under subsection (3); and

(b) within 3 months of revocation of the status of animal disease emergency under section 23 (8), provide to the Animal Disease Emergency Fund Committee established under section 16, an account of all expenditure in relation to the animal disease emergency in question.

(3) Subject to the provisions of this Act, the Minister shall, by Order, prescribe procedures for the management and use of the Fund.

### **Animal Disease Emergency Fund Committee**

**16.** (1) There is established an Animal Disease Emergency Fund Committee, hereinafter referred to as the “Committee”, which shall have responsibility for the administration of the Fund.

(2) The Committee shall be comprised of —

- (a) the Permanent Secretary in the Ministry responsible for Agriculture or his or her designate, who shall be the chairperson;
- (b) the Permanent Secretary in the Ministry responsible for finance or his or her designate;
- (c) the Chief Veterinary Officer;
- (d) the Commissioner of Police or his or her delegate; and
- (e) the Director of Public Health or his or her delegate.

(3) The Committee shall convene —

- (a) immediately upon the declaration of an animal disease emergency under section 23;
- (b) at such other times as the Committee may consider appropriate.

(4) The Committee shall authorise expenditure from the Fund under section 15(3) on presentation to the Committee by the Veterinary Authority of —

- (a) an emergency response plan; and
- (b) a provisional budget detailing the quantum of funds required and how the funds are to be allocated.

(5) Except as provided in this section or as may be prescribed, the Committee shall regulate its own procedure.

### **Audit and reporting**

**17.** (1) The Committee shall prepare and keep proper accounting records of all transactions in relation to the Fund.

(2) The Committee shall —

- (a) cause the Fund to be audited annually by the Director of Audit; and

(b) as soon as possible after the end of each financial year, but not later than 4 months, submit to the Minister, a report containing —

- (i) a detailed account of all transactions and activities in relation to the Fund during the financial year,
- (ii) a statement of the audited accounts certified by the Director of Audit, and
- (iii) any further relevant information with respect to the Fund and the results of emergency operations financed from the Fund.

(3) The Minister shall cause a copy of the report in subsection (2) (b) to be laid before Parliament within 3 months of receipt of the report.

(4) In this section “Director of Audit” means the Director of Audit appointed under section 82 of the Constitution;

### **PART III**

#### **ANIMAL DISEASE CONTROL**

#### **Animal health measures.**

**18.** The Veterinary Authority shall approve animal health measures and shall take into consideration the following principles when approving animal health measures —

- (a) harmonization with international standards;
- (b) risk assessment and science-based measures;
- (c) regionalization; and
- (d) being least-trade restrictive, necessary and proportional to the risk.

#### **Notifiable diseases and reportable diseases.**

**19.** (1) The Veterinary Authority shall periodically review and update the list of notifiable diseases in Schedule 2 based on risk analyses and make recommendations to the Minister, where necessary, to update the list.

(2) Where the Minister receives a recommendation pursuant to subsection (1) the Minister may, by Order, amend Schedule 2 to add or remove diseases from the list of notifiable diseases in accordance with the recommendation.

(3) An Order under subsections (2) shall be published in a daily newspaper of general circulation in Saint Christopher and Nevis for a period of at least two weeks and published in the Official Gazette in accordance with the laws of Saint Christopher and Nevis.

(4) A reportable disease is a disease set out in Schedule 2A that is not included on the list of notifiable diseases but which remains an issue of concern for the Veterinary Authority.

### **Animal disease surveillance system.**

20. (1) The Veterinary Authority shall establish—

- (a) an animal disease surveillance system to detect animal diseases or animal health hazards with the following minimum characteristics -
  - (i) representative coverage of target animal populations by field services;
  - (ii) effective disease investigation and reporting; and
  - (iii) laboratories capable of diagnosing and differentiating relevant diseases;
- (b) training programmes for veterinarians, including veterinarians not appointed under the Veterinary Act, veterinary para-professionals, livestock owners and other persons involved in the handling of animals for detecting and reporting unusual animal health incidents; and
- (c) a clear chain of command for detection, reporting and response to animal diseases and animal health hazards.

(2) Any person who detects or suspects the presence of a notifiable disease in any animal shall, within 24 hours, report their observations to the Veterinary Authority.

(3) Where a person ought reasonably to have known of or suspected the presence of a notifiable disease in any animal and failed to report his or her observation to the Veterinary Authority such person commits an offence and shall be liable on conviction to a fine not exceeding ten thousand dollars or to imprisonment for a term not exceeding three months.

### **Declaration of infected zone.**

21. (1) Where a veterinarian reasonably suspects that a notifiable disease exists in any premises, the veterinarian shall without delay—

- (a) notify the Chief Veterinary Officer of the suspicion;

- (b) declare a provisional infected zone;
- (c) post a notice to that effect in a conspicuous place within the limits of the zone, specifying the limits of the zone and indicating the preventative measures to be applied in the zone;
- (d) serve such notice upon any owner or occupier of any affected premises in the infected zone; and
- (e) provide a copy of the notice to the Veterinary Authority.

(2) Where the Veterinary Authority receives notice of a declaration of a provisional infected zone in relation to any premises, the Veterinary Authority shall conduct an investigation of the provisional infected zone within the prescribed period.

(3) Upon confirmation by the Veterinary Authority that the provisional infected zone is infected, the Chief Veterinary Officer shall, by notice in writing, recommend that the Minister declare the provisional infected zone to be an infected zone.

(4) If, following an investigation under subsection (2), the Veterinary Authority confirms that an area declared as a provisional infected zone is not infected, the Veterinary Authority shall, by notice in writing, declare the provisional infected zone to be free of infection.

(5) Where the Minister receives a recommendation pursuant to subsection (3), the Minister shall, by Order published in the Gazette, declare the provisional infected zone to be an infected zone.

- (6) An Order under subsection (5) shall specify—
- (a) the limits of the infected zone;
  - (b) the duties and responsibilities of persons within the zone;
  - (c) restrictions or prohibitions of the movement of animal products or animals of the species affected by the disease into or out of the zone; and
  - (d) that international trade in animals, animal products or animal-related items shall be controlled or restricted as appropriate to the situation.

(7) The Veterinary Authority shall continuously review the disease status of the infected zone to verify compliance with the Order and the Chief Veterinary Officer shall recommend to the Minister such revisions and updates as may be necessary.

#### **Revocation of declaration of an infected zone.**

22. (1) Where the Veterinary Authority determines that the circumstances that gave rise to the declaration of the infected zone are no longer present, the Chief Veterinary Officer shall recommend to the Minister that an Order under section 21(5) be revoked, and the Minister may revoke the Order.

(2) Where the Minister revokes an Order under section 21(5), the Veterinary Authority shall serve a notice to that effect upon any owner or occupier of the affected premises.

**Declaration of animal disease emergency.**

23. (1) Subject to subsection (2), where the Chief Veterinary Officer reasonably believes that there is an outbreak of a notifiable disease in Saint Christopher and Nevis, the Chief Veterinary Officer shall –

- (a) as soon as practicable, make a recommendation to the Minister to declare an animal disease emergency; and
- (b) where a zoonotic disease is suspected, immediately notify the Ministry responsible for health.

(2) A recommendation to the Minister made under subsection (1) (a) shall be based on investigations and laboratory confirmations carried out by the Veterinary Authority.

(3) Subject to subsection (4), the Minister may, on the recommendation of the Chief Veterinary Officer, declare an animal disease emergency by Order published in the Gazette.

(4) A declaration of an animal disease emergency shall be —

- (a) based on risk assessment or risk analysis carried out by the Veterinary Authority;
- (b) limited to the extent necessary to minimize the threat; and
- (c) time-bound and subject to periodic review and evaluation as may be specified in the contingency plan developed by the Veterinary Authority under section 24 (1).

(5) Upon the declaration of an animal disease emergency the Veterinary Authority shall implement the contingency plan for animal health developed by the Veterinary Authority.

(6) Any sanitary measures approved by the Veterinary Authority in case of a declaration of an animal disease emergency shall be proportionate to the threat that gives rise to the declaration of emergency.

(7) The Chief Veterinary Officer shall regularly update the Minister on the status of the animal disease emergency and, where the threat no longer justifies the continuation of the animal disease emergency, shall recommend to the Minister that the Order declaring the animal disease emergency be revoked.

