

THE ANIMAL HEALTH BILL, 2010

MEMORANDUM

The objects of this Bill are to—

- (a) provide for the appointment of the Director responsible for veterinary services and other staff and define their powers and functions;
- (b) provide for the prevention and control of animal diseases;
- (c) provide for the quarantine of animals;
- (d) regulate the importation and exportation of animals, animal products, animal by-products, articles and animal feed;
- (e) establish the Animal Disease Control Fund;
- (f) repeal and replace the Stock Diseases Act, 1961; and
- (g) provide for matters connected with, or incidental to, the foregoing.

A. J. SHONGA,
Attorney General

N.A.B. 26, 2010
2nd July, 2010

THE ANIMAL HEALTH BILL, 2010

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A BILL

ENTITLED

An Act to provide for the appointment of the Director responsible for veterinary services and other staff and define their powers and functions; provide for the prevention and control of animal diseases; provide for the quarantine of animals; regulate the importation and exportation of animals, animal products, animal by-products, articles and animal feed; establish the Animal Disease Control Fund; repeal and replace the Stock Diseases Act, 1961; and provide for matters connected with, or incidental to, the foregoing.

ENACTED by the Parliament of Zambia.

Enactment

PART I

PRELIMINARY

1. This Act may be cited as the Animal Health Act, 2010. Short title
- 5 2. In this Act, unless the context otherwise requires— Interpretation
 - “animal ” means any mammal other than a human being, a bird, a fish, a reptile or an amphibian, which is a member of the Phylum vertebrates, and includes a bee, butterfly and any other insect used in the production of animal products including the carcass of such animal;
 - 10 “ animal by-product ” means any part or entire body of an animal or products of animal origin that are not intended to be eaten by human beings;

“ animal feed ” means—

(a) any—

(i) substance obtained by a process of crushing, gristing or grinding or by the addition to any substance or removal there from of 5 any ingredient;

(ii) condimental foodstuff or mineral substance which possesses, or is alleged to possess, nutritive properties; or

(iii) substance of animal origin; which is intended 10 or offered for the feeding of animals; or

(b) any stock lick or substance which can be and is used as a stock lick, whether or not it possesses medicinal properties;

but does not include straw, chaff, hay, silage, cereal 15 in the grain or any substance which has been crushed, gristed or ground for a farmer in accordance with the farmer’s directions for own use, unless such substance has been declared by the Minister, by notice in the *Gazette*, to be animal 20 feed for the purposes of this Act;

“ animal product ” means any meat, meat product or product of animal origin for human consumption, for use in animal feeding or for pharmaceutical or agricultural use, and includes an embryo, ova, semen, blood, bone or bone meal, 25 hide, skin, horn, fat, honey, unprocessed wool and feathers;

“ animal quarantine station ” means a place where any animal, animal product, animal by-product or article may be kept for observation, research, inspection, testing, treatment, detention or destruction for the purposes of disease control 30 and prevention;”article” includes gear, harness, seed, grass, forage, hay, straw, manure or any other thing likely to act as a carrier of any disease;

“ border inspection post ” means a veterinary inspection post near or at the border or the point of entry designated 35 by the Minister, by statutory instrument;

“ carcass ” means the carcass of an animal, and includes part of a carcass, and the meat, bone, hide, skin, feather, hoof, horn, offal, fur, wool, teeth or any other part of an animal; 40

“ cattle ” means bulls, cows, heifers, calves, steers and oxen;