(8) The Minister may by Order, on the recommendation of the Chief Veterinary Officer under subsection (7), revoke a declaration of an animal disease emergency.

### **Contingency plans for response to emergencies affecting animal health.**

**24.** (1) Subject to subsections (2) and (3), the Veterinary Authority shall develop contingency plans for emergencies affecting animal health.

(2) The Veterinary Authority shall take into account at least the following when developing contingency plans –

- (a) the disease control strategies available;
- (b) the implications of the use of different disease control strategies;
- (c) the most appropriate disease control strategy given different circumstances or disease outbreak scenarios;
- (d) the Veterinary Authority's capacity to respond to the emergency;
- (e) the geographical, ecological and epidemiological environments;
- (f) production and marketing practices; and
- (g) other factors considered necessary to control, stop the spread of, or eradicate animal disease.

(3) All contingency plans shall include—

- (a) the administrative and logistic organization of the institutions and persons responsible for responding to animal health, veterinary public health]<sup>1</sup> and food safety emergencies;
- (b) a clear command structure for response deployment; and
- (c) the specific measures needed to address risks to human or animal health.

(4) The Veterinary Authority shall collaborate with the Ministries responsible for health, finance the environment, trade, disaster preparedness and response management, law

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enforcement and other public authorities with a role in emergency response to implement and enforce the emergency plans developed under this section.

**Designation of disease-free zones, containment zones, free compartments and surveillance zones.**

25. (1) The Minister may, on the recommendation of the Chief Veterinary Officer, by Order published in the Gazette, declare a zone to be a disease-free zone, containment zone, free compartment or a surveillance zone as the case may be.

(2) A recommendation referred to in subsection (1) may be made only after the Veterinary Authority has established measures to maintain the status of disease-free zones, containment zones and surveillance zones as the case may be.

**Segregation of diseased animals and notification.**

26. (1) Any person having in his possession or under his charge an animal which is suffering or suspected of suffering from a notifiable disease shall—

- (a) keep the animal separate from other animals which are not diseased or suspected of being diseased; and
- (b) as soon as practicable but not later than twenty-four hours after becoming aware of that fact, notify an inspector, the Veterinary Authority or the person in charge of the nearest police station.

(2) Where the person to whom a notice under subsection (1)(b) is issued, is the person in charge of the nearest police station, he or she shall forthwith notify an inspector.

**Movement permit.**

27. (1) Subject to this Act, no person shall, without the written authority of an inspector under this section –

- (a) remove from or take into an infected zone or containment zone any animals, animal products or animal-related items; or
- (b) take any action contrary to a movement restriction or prohibition specified in an Order under section 21(5).

(2) Subject to subsection (3), where an inspector reasonably believes that any animals, animal products, animal-related items, or other things have been removed from or taken

into an infected zone or containment zone in contravention of subsection (1), the inspector shall—

- (a) seize such animal, animal product, animal-related item, or other thing, where there is an animal health risk;
- (b) return them to, or remove them from the infected zone or containment zone, or move them to any other place, or request the owner to do so, specifying the period within which and the manner in which the animals, animal products or animal-related items or other things are to be returned, moved or removed;
- (c) postpone the movement referred to in paragraph (b) for such period as the inspector may specify in a written notice; or
- (d) take any other sanitary measure, as necessary.

(3) The inspector shall, by notice in writing, justify the measures taken under subsection (2) and where the inspector wishes to make a request under subsection 2 (b), such written notice shall be delivered personally to the owner or the person having the possession, care or control of the animals, animal products or animal-related items or other things.

#### **Euthanizing of diseased animals.**

**28.** (1) An inspector may cause to be euthanized any animal –

- (a) suffering from a notifiable disease;
- (b) reasonably suspected of having a notifiable disease; or
- (c) which has been in the same place, or upon the same land, or in the same herd, flock or group as, or in contact with, any diseased animal or any animal reasonably suspected of having a notifiable disease, whether or not the place, land or area has been declared to be an infected zone.

(2) An inspector may, for the purposes of observation and treatment, take possession of and retain any animals liable to be euthanized under this section.

#### **Control measures.**

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

- (a) prohibit or regulate the movement of animals, animal products, animal-related items, persons and vehicles, within, into or out of an infected zone, disease-free zone or containment zone;
- (b) provide for the establishment of compartments and varying measures of control for each compartment;
- (c) seize, treat or dispose of animals, animal products or animal-related items that are or have been in such zone, or order the seizure, treatment or disposal of animals, animal products or animal-related items that are or have been in such zone; or
- (d) implement any disinfection measures, eradication measures, vaccination schemes, or official control programmes and stamping-out programmes.

### **Disposal of dead animals.**

**30.** Any animal euthanized under section 28 (1) or which dies as the result of a disease, shall be buried or otherwise properly disposed of as soon as practicable and in a manner that avoids the spread of pathogenic organisms, in accordance with this Act.

### **Compensation.**

**31.** (1) Subject to subsection (3), the Minister may, on the recommendation of the Veterinary Authority, make grants by way of compensation, out of moneys voted for that purpose by Parliament, to owners of animals euthanized under section 28(1).

(2) The amount of compensation for each animal euthanised pursuant to section 28 (1) shall be the fair market value of the animal immediately before being euthanised, 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 -
- (a) if the animal develops a prescribed or other infectious or contagious animal disease while in the designated quarantine station;
  - (b) if, in the reasonable opinion of the inspector, the animal shows symptoms of a disease, the spread of which would endanger animal health in Saint Christopher and Nevis;
  - (c) in respect of an animal compulsorily euthanized while in a quarantine station, if in the reasonable opinion of the inspector, the animal shows symptoms of a disease the spread of which would endanger animal health in Saint Christopher and Nevis;

- (d) to a person who commits an offence under this Act and claims compensation in respect of any premises or thing by means of or in relation to which the offence was committed.

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

**32.** The Veterinary Authority shall establish a system for the identification of animals and for animal traceability and shall collaborate with the government department responsible for food safety with regard to animal traceability and the traceability of animal products to be used for food for human consumption.

### **Registration of veterinary medicinal products.**

**33.** (1) Subject to subsections (2) and (3), no veterinary medicinal product shall be imported, manufactured, distributed, sold or used in Saint Christopher and Nevis, unless it is registered in accordance with prescribed procedures.

(2) The Veterinary Authority may make exceptions to the requirement for registration under subsection (1) for research or trial purposes or where it is satisfied that —

- (a) there are veterinary needs or emergencies that justify the importation, production or use of unregistered veterinary medicinal products; or
- (b) there is insufficient availability or affordability of registered veterinary medicinal products in response to a veterinary need.

(3) Subsection (1) shall not apply to traditional animal remedies prepared in Saint Christopher and Nevis and administered in accordance with customary usage.

(4) The Veterinary Authority shall coordinate with the Ministry responsible for health on the registration, authorized uses, prescription, sale and distribution of controlled veterinary drugs, including—

- (a) the designation of professionals that are entitled to prescribe veterinary medicinal products and the determination of the conditions and forms to be used for veterinary prescriptions;
- (b) the permitted uses of veterinary medicinal products, with the objective of minimizing or phasing out non-therapeutic uses;
- (c) data collection, record keeping and obligations of documentation and official notification linked to the prescription and use of antimicrobials;

- (d) the use of veterinary medicinal products including antimicrobials in feed; and
- (e) the sale and distribution of veterinary medicinal products and feed containing veterinary medicinal products, with special attention to antimicrobials, in particular, those used in human medicine.

## **PART IV IMPORT, EXPORT AND TRANSIT**

### **International border inspection point.**

**34.** (1) The owner or operator of an international border inspection point designated as a port of entry or exit shall, where required in writing by the Minister, provide and maintain adequate areas, offices, laboratories and other facilities, including buildings, accommodation, equipment, furnishings and fixtures, in order to facilitate inspection or for any other purpose related to the administration of this Act.

(2) Where the owner or operator of a designated port of entry fails to comply with the Minister's instructions issued under subsection (1), the Minister may cause the construction or repairs to be carried out and the owner or operator shall be liable for all reasonable costs incurred.

### **Import requirements.**

**35.** (1) The Veterinary Authority shall approve and publish the list of animals, animal products and animal-related items requiring an international veterinary certificate or other health certificate to be imported into Saint Christopher and Nevis.

(2) Upon the recommendation of the Veterinary Authority, the Minister may prescribe import requirements for —

- (a) animals, animal products and animal-related items; and
- (b) veterinary medicinal products, subject to subsection (4).

(3) Import requirements for animal products and animal-related items and products prescribed by the Minister under subsection (2), shall be based on international standards, or science-based risk assessment.

(4) The Chief Veterinary Officer shall collaborate with the Ministry responsible for health to approve import requirements for veterinary medicinal products.

(5) Import requirements issued under this section shall be kept under review and published by the Veterinary Authority.

(6) The Veterinary Authority shall approve and publish the list of animal-related items that require prior approval of the Veterinary Authority, and for animal-related items that do not require prior approval, the importer may submit such animal-related item directly for inspection at a port of entry.

(7) The Veterinary Authority shall specify the countries whose sanitary measures are deemed equivalent to those of Saint Christopher and Nevis and the list of products covered.

**Import permit.**

**36.** (1) Subject to subsection (5) and section 37 (2), no person shall import any animals, animal products or listed animal-related items unless—

- (a) the importation is in accordance with an import permit issued by the Veterinary Authority under this section;
- (b) the animals or animal products or listed animal-related items are accompanied by an international veterinary certificate issued by the Veterinary Authority of the exporting country, where required, or such other certificate issued by the Veterinary Authority of the exporting country; and
- (c) the importation is done through a designated port of entry.

(2) Any person who wishes to import any animal, animal product or animal-related item into Saint Christopher and Nevis shall apply to the Veterinary Authority for an import permit in the prescribed form and shall pay the prescribed fee.

(3) Upon receipt of an application made in accordance with subsection (2), the Veterinary Authority shall issue the applicant with an import permit in the prescribed form if it is satisfied that the applicant meets the prescribed requirements.

(4) An import permit issued pursuant to subsection (3) shall be subject to such terms and conditions as may be specified therein.

(5) For the purposes of this section, no import permit shall be required for the importation from approved countries of small quantities of approved animal products or animal-related items intended for personal use.

(6) Notwithstanding the provisions of subsection (5), the Minister may on the advice of the Veterinary Authority, prescribe limits on quantities of items that are brought in for personal use.

(7) The Veterinary Authority shall ensure that records are kept of all import applications made under this section and other import documentation in the prescribed form and for the prescribed period.

### **Restriction on importation.**

**37.** (1) Where, on the basis of a risk assessment or in accordance with the OIE guidelines, the Veterinary Authority is satisfied that the importation of animals, animal products or animal-related items may result in the introduction or spread of any vector, pathogen, disease or toxic substance, the Chief Veterinary Officer shall make a recommendation to the Minister to prohibit or restrict the importation into Saint Christopher and Nevis.

(2) Subject to subsection (3), the Minister may, on the recommendation of the Veterinary Authority under subsection (1), at any time prohibit or restrict the importation of any animal, animal product, animal-related item into Saint Christopher and Nevis.

(3) A restriction or prohibition done under subsection (2) shall be based on a risk assessment done by the Veterinary Authority which demonstrates that importation may result in the introduction or spread of any vector, pathogen, disease or toxic substance.

(4) Any animal which is imported contrary to a restriction or prohibition under subsection (2), unless exempted, shall, upon being landed, be placed in quarantine for such period and be subject to such conditions as may be prescribed.

(5) An inspector may refuse to permit the importation of—

- (a) any tack, harness, gear, rope, sling or other equipment which has been used in connection with any animal;
- (b) any cage, basket, box, crate or other container which has been used or is being used for the carriage of any animal, animal related-item or refuse; or
- (c) any instrument, tool or other utensil which has been used in connection with any animal or any of the things referred to in paragraph (b),

which the inspector reasonably believes is capable of carrying any notifiable or other infectious or contagious disease affecting animals.

(6) Where an inspector is satisfied that any equipment, container or utensil referred to in subsection (5) is capable of being disinfected, he may permit it to be landed in the country, subject to such conditions and directions relating to its disinfection in the prescribed port area where it is landed, as he or she shall impose in writing.

(7) Where any equipment, container or utensil is landed contrary to this section or any condition or direction imposed under this section, in addition to any penalty imposed under this Act, the equipment, container or utensil may be seized by an inspector and detained, destroyed or otherwise disposed of as the Veterinary Authority may direct.

#### **Arrival notification.**

**38.** A customs officer shall —

- (a) notify the Veterinary Authority of the arrival of any animals, animal products or animal-related items in the time and manner as prescribed; and
- (b) not release or dispose of any animals, animal products or animal-related items unless authorized by the Veterinary Authority.

#### **Inspection of imports.**

**39.** (1) Subject to subsection (2), an inspector shall inspect all animals, animal products, and animal-related items at the designated port of entry upon importation into Saint Christopher and Nevis.

(2) An inspector may, on the approval of the Veterinary Authority, conduct an inspection referred to in subsection (1) at a destination or facility other than a designated port of entry.

(3) A person who is desirous of an inspection of animals, animal products, and animal-related items at a destination or facility other than the designated port of entry shall apply to the Veterinary Authority in the prescribed form and pay the prescribed fee.

(4) The Veterinary Authority shall take the following into consideration when determining whether to approve a destination or facility for the inspection of animals, animal products and animal-related items, whether the -

- (a) importer has submitted an application in accordance with subsection (3);
- (b) animal products to be inspected are perishable;
- (c) container in which the animals, animal products and animal-related items are transported has been sealed and marked as prescribed; and
- (d) there is no risk of introduction or spread of disease.

(5) Upon inspection, where the inspector determines that the imported animals, animal products or animal-related items do not present any risk for the introduction and spread of disease, the inspector may release the imported shipment for clearance by customs or where the inspection is conducted at an approved destination, to the importer or person in charge.

(6) Upon inspection, where the inspector determines that the imported animals, animal products and animal-related items may result in the introduction or spread of a vector or a disease, or where the documentation accompanying the shipment fails to meet the prescribed requirements, the inspector shall —

- (a) inform the Veterinary Authority in a written report; and
- (b) subject to subsection (7), provide written notice to the importer of the following measures to be carried out within 7 days, and the grounds for imposing these measures —
  - (i) the taking of samples for submission to an approved laboratory for analysis;
  - (ii) the transfer of the shipment to a quarantine station or any other location identified by the Veterinary Authority for testing or disinfection;
  - (iii) treatment or disinfection of the shipment in order to remove the risk;
  - (iv) the return of the shipment to the country of origin; or
  - (v) the destruction of the shipment.

(7) The inspector may forego notice and carry out any of the actions specified in subsection (6) where the destruction of the goods is urgently required on humane grounds or the giving of notice is impracticable.

(8) Any action taken under this section shall be made on the basis of a risk assessment.

(9) Where an imported shipment lies unclaimed for a prescribed period after entry into Saint Christopher and Nevis, or after treatment, the Veterinary Authority in consultation with the Saint Christopher and Nevis Customs and Excise Department<sup>2</sup> may take action to dispose of such shipment.

(10) The cost of any action taken by the Veterinary Authority under subsections (6), (7) and (9) shall be borne by the importer.

(11) The Veterinary Authority shall bear no liability for actions taken in good faith for the destruction or disposal of animals, animal products or animal-related items that have been imported into Saint Christopher and Nevis in contravention of this Act.

### **Transportation of animals in transit.**

**40.** (1) Any person who wishes to transport animals, animal products or animal-related items through Saint Christopher and Nevis shall apply to the Veterinary Authority, in the prescribed form and manner, for a transit permit and shall pay the prescribed fee.

(2) Upon receipt of an application made in accordance with subsection (1), the Veterinary Authority shall evaluate the application and, where it is satisfied that the applicant meets the prescribed requirements, issue the applicant with a transit permit, which shall be subject to such terms and conditions as may be specified therein.

(3) At the port of entry the inspector may inspect animals, animal products or animal-related items that are in transit through Saint Christopher and Nevis to verify their animal health status.

(4) If an inspector detects that animals, animal products or animal-related items that are in transit have a notifiable disease, the inspector may –

- (a) refuse them entry;
  - (b) detain or confiscate them;
  - (c) apply sanitary treatment or action; or
  - (d) apply animal health measures; and
  - (e) promptly notify the Veterinary Authority.
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(5) An inspector may refuse entry to any animals, animal products or animal related-items if the international veterinary certificate that is associated with them is inaccurate or unsigned.