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- “ Chairperson ” means a person appointed as such under section *sixty-seven*;
- 5 “ check point ” means a point where any animal, animal product, animal by-product or article any be inspected for purposes of disease control and prevention;
- “ cleanse ” in relation to Part V, means the maintaining of livestock free from tick infestation by using an effective tick destroying agent in such manner as the Director may direct;
- 10 “ Committee ” means the Animal Control Interdisciplinary Committee constituted under section *sixty-seven*;
- “ controlled veterinary action ” in relation to an animal, means
- 15 (a) the isolation, detention, inspection, testing, immunisation, observation, sampling, marking, treatment, care, destruction or disposal thereof; and
- (b) the carrying out of any post mortem examination on any animal;
- 20 “conveyance ” means an aircraft, ship, vessel, train, vehicle, carriage, cart or other conveyance of whatever kind, including the fittings and equipment of the conveyance and, in the case of animals, the harness and tackle thereof;
- “ Department ” means the Department responsible for Veterinary Services;
- 25 “ dipping ” means the complete immersion of cattle in a dipping tank containing an effective tick destroying agent;
- “ dipping tank ” means any apparatus for the cleaning of animals by submerging or any other structure used for that purpose as the Director may approve;
- 30 “ Director ” means the Director responsible for veterinary services, and includes the Deputy Director responsible for veterinary services;
- 35 “ disease ” means the pathological condition of a part, organ or system of an animal resulting from various causes such as infection, genetic defect or environment;
- “ disease control zone ” means an area declared by the Director as a disease control zone where controlled veterinary actions are instituted to prevent the entry, occurrence or spread of a causative agent, and includes a

disease free zone, a buffer zone, a disease free compartment, a protective zone, a surveillance zone and an infected zone;

“ disease free zone ” means an area established for the maintenance of disease free status of a sub population of 5 animals with a distinct health status, from specified disease or diseases, separated by natural or artificial boundaries;

“ disease free compartment ” means an area smaller than a zone with a clearly defined management practice and biosecurity plan and can be recognised as such within an 10 infected zone;

“ effective tick destroying agent ” means a drug or chemical registered as an acaricide under the Pharmaceutical Act, 2004, or as the Minister may prescribe;

“ emerging disease ” means a new infection resulting from 15 the evolution or change of an existing pathogenic agent, a known infection spreading to a new geographic area or population or a previously unrecognised pathogenic agent diagnosed for the first time and which has a significant impact on animal or public health; 20

“ Fund ” means the Animal Diseases Control Fund established under section *sixty-four*;

“ immature cattle ” means cattle, male or female, under the age of eighteen months or not having four permanent incisor teeth yet erupted; 25

“ infected area ” means an area declared as such under section *thirteen*;

“ livestock ” means any breed or population of animal kept by a human being for a useful or commercial purpose, and includes domestic animals, semi-domestic animals and 30 captive wild animals;

“ livestock cleansing area ” means an area declared as such under section *forty*;

“ notifiable disease ” means an animal disease or other disease which fulfils one or more of the following conditions and 35 which the Minister may, by statutory instrument, declare:

(a) is not indigenous or native to Zambia;

(b) spreads rapidly with serious socio economic consequences;

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- (c) is of major importance in the international trade of animals or animal products;
- (d) is common to human beings and animals; or
- 5 (e) for which any general or particular control measures have been prescribed;
- “officer” means a veterinary officer, livestock officer, veterinary assistant or animal scientist employed by the Government;
- 10 “outbreak of disease” means an occurrence of one of the notifiable diseases or any other disease which the Minister may, by statutory instrument, declare in:
- (a) any agricultural or breeding establishment, premises or building and all the adjoining premises where animals are present; or
- 15 (b) any area where animals are communally grazed as specified by the Director;
- “owner”
- (a) in relation to an animal, includes the person for the time being having the management, custody or control of such animal; and
- 20 (b) in relation to any land or place, includes any person who, whether lessee or licensee, has the charge, control and management or occupation of such land or place;
- 25 “para veterinary” has the meaning assigned to it in the Veterinary and Para Veterinary Professionals Act, 2010; Act No. of 2010
- “permit” means a permit issued under the provisions of this Act; Cap. 107
- 30 “police officer” has the meaning assigned to it in the Police Act; Act No. 12 of 2002
- “pour-on” means a chemical with a vector destroying capacity applied on the skin surface of an animal;
- “public road” has the meaning assigned to it in the Public Roads Act, 2002; Act No. of 2010
- 35 “railway company” means the Zambia Railways and any other railway company operating in Zambia;
- “rendering” means the process that converts waste animal tissue or animal by-products into stable value added materials;

- “spraying” means the complete saturation of animals with an effective tick destroying agent, manually or mechanically;
- “spray race” means any effective apparatus approved by the Director for the cleansing of animals by spraying;
- “tick infestation” means the presence on any cattle of one or 5 more ticks;
- “vector” means a disease spreading agent;
- “veterinary inspector” means a veterinary surgeon appointed by the Director to undertake designated official duties on behalf of the Department for a specified period and 10 location;
- “veterinary officer” means an officer in the service of the Government who is a registered veterinary surgeon;
- “veterinary surgeon” means a person registered as a veterinary surgeon under the Veterinary and Para Veterinary 15 Professionals Act, 2010; and
- “Vice Chairperson” means a person appointed as such under section *sixty-seven*.