(6) The operator of a vehicle carrying animals, animal products or animal-related items stopping in a port or passing through a port situated in the territory of Saint Christopher and Nevis on their way to a port situated in the territory of another country shall comply with the conditions prescribed by the Veterinary Authority.

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

**41.** (1) Any person who intends to export animals, animal products or animal-related items from Saint Christopher and Nevis shall submit the animals, animal products or animal-related items and any prescribed document for examination by the Veterinary Authority.

(2) Where the Veterinary Authority is satisfied that the requirements of the importing country have been met, the Veterinary Authority shall issue an International Veterinary Certificate in the prescribed form, upon payment of the prescribed fee.

(3) If the Veterinary Authority is not satisfied that the animals, animal products or animal-related items intended to be exported meet the requirements of the importing country, the Veterinary Authority may –

- (a) direct the person referred to in subsection (1) to take the appropriate action to bring such animals, animal products or animal-related items in accordance with the requirements of the importing country; or
- (b) deny the application for the International Veterinary Certificate.

(4) For the purposes of issuing an International Veterinary Certificate the Veterinary Authority may—

- (a) cause to be carried out biological tests, vaccinations or disinfection procedures;
- (b) carry out inspection, 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) send advance notice to the importing country.

**PART V**  
**ANIMAL QUARANTINE**

**Quarantine stations.**

**42.** (1) Subject to subsection (2), the Minister may, on the recommendation of the Chief Veterinary Officer, designate such number of quarantine stations as the Minister considers necessary for the quarantine of animals required to be quarantined under this Act or under an import permit issued under this Act.

(2) Where the Minister designates a quarantine station under this section the quarantine station shall—

- (a) meet the international standards for the reception and quarantine of the animals to be received there; and
- (b) have available an inspector or veterinarian to provide veterinary attention at the quarantine station when necessary.

(3) Where a determination is made under this Act to place an animal in quarantine or a directive is given by an inspector in accordance with section 43 (1) for an animal to be placed in quarantine, the animal shall be quarantined at a designated quarantine station.

**Quarantine of animals.**

**43.** (1) An inspector or veterinarian may, with the approval of the Veterinary Authority, direct that an animal be placed in quarantine if he or she reasonably believes that the animal—

- (a) may be suffering from a notifiable or other infectious or contagious animal disease;
- (b) may have been in contact, during its transportation, with an animal which –
  - (i) is or may be suffering from a notifiable or other infectious or contagious animal disease;
  - (ii) has not been tested or inspected to determine if it is suffering from an animal disease; or
  - (iii) is not exempted from the requirement of being placed in quarantine;or
- (c) has otherwise been exposed to or is at risk of contracting a notifiable or other infectious or contagious animal disease.

(2) The Veterinary Authority may, where necessary, place an animal in quarantine upon being landed for import, for such period and subject to such conditions as may be prescribed.

(3) No person shall enter a designated quarantine station without the permission of the Veterinary Authority.

(4) If an animal is removed from a designated quarantine station without prior written authorization from the Veterinary Authority, an inspector may seize the animal and detain, euthanize, or dispose of it or return it to the quarantine station as the Veterinary Authority may direct.

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

#### **Euthanizing diseased animals.**

**44.** (1) Subject to subsection (2) and the approval of the Veterinary Authority, an inspector may euthanize an animal in a designated quarantine station without payment of any compensation where –

- (a) the animal develops a prescribed or other infectious or contagious animal disease while in the designated quarantine station; or
- (b) in the reasonable opinion of the inspector, the animal shows symptoms of a disease, the spread of which would endanger animal health in Saint Christopher and Nevis.

(2) Subject to subsection (3), the Veterinary Authority shall, before euthanizing an animal pursuant to subsection (1), give to the person who owns, or is in charge of the animal not less than two days' notice in writing of the intention to euthanize the animal.

(3) The Veterinary Authority may forgo issuing a notice where the animal must be urgently euthanized on humane grounds or the giving of notice is impracticable.

(4) Upon receipt of a notice issued pursuant to subsection (2), the owner or person in charge of the animal referred to in the notice may apply to Chief Veterinary Officer in the

prescribed form and within the prescribed period for review of the decision to euthanize the animal to which subsection (1) applies.

(5) A person aggrieved by a decision of the Chief Veterinary Officer made in relation to subsection (4) may apply, in writing, to the Minister for a review of the decision.

#### **Loss to be borne by importer.**

**45.** Any loss sustained with respect to any imported animal while being conveyed to, from or within a designated quarantine station, whether by accident or sickness arising from natural causes or contraction from any other animals or by destruction or detention in quarantine, shall be borne by the importer and no inspector nor the Veterinary Authority shall be liable for any loss or damage occasioned to any animal by any act of such inspector unless such loss or damage has been caused by wilful neglect.

#### **Release of animals from quarantine.**

**46.** Prior to the expiration of the prescribed period of quarantine, the inspector shall examine the quarantined animal and shall, by notice in writing, authorise the release of the animal into the custody of its owner, the importer or the consignee where the inspector is satisfied that –

- (a) the animal is free from disease; and
- (b) the expenses due have been paid.

#### **Failure to remove animal from quarantine.**

**47.** (1) Subject to subsection (2), if the owner, importer or consignee of a quarantined animal refuses or fails within seven days of receipt of a notice under section 46 to claim the animal or to pay any charges or expenses incurred with respect to the animal, it may be sold or euthanised<sup>3</sup> and the proceeds, if any, paid into the Consolidated Fund.

(2) If the amount realised from the sale of the animal exceeds the total amount of the charge and expenses payable in respect thereof, the balance of the proceeds, after deducting the amount of charges and expenses so payable shall be paid to the person entitled thereto.

## **PART VI ANIMAL WELFARE AND STRAY ANIMALS**

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<sup>3</sup> Member States to determine, at the national level, whether to retain or delete the words “or euthanised”.

### **Prohibition of maltreatment of animals.**

**48.** No person shall torture, beat, injure, mutilate or neglect any animal, or treat any animal with cruelty.

### **Welfare of animals.**

**49.** (1) Any person who owns, or is in charge of an animal shall provide such animal with—

- (a) a sufficient and suitable diet;
- (b) access to sufficient and clean water;
- (c) proper shelter and housing which is -
  - (i) appropriate for the animal's behavioral patterns; and
  - (ii) sufficient to protect the animal from unsuitable weather conditions;
- (d) veterinary care when needed to treat and prevent suffering and disease;
- (e) suitable accommodation during transportation; and
- (f) humane care and treatment.

(2) No owner or person in charge of an animal shall cause or permit an act, or an omission, that causes unnecessary suffering to an animal.

### **Stray animals.**

**50.** The Veterinary Authority shall, in collaboration with the Ministry responsible for health, the environment and agriculture, approve measures to—

- (a) control the populations of stray animals, including programs and strategies to control animals which may pose a risk for public health or security; and
- (b) contain and control notifiable diseases, including zoonoses in stray animal populations.

## **PART VII**

### **TREATMENT OF GOODS IN FREE CIRCULATION IN THE ECONOMIC UNION AREA**

## **Treatment of animals, animal products or animal-related items moving within the Economic Union Area**

**51.** (1) Where animals, animal products or animal-related items have been found compliant with all applicable import requirements under this Act, the Customs Act and any other relevant enactments at the first port of entry in the Economic Union Area, such animals, animal products or animal-related items may circulate freely within the territory of first entry and the Economic Union Area.

(2) Animals, animal products and animal-related items of Economic Union Area origin may circulate freely within the Economic Union Area.

(3) Where an animal, animal product or listed animal-related item is dispatched from an OECS Protocol Member State to Saint Christopher and Nevis, the animal, animal product or listed animal-related item may be subject to inspection on arrival in Saint Christopher and Nevis, in accordance with the procedures under section 39, unless the animal, animal product or listed animal-related item is accompanied by a sanitary certificate from the competent authority of the OECS Protocol Member State of dispatch, issued within 7 calendar days of its arrival in Saint Christopher and Nevis.

(4) Notwithstanding the provisions of subsection (3), notice of importation of an animal, animal product or listed animal-related item shall be given to the Veterinary Authority at least three days prior to arrival within the Federation and may be subject to inspection.

### **Sanitary certificate**

**52.** (1) A person who intends to dispatch an animal, animal product or listed animal-related item from Saint Christopher and Nevis may submit the animal, animal product or listed animal-related item for examination by the Veterinary Authority.

(2) Where, upon examination, an inspector —

- (a) is satisfied that the animal, animal product or listed animal-related item is free of any risk for the spread of disease, the veterinary inspector may issue a sanitary certificate in the form prescribed in Schedule 3 upon payment of the prescribed fee;
- (b) is not satisfied that the animal, animal product or animal-related item is free of any risk for the spread of disease, the veterinary inspector shall —
  - (i) subject the animal, animal product or animal-related item to appropriate sanitary treatment in order to remove the risk, or
  - (ii) deny issuance of the sanitary certificate, giving reasons in writing.

(3) For the purposes of issuing a sanitary certificate, the veterinary inspector may —

- (a) carry out inspection, approval and certification procedures;

- (b) carry out biological tests, vaccinations or disinfection procedures;
- (c) observe animals during transport to the place of shipment and at the point of departure; and
- (d) send advance notice to the competent authority of the receiving OECS Protocol Member State.

### **Network of agriculture, health and food safety competent authorities**

**53.** (1) The Veterinary Authority shall liaise with the competent authorities for agriculture, health and food safety in Saint Christopher and Nevis and OECS Protocol Member States to form a network for the purposes of —

- (a) developing an agriculture, health and food safety risk management system for the Economic Union Area;
- (b) making recommendations for adoption by OECS Protocol Member States of agriculture, health and food safety regulations, standards, guidelines and protocols in keeping with international standards;
- (c) promoting the harmonisation of sanitary and phytosanitary standards in the Economic Union Area;
- (d) making recommendations for the modernisation of the agriculture, health and food sectors in OECS Protocol Member States;
- (e) developing and maintaining a database in respect of key aspects of agriculture, health and food safety in the Economic Union Area;
- (f) sharing with competent authorities and other relevant agencies, statistics and other relevant information required under this Act, from the database in paragraph (e); and
- (g) monitoring that sanitary and phytosanitary measures are implemented in a transparent and non-discriminatory manner.

(2) The Veterinary Authority, as part of the network of competent authorities under subsection (1), shall liaise with, accept advice and implement recommendations from CAHFSA, in relation to animal health matters.

### **Application of common procedures, principles and risk management system to facilitate the free circulation of goods in the Economic Union Area**

**54.** (1) The Veterinary Authority shall collaborate with CAHFSA for the purposes of developing and implementing a common Risk Management System, which includes —

- (a) a common risk classification matrix;
- (b) common risk procedures;
- (c) common inspection procedures;
- (d) common import requirements and procedures in respect of certification, licensing and import permits;
- (e) a common pest list; and
- (f) a common list of prohibited products for importation.

(2) The common Risk Management System developed under subsection (1) shall be approved by the Minister before implementation.

### **Information Sharing**

**55.** The Veterinary Authority may retrieve, update, and share relevant information required under this Act through —

- (a) the OECS Customs Information System or any system replacing it; and
- (b) any alert system developed for use regionally or internationally, and accessible to OECS Protocol Member States.

### **Animals, animal products or animal-related items not permitted to circulate freely in the Economic Union Area**

**56.** Notwithstanding section 51(1) and (2), the animals, animal products and animal-related items listed in Schedule 6 may not circulate freely in the Economic Union Area and are subject to the import and export procedures and requirements under Part IV.

(2) The Minister may, in consultation with the Veterinary Authority and with relevant Ministers of the other OECS Protocol Member States, by order published in the *Gazette*, revise Schedule 4 to add, remove or update information related to animals, animal products or animal-related items.

## **PART VII ENFORCEMENT**

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

**57.** (1) An inspector may inspect and examine any animals, animal products or animal-related items.

(2) Subject to subsection (3), except for a dwelling place, an inspector may, without a warrant, but upon the presentation of his or her identification card —

- (a) enter any slaughterhouse, premises, vehicle, port facility or other place where activities in relation to animal health or veterinary public health are being carried out, or are suspected of being carried out, for the purpose of determining whether this Act is being or has been violated, and may—
    - (i) inspect or search such premises, and examine any animals, or open and examine any animal products, animal-related items, objects or substances which are, or are suspected of being, used in activities relating to animal health or veterinary public health;
    - (ii) require the owner or person in charge of such premises to submit any information or documentation regarding such animals, animal products, animal-related items, objects or substances;
    - (iii) weigh, count, measure, mark, open, take photographs, read any values of any instruments;
    - (iv) subject to subsection (4), take samples of any animals, animal products, animal-related items or other things on the premises;
    - (v) examine, make copies of or take extracts from any book, statement or other document found at such premises that the inspector believes, on reasonable grounds, contains any information relevant to this Act, and demand from the owner or any person in charge of the premises an explanation of any entry in it;
    - (vi) inspect any operation, process or system used or carried out on such premises;
    - (vii) seize any animals, animal products, animal-related items, appliances, products, materials, objects, substances, books, statements or documents which appear to provide proof of a contravention of any provision of this Act, providing a signed receipt in the prescribed form, detailing the reasons for the action, which shall be countersigned immediately by the owner or person in charge of such premises, animal or object;
    - (viii) order the destruction or disposal of carcasses of diseased animals or any portion of such carcasses of diseased animals<sup>4</sup>;
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- (ix) issue notices and order modifications in the animal premises if not in compliance with this Act;
  - (x) order the seizure of animals for the purpose of further testing and analysis;
  - (xi) prohibit the movement of animals, animal products and animal-related items; and
  - (xii) decontaminate or disinfect or order the decontamination or disinfection of any vehicle, premises, place or thing.
- (b) in relation to any animal, apply tests, use vaccines and apply marks as may be reasonably necessary for the purposes of this Act;
  - (c) stop and search any vessel, container or vehicle, upon entry into, movement within or exit from Saint Christopher and Nevis; <sup>5</sup>
  - (d) for a prescribed period, stop the distribution, sale or use of any animals, animal products or animal-related items which the inspector reasonably believes are infected with or may spread a notifiable disease; and
  - (e) require the owner or person in charge of animals, animal products, animal-related items or premises to give—
    - (i) assistance or carry out instructions as may be reasonably necessary to facilitate the exercise of the inspector's functions or to implement the provisions of this Act; and
    - (ii) information as may be reasonably necessary in connection with the control or prevention of any animal disease or for the implementation of this Act.

(3) An inspector may, after taking reasonable steps to notify the owner or occupier of a dwelling place of the date and time at which he or she intends to enter same, enter the dwelling place for the purpose of carrying out any of the functions specified in subsections (1) and (2) -

- (a) with the consent of the owner or occupier; or
- (b) without the consent of the owner or occupier, on the authorisation of a warrant issued by a magistrate.

(4) Where an inspector exercises powers conferred by subsection (2) (a) (iv), he or she shall –

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- (a) divide the sample into approximately three equal parts;
- (b) ensure that each sample is numbered and securely sealed in a manner that does not permit it to be opened without breaking the seal;
- (c) hand over one part thereof to the seller or person responsible for the animals, animal products or animal-related items and the other two parts to be submitted to an approved<sup>6</sup> laboratory for tests; and
- (d) ensure, as far as practicable, that sampling is carried out in such a manner as to prevent cross-contamination of the sample.

(5) Where an inspector is satisfied that the captain of a vessel or owner of a vehicle has failed to comply with a requirement of this Act or with a condition imposed pursuant thereto and such failure poses a veterinary health hazard, the inspector may

- (a) detain the vessel or vehicle and notify the Chief Veterinary Officer and the Comptroller of Customs of the detention; and
- (b) immediately provide a written and signed notice of detention, setting out the particulars of the non-compliance, to the captain of the vessel or owner of the vehicle.

(6) Upon receipt of a notification under subsection (5) (a), the Chief Veterinary Officer shall, without delay, take the appropriate sanitary action to prevent veterinary health hazards.

(7) An inspector, performing a function under this section, may request the presence and assistance of a law enforcement officer as he or she considers necessary.