PART II

ADMINISTRATION

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Appointment
of
Director and
other staff

3. The Public Service Commission shall appoint, as public officers, a Director responsible for veterinary services, a Deputy Director responsible for veterinary services, veterinary officers, tsetse control biologists, animal scientists and other staff for the Department, within the Ministry responsible for livestock 25 development, as shall be necessary for the proper administration of this Act.

Functions of
Department

- 4.** (1) The functions of the Department are to—
- (a) prevent and control animal diseases;
- (b) control vectors that contribute to disease propagation in 30 animals;
- (c) regulate the importation and exportation of animals, animal products, animal by-products and articles;
- (d) regulate the importation, manufacturing and use of animal feed; 35
- (e) regulate the provision of veterinary services;

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- (f) collect, analyse and present data related to the livestock sector;
- (g) certify for trade measures, import and export measures and veterinary services, animals, animal products, animal by-products, articles and premises; and
- 5 (h) do all such acts and things as are necessary, incidental or conducive to the better carrying out of its functions under this Act or any other law.
- (2) The Director shall, in the execution of the functions of the
- 10 Department as specified under subsection (1)
- (a) regulate the delivery of veterinary services;
- (b) regulate the control of animal diseases and vectors;
- (c) categorise diseases into lists and maintain lists of all notifiable diseases according to the criteria prescribed
- 15 under this Act;
- (d) establish expert advisory committees to advise on technical matters relating to the provisions of this Act;
- (e) establish and maintain a national veterinary laboratory system and other means for analysing animal products and samples for the purpose of this Act; and
- 20 (f) do all such acts and things as are necessary, incidental or conducive for the execution of the functions of the Department.
5. (1) An officer may—
- 25 (a) at any reasonable time, enter upon and inspect any land, building or premises where animals, animal products, animal by-products, articles or animal feed may be found or processed for the purposes of inspection and data collection;
- 30 (b) open and examine any container, conveyance, package or wrapping suspected to contain an animal, animal product, animal by-product, article or animal feed to ensure sanitary compliance;
- 35 (c) inspect any animals, animal products, animal by-products, articles or animal feed destined for import into or export from Zambia to determine whether the consignment is sanitary compliant;
- (d) inspect and examine any conveyance which the officer

Powers of officer

has reasonable grounds to believe is transporting an animal, animal product, animal by-product, article or animal feed to ensure sanitary compliance; and

(e) search any person whom the officer has reasonable grounds to believe is carrying an animal, animal product, animal by-product, article or animal feed or carrying out activities contrary to this Act. 5

(2) An owner of any land, building or premises or of any conveyance shall afford an officer access thereto and shall give such information and provide such reasonable assistance as the officer may require for the purposes of data collection and carrying out an inspection. 10

(3) An officer may, in the performance of any functions under this section, be accompanied and assisted by a police officer.

(4) An officer may detain an animal, animal product, animal by-product, article or animal feed for a period not exceeding two weeks. 15

Powers of
veterinary
officer

6. (1) A veterinary officer may—

(a) apply or order the application of measures which are necessary or prescribed for the control or prevention of the spread of a disease; 20

(b) destroy or order the destruction at any time of any animal, animal product, animal by-product, article or animal feed which is diseased, moved or used contrary to the provisions of this Act;

(c) order the adoption of measures prescribed to ensure the welfare of animals; and 25

(d) seize or order the seizure of a conveyance carrying an animal, animal product, animal by-product, article or animal feed in contravention of this Act or any other law.