(8) Where an inspector has reasonable grounds for believing that an owner or person in charge of animals, animal products, animal-related items or premises has failed to comply with this Act, he may serve a written notice on the owner or person in charge

- (a) stating the grounds for believing that the Act is not being complied with;
- (b) specifying the measures which the inspector deems that the owner or person in charge shall take in order to remedy the failures referred to in paragraph (a);
- (c) requiring the owner or person in charge to implement those measures, or measures which are at least equivalent to them, within the time period specified in the notice.

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<sup>6</sup>

(9) In performing a function under this section, an inspector shall identify himself or herself as an inspector by showing his or her identification card or other proof of his or her appointment or designation as an inspector.

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

### **Storage and removal of seized animals.**

**58.** An inspector who seizes and detains animals, animal products or animal-related items or other things under this Act, may —

- (a) require its owner or the person having the possession, care or control of it at the time of seizure to remove it to any place; or
- (b) store it at the place where it was seized or remove it to any other place for storage.

### **Prohibition on interference with seized animals.**

**59.** Unless authorized in writing by the Veterinary Authority, no person shall remove, alter or interfere in any way with any animals, animal products or animal-related items or other things seized and detained under this Act.

### **Limitations on detention of animals etc.**

**60.** Animals, animal products, animal-related items or other things seized and detained under this Act shall not be detained after—

- (a) a determination by an inspector that the animals, animal products or animal-related items or other things are in conformity with the provisions of this Act; or
- (b) the expiration of one hundred and eight days<sup>7</sup> after the date of seizure, or any other period as may be prescribed, unless before that time proceedings are instituted in relation to the animals, animal products or animal-related items or other things, in which case they, or the proceeds from their disposition, may be detained until the proceedings are finally concluded.

### **Confiscation and disposal animals etc.**

**61.** (1) The Veterinary Authority may dispose of animals, animal products or animal-related items or other things, or require the owner or person in charge thereof to dispose of them, where—

- (a) the animals, animal products or animal-related items or other things have been in contact with or in close proximity to another animal, animal product or animal-related item or other thing that was, or is suspected of having been, infected or contaminated by a notifiable disease, causative agent of a disease, or a toxic substance at the time of contact or close proximity;
- (b) the animals, animal products or animal-related items or other things are, or are suspected of being, infected or contaminated by a disease or a toxic substance;
- (c) the animals, animal products or animal-related items or other things are, or are suspected of being, vectors, the causative agents of a disease or a toxic substance; or
- (d) disposal is required to prevent suffering or otherwise ensure animal welfare.

(2) An inspector may confiscate and dispose of any animals, animal products or animal-related items that, after their entry into Saint Christopher and Nevis and treatment, remain unclaimed for a prescribed period of time.

- (3) An inspector who confiscates animals, animal products or animal-related items —
- (a) shall, as soon as practicable and no more than seven days after the action taken, advise the owner or person in charge of the reason for their confiscation and issue a written notice of confiscation; or
  - (b) may forego advising the owner of the reason for the confiscation if —
    - (i) in the circumstances, it is impractical to give reasons for the confiscation; or
    - (ii) the situation requires emergency action, in which case written notice shall be provided to the owner or person in charge as soon as is practicable after the action has been carried out.

**Animal-related item moving by post.**

**62.** Animal-related items being moved by post shall be subject to requirements administered jointly by the postal service and the Veterinary Authority.

**Offences.**

**63.** (1) A person commits an offence if he or she, either personally or indirectly through an employee or an agent—

- (a) fails to comply with any order, direction or permit lawfully made or granted under this Act;
- (b) attempts to improperly influence an inspector in the exercise of his functions under this Act;
- (c) imports animals, animal products or animal-related items without a permit or certificate, where required, or otherwise contrary to any requirements specified under this Act;
- (d) fails to allow a search or inspection authorised under this Act;
- (e) carries out activities which require a permit or other authorisation by the Veterinary Authority without receiving such permit or authorisation;
- (f) knowingly or recklessly provides information which is false, for the purpose of obtaining any document under this Act;
- (g) alters, forges, defaces, or destroys any document issued under this Act;
- (h) tortures or treats an animal contrary to animal welfare requirements;
- (i) possesses, sells, offers for sale, transports, imports, exports or dispatches any animals, animal products or animal related-items knowing that they are infected or contaminated or may transmit a notifiable disease, or intentionally permits or causes the introduction or spread of any notifiable disease;
- (j) imports animals, animal products or animal related-items otherwise than through a designated port of entry;
- (k) exports or dispatches animals, animal products or animal related items otherwise than in accordance with this Act;
- (l) assaults, resists, threatens, or wilfully obstructs any officer or agent of the Veterinary Authority during the course of his or her lawful exercise of powers conferred under this Act;
- (m) impersonates an inspector; or
- (n) otherwise contravenes a provision of this Act,

and shall be liable on summary conviction to a fine not exceeding thirty thousand dollars, or to imprisonment for a term not exceeding two years or both.

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

- (a) any director, manager, secretary;

- (b) other similar officer of the body corporate, or
- (c) any person who is purporting to act in any such capacity,

such director, manager, secretary or other officer as well as the body corporate, commits that offence and shall be liable on summary conviction to a fine not exceeding one hundred thousand dollars or to imprisonment for a term not exceeding five years or both.

### **Offences by officials.**

**64.** (1) An inspector, analyst or staff of the Veterinary Authority commits an offence if he or she—

- (a) agrees to do or abstains from doing, permits, conceals, or connives in doing any act or thing contrary to the proper execution of his or her official duties under this Act;
- (b) discloses any confidential information acquired in the performance of his official duties relating to any person, firm, or business, except when required to do so by his or her supervisor in the course of official duties, or where ordered to do so by any court;
- (c) in connection with any official duty, directly or indirectly asks for or takes any payment, gratuity or other reward to which that inspector is not entitled;  
or
- (d) otherwise abuses his or her powers granted under this Act,

and shall be liable on summary conviction to a fine not exceeding fifty thousand dollars or to imprisonment for a term not exceeding two years or both.

(2) An inspector who is convicted of an offence under subsection (1) shall be dealt with in accordance with the provisions of the Public Service Act and regulations as it relates to the discipline of public officers.

### **Procedure for offences.**

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

(2) The Chief Veterinary Officer shall determine whether the matter shall be forwarded to the police for further investigation or whether an administrative penalty is applicable.

(3) Where a matter has been forwarded to the police] in accordance with subsection (2), the police shall carry out an investigation and shall, where appropriate, issue a summons ordering the person accused of contravening the Act to appear before a magistrate.

**Certain offences may be dealt with administratively.**

**66.** A person who commits an offence described in section 63 or 64 may, subject to this Act, elect to have that offence dealt with administratively in accordance with sections 67 to 70.

**Prosecution avoidance notice.**

**67.** (1) Subject to subsections (2) and (4), if the Chief Veterinary Officer is satisfied that a person has committed an offence referred to in section 63 the Chief Veterinary Officer may, in such form as may be prescribed, and subject to the approval of the Director of Public Prosecutions, notify the accused person of the particulars of the alleged offence and that he or she may elect to have the offence dealt with administratively by the Chief Veterinary Officer by the payment of a prosecution avoidance penalty in lieu of prosecution for the offence, in the amount and within the period specified in the notice.

(2) A prosecution avoidance notice shall—

- (a) be in the prescribed form;
- (b) set out the circumstances alleged to constitute the offence to which the notice relates; and
- (c) state the —
  - (i) amount of the prosecution avoidance penalty, which shall be twenty per cent of the maximum of the amount of any fine or fines that are specified under this Act in respect of the offence to which the prosecution avoidance notice relates;
  - (ii) period for paying the prosecution avoidance penalty, which shall not exceed twenty-one days from the date of the alleged offender's receipt of the prosecution avoidance notice;
  - (iii) person to whom and the address at which the prosecution avoidance penalty may be paid and any correspondence relating to the prosecution avoidance notice may be sent;
  - (iv) method or methods by which payment may be made; and
  - (v) consequences of not making a payment within the period specified for the payment of the prosecution avoidance penalty.

(3) The Chief Veterinary Officer may extend the period for payment of the prosecution avoidance penalty in any particular case if he considers it appropriate to do so by notifying to the person to whom the prosecution avoidance notice was given.

(4) Subsection (1) shall not apply to a person who has paid or has agreed to pay a prosecution avoidance penalty under this Act on two or more occasions within the period of two years immediately preceding the date of the commission of the act which would otherwise be the subject of a prosecution avoidance notice.

(5) In determining whether to grant approval for the Chief Veterinary Officer to issue a prosecution avoidance notice under subsection (1) the Director of Public Prosecutions shall give consideration to whether the facts alleged to have been committed by the accused person are of such a serious nature that it would not, having regard to the amount of the prosecution avoidance penalty, be in the national interest to permit the offence to be dealt with administratively.

#### **Procedure for payment.**

**68.** (1) A person notified under section 67 (1) shall, within 14 days of the date of receipt of the notice, notify the Chief Veterinary Officer, in the prescribed form, of whether he or she elects to pay the prosecution avoidance penalty or be prosecuted for the offence.

(2) A prosecution avoidance penalty shall be paid before the expiry of the twenty-one day period specified under section 67(2)(c) where an accused person notifies the Chief Veterinary Officer under subsection (1) of his or her election to have the offence dealt with administratively.

#### **Effect of payment of prosecution avoidance penalty.**

**69.** The payment of a prosecution avoidance penalty shall not constitute a conviction for any offence under this Act and shall indemnify the accused person from prosecution for the offence.

#### **Outstanding prosecution avoidance penalty a debt to the state.**

**70.** The amount of an outstanding prosecution avoidance penalty constitutes a debt due to the State and is recoverable by legal action at the suit of the Chief Veterinary Officer on behalf of the State.

#### **Procedure for challenging alleged breach.**

**71.** (1) A person to whom a prosecution avoidance notice is addressed and who wishes to challenge the alleged breach may, instead of paying the amount specified in the notice, apply to the Chief Veterinary Officer for a reconsideration of the matter.

(2) A person aggrieved by a decision of the Chief Veterinary Officer made under subsection (1) may, within the prescribed period and in the prescribed manner, appeal to the Magistrate's Court.

(3) The decision of the Magistrate's Court shall be final.

### **Forfeiture.**

**72.** (1) Where a person is convicted of an offence under this Act, the court may, on its own motion or at the request of any party to the proceedings, in addition to any penalty imposed, order that any animals, animal products or animal-related items or other things by means of or in relation to which the offence was committed or any proceeds realized from their disposition, be forfeited to the State or otherwise disposed of as the Court may direct.

(2) Where the owner or person in charge of animals, animal products or animal-related items or other things is convicted of an offence under this Act and a fine is imposed, the animals, animal products, animal-related items or other things may be —

- (a) detained until the fine is paid;
- (b) sold in satisfaction of the fine; or
- (c) euthanized or destroyed, as the case may be, at the expense of the owner or person in charge thereof.

(3) Where the court does not order the forfeiture of any animals, animal products or animal-related items or other things, the animals, animal products or animal-related items or other things, or any proceeds realized from their disposition shall be returned to the owner or person in charge thereof at the time of seizure.

### **Good faith defence.**

**73.** An action, suit or other proceedings shall not be brought or instituted personally against any person in respect of any act done by him or her under any power granted to or duty imposed on him or her under this Act.

### **Application for review, or reconsideration.**

**74.** (1) Subject to subsection (3), where a person to whom this subsection applies is not satisfied with a decision or action taken by an inspector, veterinarian or a member of staff of the Veterinary Authority, he may, within 14 days of the date of that decision, apply to the Minister in the prescribed form for a review of the decision through administrative proceedings.

(2) Subject to subsection (3), where a person to whom this subsection applies is not satisfied with a decision or action taken by the Chief Veterinary Officer he may, within 14 days of the date of that decision, apply to the Minister in the prescribed form for a reconsideration of the decision through administrative proceedings.

(3) Subsections (1) and (2) apply to —

- (a) the importer or exporter of animals, animal products or animal-related items;
- (b) any person expressly permitted under this Act to apply to the Chief Veterinary Officer for a review or reconsideration;
- (c) any person who has made an application for permission or a certificate in respect of any benefit or matter under this Act or who is aggrieved by the manner in which any right or interest in any matter has been dealt with by any person under this Act;
- (d) the agent of a person referred to paragraph (a) or (c); and
- (e) any person in relation to whom a prosecution avoidance notice was issued in accordance with section 67.

(4) An application for review or reconsideration under subsection (1) or (2), respectively, shall —

- (a) state the grounds on which the application is based; and
- (b) be accompanied by any documentation or other information relied upon in support of the request for review or reconsideration.

#### **Proceedings for application for review or reconsideration.**

**75.** (1) The Minister shall consider an application made under section 74 as soon as may be practicable after its receipt and, after taking into account any further submissions of the person making the application, endeavour to make a decision as soon as may be practicable but not later than forty five days of the date of filing of the application for review or reconsideration.

(2) The Minister shall ensure that a Minute Book is kept in which shall be recorded, the proceedings of all administrative matters considered under this section.

(3) This section shall not affect any power conferred by any written law to claim goods in case of a seizure or the taking of samples or to commence legal proceedings at any time prior to the payment of a fine or penalty.

**Decisions of the Chief Veterinary Officer in review or reconsideration proceedings.**

**76.** Where the Minister considers an application for review or reconsideration, the Minister may –

- (a) restore anything seized under this Act, subject to such conditions as the Minister considers necessary;
- (b) impose, reinstate, revoke, mitigate or remit penalties or fines as the case may be, in respect of offences dealt with administratively under this Act; or
- (c) seize animals, animal products, animal-related items or other things.

**Appeal.**

**77.**

Any person aggrieved by the decision of the Minister made under section 76 may, within the prescribed time and in the prescribed manner appeal to the Magistrate's Court.

**PART VIII  
MISCELLANEOUS**

**Documents.**

**78.** (1) Subject to subsection (2), a document required to be furnished to the Minister, the Veterinary Authority or an inspector under this Act may be furnished in electronic form.

(2) Where a document referred to in subsection (1) is furnished in electronic form, an original hard copy of the document shall be furnished to the Minister, the Veterinary Authority or an inspector within a reasonable period after the document is furnished in electronic form.

### **Duty to assist and cooperate.**

**79.** Customs, port, airport, airline, postal shipping, police and local authorities shall assist inspectors in the performance of their functions under this Act by providing such facilities and assistance as the Veterinary Authority may request from time to time.

### **Presumptions.**

**80.** (1) Subject to subsection (3), in any prosecution for an offence under this Act, a declaration, certificate, report or other document of the Veterinary Authority or an analyst, inspector or police officer, purporting to have been signed on behalf of the Veterinary Authority or the analyst, inspector or police officer, is in the absence of evidence to the contrary, proof of the matters asserted in it.

(2) In any prosecution for an offence under this Act, a copy of an extract from any record or other document that is made by the Veterinary Authority or an analyst, inspector or police officer under this Act as a true copy or extract is admissible in evidence.

(3) In any proceedings under this Act, any laboratory tests purporting to be signed by the director or head of an approved laboratory or by an analyst shall be accepted as *prima facie* evidence of the facts stated therein, provided that —

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

### **Minister may amend Schedule.**

**81.** The Minister, in consultation with the Veterinary Authority, may by Order amend the Schedules.

### **Regulations.**

**82.** (1) The Minister may, on the advice of the Veterinary Authority, make regulations which he or she considers appropriate to give effect to the provisions of this Act.