(2) A veterinary officer may, in the course of an inspection carried out under this section: 30

(a) seize, re-call, destroy, detain, treat or otherwise dispose of any animal, animal product, animal by-product, article or animal feed, or order that any such action be taken, at the expense of the owner; 35

(b) obtain any sample of any animal, animal product, animal by-product, article or animal feed as the veterinary officer considers necessary;

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- (c) order any person to produce for inspection, or for purposes of obtaining extracts or copies, any book, document or other information concerning any matter relevant to the administration of this Act;
- 5 (d) suspend one or more activities or temporarily, partially or completely close an inspected premises; and
- (e) suspend or withdraw any permit issued under this Act, relating to any premises.
- (3) Where a veterinary officer detains, treats, disposes of or
10 destroys an animal, animal product, animal by-product, article or animal feed under sub section (2), the veterinary officer shall, as soon as is practicable, notify in writing, the owner of the animal, animal product, animal by-product or article of the steps taken and the reasons therefor.
- 15 (4) Where—
- (a) at any place within Zambia, any animal, animal product, animal by-product, article or conveyance is infected or is suspected of being infected with any disease;
- 20 (b) any animal, animal product, animal by-product, article, animal feed or conveyance has been introduced into any place in Zambia without the permit required for such introduction, or having been introduced under a permit is moved or dealt with otherwise than in accordance with such permit; or
- 25 (c) any animal is found straying into Zambia from outside Zambia or straying within, into, or out of any specified area in Zambia;
- a veterinary officer may make such order as the veterinary officer considers necessary for all or any of the following purposes:
- 30 (i) to direct that such animal, animal product, animal by-product, article, animal feed or conveyance be seized or detained;
- (ii) to direct that such animal, animal product, animal by-product, article, animal feed or conveyance be slaughtered, disposed of or destroyed, as the case may be; or
- 35 (iii) to direct that such animal, animal product, animal by-product, article or conveyance be dealt with in such manner as is considered necessary to prevent the spread of any disease.

(5) A person who contravenes an order made pursuant to this section commits an offence and is liable, upon conviction, to a fine not exceeding three hundred thousand penalty units or to imprisonment for a period not exceeding three years, or to both.

(6) Where a person fails or refuses to do anything which that person is required to do under an order made under this section, a veterinary officer may do or cause such thing to be done.

(7) The cost of anything which a veterinary officer does or causes to be done under subsection (6) shall be recoverable by the Director from the person who failed or refused to comply with the order.

Power to
carry out
tests

7. An officer shall for the purposes of this Act—

- (a) take or cause to be taken from an animal, any samples or specimen;
- (b) take or cause to be taken from a building, shed, place or conveyance, any article, sample or specimen; and
- (c) apply such other tests as the officer may consider necessary.

Release,
seizure and
destruction

8. (1) Where a veterinary officer reasonably believes that it is not necessary to destroy an animal, animal product, animal by-product or article seized, the veterinary officer shall—

- (a) release the animal, animal product, animal by-product, article, animal feed or property to its lawful owner;

or

- (b) release the animal, animal product, animal by-product, article, animal feed or property to its lawful owner on conditional payment of any charges incurred, in connection with its impounding or other measures taken by the veterinary officer.

(2) At the time of release, a veterinary officer shall, by order in writing, require an owner of any animal, animal product, animal by-product, article or animal feed to take measures to eliminate any risk associated with a notifiable disease.

Appointment
of veterinary
inspectors

9. (1) The Director may, for purposes of this Act, appoint a registered veterinary surgeon as a veterinary inspector. 35

(2) The Director, on appointment of a veterinary inspector, shall specify—

(a) the duties of the veterinary inspector;

(b) the area of operation; and

(c) the period of operation.

10. A person who —

5 (a) wilfully delays or obstructs an officer, veterinary officer or veterinary inspector in the carrying out of their duties; or

(b) knowingly or negligently gives an officer, veterinary officer or inspector false or misleading information orally, in writing or otherwise;

10 commits an offence and is liable, upon conviction, to a fine not exceeding one hundred thousand penalty units or to imprisonment for a period not exceeding one year, or to both.

11. An action shall not lie against an officer, veterinary officer or veterinary inspector in respect of any act done by the officer, veterinary officer or veterinary inspector in good faith and without negligence in the execution of the powers vested in them under this Act.