(2) Without prejudice to the generality of subsection (1), regulations made under subsection (1) may provide for all or any of the following matters —

- (a) procedures for delegating a function of the Veterinary Authority to an inspector and the terms and conditions applicable to a such a delegation;
- (b) designating ports of entry at which animals, animal products or animal-related items or other things, may be landed and imported as well as points of entry at which animals, animal products or animal-related items or things intended for importation may be inspected;
- (c) the movement of animals, animal products or animal-related items or other things into, within, or out of any infected place, infected zone, infected compartment, containment zone, disease-free zone or free compartment;
- (d) the examination, inspection, cleansing, euthanasia or destruction, disposal, seizure and detention of animals, animal products or animal-related items or other things;
- (e) prescribing risk assessment studies as the basis for approving sanitary measures under this Act;
- (f) prescribing the documents and their contents, which are to be provided in connection with the importation or landing of animals, animal products or animal-related items, as well as the certificate which is to be issued by the competent authority of the country from which such animals, animal products or animal-related items are to be exported;
- (g) the fees to be charged under this Act and the persons to whom they are to be paid and the manner in which they may be recovered;
- (h) animal welfare rules, including rules for —
  - (i) the euthanizing of animals for disease control purposes;
  - (ii) the control of stray animal populations;
  - (iii) slaughter of animals for human consumption;
  - (iv) the transport of different species of animals carried by air, land or sea;
  - (v) housing, handling and feeding of animals; and
  - (vi) the use of animals for research purposes, for exhibitions, zoos or recreational purposes, including sports and companionship;
- (i) the marking of animals and other things imported into Saint Christopher and Nevis by tagging or in any other manner, whether as a condition of landing or otherwise;
- (j) animal identification systems and packaging and labelling of animal products for tracing back to the country of origin;

- (k) the application of any test for any notifiable or other infectious or contagious disease or of any treatment, vaccination or inoculation to animals imported into Saint Christopher and Nevis;
- (l) requirements, procedures and forms required for the import, export, dispatch, arrival and transit of animals, animal products and animal-related items into, within or from Saint Christopher and Nevis;
- (m) the quarantine of animals, the duration of the quarantine to be imposed on each category of animal, the category of animals to be exempted, and the circumstances under which exemption may be granted;
- (n) the stations to be used for animal quarantine, designating different stations where quarantine may be done, the requirements relating to the operation of quarantine stations and international transport facilities;
- (o) the premises to be used for animal quarantine;
- (p) procedures to be followed by inspectors, analysts and approved laboratories in the exercise of their functions under this Act;
- (q) the cleansing and disinfection, and the subjection to quarantine of vessels used for the transportation of animals to Saint Christopher and Nevis;
- (r) contingency plans for emergencies affecting animal health;
- (s) prescribing the time at which, the mode by which and conditions under which, animals may be euthanized and disposed of;
- (t) the diseases to be classified as notifiable diseases;
- (u) causing or requiring notice to be given of the appearance of any disease or toxic substance among animals;
- (v) animal health actions and treatments on any place or thing that is likely to contain a vector or to be contaminated by any disease or toxic substance;
- (w) requirements for ante and post mortem examination;
- (x) requirements for animal reproduction;
- (y) procedures for the gathering of animals in markets or farms;
- (z) the regulation, the import, manufacture, distribution, use or export of veterinary drugs;
- (aa) requirements for the transport, and euthanizing of animals;
- (bb) regulating animal feeds;
- (cc) establishing standards for livestock production systems;
- (dd) in consultation with the Ministry responsible for health, the prescription of veterinary medicinal products, and the regulation of persons who produce, sell, distribute, export or import veterinary medicinal products;
- (ee) the procedures for determining fair market value of any animal or thing for which compensation may be payable; and
- (ff) any other matter required to be prescribed under this Act or for the better carrying out of the provisions of this Act.

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

**83.** The standards for animal health and welfare applied under this Act shall be consistent with the standards of the OIE and the Codex Alimentarius Commission, as appropriate.

### **Savings and transitional.**

**84.** (1) All regulations in effect on the coming into force of this Act shall continue in force as if they were issued under this Act, except where they conflict with, and until they are replaced by, regulations made under this Act.

(2) Where a document refers expressly, or by implication, to the Animals (International Movement and Diseases) (Control) Act Cap 9.03, the reference shall, except where the context otherwise requires, be construed as a reference to the corresponding provisions of this Act.

(3) Subject to subsection (4), in so far as any permit or certificate issued under the Animals (International Movement and Diseases) Act could have been issued under this Act, such permit or certificate shall, if effective immediately before the coming into force of this Act, have effect subsequently until the date of expiry specified in such permit or certificate, as if it had been issued under this Act.

(4) The Minister may, by Order, revoke or modify any permit or certificate granted by authority of Animals (International Movement and Diseases) (Control) Act.

### **Repeal.**

**85.** The Animals (International Movement and Diseases) Act Cap. 9.03 is repealed.

SCHEDULE 1

*(Section 2)*

OECS PROTOCOL MEMBER STATES

Antigua and Barbuda  
Commonwealth of Dominica  
Grenada  
Montserrat  
Saint Christopher and Nevis  
Saint Lucia  
Saint Vincent and the Grenadines

## SCHEDULE 2

(section 19)

### Notifiable Diseases

#### Notifiable Diseases

African Horse Sickness	Leukosis (Marek's Disease)
African Swine Fever	Lumpy Skin Disease
Amblyomma variegatum and other	Lyme Disease
Amblyomma Species	Maedi – Visna
American Foul Brood	Malignant Catarrhal Fever
Acariasis of Bees	Mango, Ovine (or Sheep Scab)
African Bee	Myxomatosis
Avian Infectious Bronchitis	Newcastle Disease
Atrophic Rhinitis	New World Screwworm
Anthrax	Nosemosis of Bees
Blue Tongue	Para-tuberculosis (Johne's Disease)
Bovine Leukosis	Peste Des Petits Ruminants
Bovine Spongiform Encephalopathy	Pox
Bovine Viral Diarrhoea	Psittacosis Ornithosis
Brucellosis	Psuedo rabies (Anjesky's Disease)
Bubonic Plaque	Pullorum Disease
Cafrine Arthritis Encephalitis	Rabies
Campylobacteriosis (Vibriosis)	Rift Valley Fever
Classical swine fever	
Chronic Respiratory Disease	Rinderpest
Contagious Bovine Pleuro- Pneumonia	Salmonellosis
Contagious Equine Metritis	
Cowdriosis	Sarcoptic Mange in horses
Dermatophilosis	Scabies
Duck Viral Enterit	Scrapie
Duck Hepatitis	Shigellosis
	Surra and Trypanesom Vivax Infection
Enzootic Bovine Leukosis	Swine Erysipelas
Epicoetic Abortion (Chlamydial)	Swine Fever (or Hog Cholera)
Epizootic Lymphangitis	Swine Vesicular Disease
Equine Encephalomyclitis	Teschens Disease
Equine Infectious Anaemia	Theileriasis
Equine Influenza	Trichomoniasis
European Foul Brood	Trypanosomiases (including Dourine or Mal de Coit), Mal de Caderas
Foot and Mouth Disease	

Fowl Cholera  
 Fowl Plaque (Avian Influenza)  
 Fowl Typhoid  
 Glanders (or Farcy)  
 Haemorrhagic Septicaemia  
 Herpes Virus Group  
  
 Infectious Bovine Rhinotracheitis  
  
 Infectious Laryngotracheitis

Tuberculosis  
 Tularaemia  
 Ulcerative Lymphangitis  
 Varroasis  
 Vesicular Stomatitis  
 Viral Haemorrhagic Septecemia of  
 fish  
 Viral Haemorrhagic Disease of  
 rabbits  
 Virus Pneumonia  
 Yellow Fever

SCHEDULE 2A

Reportable Diseases

Dermatophilosis  
 Leptospirosis

SCHEDULE 3

(Section 52)

SANITARY CERTIFICATE

[NAME OF STATE] <b>VETERINARY AUTHORITY</b> [Insert address and contact details] <b>SANITARY CERTIFICATE</b>	Certificate Number:
	Date of issue:
	Expiry date:

*(For dispatch of animals, animal products and listed animal-related items)*

I, the undersigned, certify that I have examined the undermentioned animal/animal product/animal-related item (*delete as appropriate*) for dispatch within the Economic Union.

I find the animal/animal product/animal-related item (*delete as appropriate*) to be free from symptoms of infectious or contagious disease and fit to circulate freely in the Economic Union..

The animal is wholesome and fit for human consumption (*where applicable*)

Animal/animal product/animal-related item: Net weight: Marks:	
Consignee: State:	
Dispatched by: State:	

Comments:.....

.....

Veterinary inspector

[seal/stamp of Veterinary Authority]

*This certificate is valid for a period of 7 days.*

*\*Certificate to be issued on date of examination*

**SCHEDULE 4**

*(Section 56)*

Animals, animal products or animal-related items not permitted to circulate freely within the Economic Union Area or a territorial jurisdiction therein

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Lanein Blanchette  
Speaker

Passed by the National Assembly this      day of      , 2023

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Trevlyn Stapleton  
Clerk of the National Assembly