Obstruction of veterinary officer, veterinary inspector or officer

Indemnity

PART III

MEASURES FOR CONTROLLING AND PREVENTING ANIMAL DISEASE

12. Where at any place within or outside Zambia there exists, or is suspected to exist, any disease which is likely to affect animals in Zambia, the Minister or Director may make such order as the Minister or Director considers necessary for all or any of the following purposes:

Power to control introduction and spread of disease

25 (a) to prohibit or prevent the introduction of any disease from such place into Zambia or any part of Zambia;

(b) to prohibit or regulate the entry and movement of any animal, animal product, animal by-product, article or conveyance within or out of any part of Zambia named in the order;

30 (c) to regulate the quarantine, isolation, disinfection or treatment of any animal, animal product, animal by-product, article or conveyance in any part of Zambia named in the order;

35 (d) to prohibit or regulate the sale of any animal, animal product, animal by-product or conveyance and control agricultural show grounds, stock markets or sale yards in any area specified in the order;

- (e) to provide for the establishment of veterinary spot checks and check points on roads and such other areas as may be necessary to control diseases;
- (f) to regulate and provide for the conduct of meat inspection in a slaughter facility for the purpose of controlling animal diseases and residues in meat; or
- (g) to regulate the production, distribution and use of veterinary drugs, biologicals, vitamins, minerals, hormones, growth promoters, animal feed and feed additives for the purposes of animal disease control, drug resistance, residue control and imbalances.

Declaration
of infected
area

13. (1) An officer may, where any land, premises or building are suspected of being contaminated with a notifiable or emerging disease

- (a) enter the land, premises or building for purposes of inspection or taking of such samples as the officer may consider necessary to contain or eradicate the disease;
- (b) prohibit the removal from the land or premises of any animal, animal product, animal by-product or article or anything whatsoever capable of spreading the disease; and
- (c) order, by notice in writing, the owner of the land, premises or building and an owner of any land, building or premises in the vicinity, to take within a specified period of time such measures as are necessary to eradicate, contain or restrict the spread of the disease.

(2) The Director shall, where there is reasonable suspicion or confirmation of the presence of a notifiable or emerging disease in any area declare the area an infected area.

(3) A veterinary officer may seize, detain and destroy without compensation, any animal, animal product, animal by-product or article removed from an infected area in contravention of the provisions of this Act or an order made in terms of this Act.

(4) A veterinary officer may order the disposal of an animal, animal product, animal by-product, article, carcass and any other thing associated with any disease within an infected area.

Owners of
land to
provide
handling and
other
facilities

14. (1) An owner of land on which livestock are found shall provide facilities for the handling and housing of livestock and disease control facilities for the humane maintenance of such livestock.

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(2) An owner of land who contravenes subsection (1) commits an offence and is liable, upon conviction, to a fine not exceeding one hundred thousand penalty units or to imprisonment for a period not exceeding one year, or to both.

5 **15.** (1) The Minister may provide livestock structures in appropriate places for the common use of the owners of livestock, and may charge such fees for the use of the structures as may be prescribed. Government to provide livestock structures

(2) A person shall not damage, break, tear down or deface a
10 livestock structure provided under subsection (1) or use it for any other purpose contrary to the provisions of this Act.

(3) A person who contravenes subsection (2) commits an offence and is liable, upon conviction, to a fine not exceeding three hundred thousand penalty units or to imprisonment for a period not exceeding
15 three years, or to both.

16. (1) A person shall not move any animal, animal product, animal by-product, article or anything as may be prescribed, without a permit. Restriction of movement

(2) A person who contravenes subsection (1) commits an offence
20 and is liable, upon conviction, to a fine not exceeding three hundred thousand penalty units or to imprisonment for a period not exceeding three years, or to both.

17. (1) An owner of an animal suspected of being infected with any disease shall immediately inform the nearest officer, police
25 officer, agriculture officer, veterinary surgeon, district executive officer, chief or village headman. Notification of suspected disease

(2) Where a person, other than an officer, is notified under subsection (1), that person shall immediately notify the nearest officer or veterinary inspector.

30 (3) Notwithstanding subsection (1), a veterinary inspector who has reasonable grounds to believe that an animal is infected with a disease shall immediately give notice of that fact to an officer.

(4) A person who contravenes this section commits an offence and is liable, upon conviction, to a fine not exceeding one hundred
35 thousand penalty units or to imprisonment for a period not exceeding one year, or to both.

18. (1) An owner of an animal suspected of being infected with any disease shall— Isolation and separation of diseased animal

40 (a) as far as is practicable, keep such animal separate from other animals that are not infected;

(b) prevent the movement of such animal outside the infected area; and

(c) prevent the sale of such infected animal.

(2) A veterinary inspector or officer shall, for the purpose of isolating animals in an infected area

(a) require the owner of the infected animals within the infected area to isolate the animals from other animals;

(b) regulate the movement of animals within the infected area; 5
and

(c) cause any animal in the infected area to be marked for the purposes of identification.

(3) A person who contravenes subsection (1) commits an offence and is liable, upon conviction, to a fine not exceeding three hundred 10
thousand penalty units or to imprisonment for a period not exceeding three years, or to both.

(4) A person in charge of a livestock market or fair who suspects that an animal infected with a disease is being sold or exposed or offered for sale or disposal, shall seize and isolate the animal and 15
forthwith notify the nearest officer or veterinary inspector.

Power of entry into farm, ranch, etc.

19. (1) An officer may enter on any land, farm or ranch, or into any stable, pen, sty or outbuilding or any kraal, enclosure or conveyance with such persons, animals and things as the officer considers necessary for the purposes of inspecting, examining or 20
collecting samples from any animal, animal product, animal by-product, article, carcass, animal feed or conveyance or doing or causing to be done or supervising and inspecting the doing of anything which is required to be done under this Act or under any order made under the provisions of this Act. 25

(2) A person who prevents an officer from entering on any land, farm or ranch or into any sty or outbuilding or any kraal, enclosure or conveyance or who impedes or obstructs an officer in doing anything which the officer is empowered to do under subsection (1) commits an offence and is liable, upon conviction, to 30
a fine not exceeding two hundred thousand penalty units or to imprisonment for a period not exceeding two years, or to both.

Power to order assembly of animals for inspection, etc.

20. (1) An officer may instruct an owner of any animals to assemble the animals or any part of the animals at any specified place for the purposes of inspection or inoculation, or for any purpose 35
authorised under the provisions of this Act or under any order made under the provisions of this Act.

(2) An instruction issued in accordance with subsection (1) to the headman of a village shall be deemed to be an instruction to an owner of animals in such village: 40

Provided that such notice is issued in writing and in such language or dialect as is commonly spoken by, or understood among, the majority of the inhabitants of that village.

(3) A headman of a village to whom an instruction is issued in accordance with subsection (2) shall immediately take all reasonable steps to communicate the contents of the instruction to every owner of animals in such village.

(4) A person who—

(a) fails to comply with any instruction given under subsection (1) or (2); or

(b) fails to communicate the contents of an instruction in accordance with subsection (3);

commits an offence and is liable, upon conviction, to a fine not exceeding one hundred thousand penalty units or to imprisonment for a period not exceeding one year, or to both.

21. The Director shall, for the purpose of disease control and animal and animal product traceability, use an animal and animal product identification system that allows for the tracing of animals and animal products from origin to end-use for the purpose of disease control.

Identification and traceability of animals

22. (1) The Director may, in order to control, prevent and eradicate disease declare an area a disease control zone.

Declaration of disease control zone

(2) Where the Director declares a disease control zone under subsection (1), the Director shall cause the disease control zone to be *gazetted* and made public through the media.

(3) An officer may, in order to control any disease use any barriers, notices or beacons to identify and demarcate the disease control zone.

23. (1) The Director may declare any land, premises or area that is infected or is suspected to be infected with a notifiable disease to be a quarantine area for such period as the Director may determine.

Declaration of quarantine area

(2) The Director may, where the Director declares an area a quarantine area under subsection (1)

(a) determine measures for the treatment or disposal of any animal, animal product, animal by-product or article in the area;

(b) order the treatment of any conveyance, whether infected or not;

- (c) prohibit the movement of any person, conveyance, animal, animal product, animal by-product or article from or to the area; and
- (d) order the taking of any other measure to eradicate the disease as the Department considers necessary. 5
- 24.** (1) The Director may designate any place as an animal quarantine station.
- Designation of animal quarantine stations
- (2) The Director may require any animal, animal product, animal by-product or article, to be kept at an animal quarantine station or at any other location identified by the Director, on such conditions 10 as the Director may determine.
- 25.** The Director may, by written notice served on an owner of animals which are in a quarantine station or area, lift the quarantine where the Director determines that a notifiable disease is no longer present in the quarantine station or area and does not 15 pose a threat to other animals outside the quarantine station or area.
- Lifting of quarantine
- 26.** (1) A person shall not import, export manufacture, sell or expose for sale in Zambia a virus, vaccine, serum or an analogous product used for the purpose of diagnosis or treatment of any animal 20 disease except under a permit, in writing, issued by the Director.
- (2) A person who contravenes subsection (1) commits an offence and is liable, upon conviction, to fine not exceeding five hundred thousand penalty units or to imprisonment for a period not exceeding 25 five years, or to both.
- Permit to manufacture or sell virus, vaccine, etc.
- 27.** (1) A person shall not import an animal, animal product or article without an import permit issued by the Director.
- Import of animal, animal product or article
- (2) The Minister may, by statutory instrument, provide for the prohibition, restriction and regulation of the importation of any animal, animal product, animal by-product or article. 30
- (3) Without derogating from the generality of subsection (1), the Minister may, by regulation:
- (a) provide for the disinfection or treatment of any imported animal, animal product, animal by-product or article or their containers; 35
- (b) designate ports of entry, routes and methods of transportation;
- (c) provide for the detention of any animal, animal product, animal by-product or article which is imported and the measures to be taken during the detention; 40

- (d) provide for the imposition and recovery of fees for disinfecting, or treating any animal, animal product, animal by-product or article which is imported; and
- (e) provide for the disposal of any imported animal, animal product, animal by-product or article in respect of which prescribed fees are not paid and of the proceeds resulting from their disposal.
- 28.** The Minister may, in consultation with the Director, authorise the entry of an animal, animal product or article for scientific or research purposes, subject to such terms and conditions as the Minister may consider necessary.
- 29.** (1) A person shall not export an animal, animal product, animal by-product or article without an export permit issued by the Director.
- (2) The Minister may, by statutory instrument, prohibit the export of animals, animal products, animal by-products or articles from Zambia, or any part of Zambia, in general or to one or more designated countries of destination, unless and until all regulations with regard to their export have been complied with, and may at any time, by like notice rescind such prohibition.
- (3) The Minister may, by statutory instrument, make regulations for the purposes of regulating and controlling the export of animals, animal products, animal by-products or articles from Zambia or any part of Zambia and prescribing the fees to be paid.
- (4) The Minister shall take into account, in the regulations prescribed under subsections (2) and (3), the requirement to fulfill international treaties and agreements and the requirements of the countries of destination.
- 30.** (1) The Minister may, for the purposes of disease control and veterinary public health, approve a laboratory for—
- (a) the testing of animal feed, vaccine, veterinary products, animal products and animal by-products; or
- (b) disease diagnosis;
- (c) food safety and assurance; or
- (d) any other activity considered necessary under this Act.
- (2) The Director shall cause to be kept a register of approved laboratories in the prescribed manner and form.

Importation
for scientific,
educational
or research
purposes

Export of
animal,
animal
product,
animal by-
product and
article

Approval of
laboratories

Regulatory
powers for
eradication
of diseases

31. (1) The Minister may, by statutory instrument, provide for the eradication of diseases and the prevention or control of the spread of diseases.

(2) Without derogating from the generality of subsection (1), the Minister may provide for: 5

- (a) the disinfection, treatment, destruction or disposal of an animal, animal product, animal by-product or article infected, or appearing to be infected, with a disease, or anything liable to infect an animal with a disease;
- (b) the prohibition, restriction and regulation of the transportation of animals, animal products, animal by-products and articles; 10
- (c) the prohibition, restriction and regulation of the keeping of animals where a disease cannot otherwise be readily or adequately controlled or eradicated; 15
- (d) the reporting of the occurrence of a disease by the public and the collection and transmission of specimens of a disease by an officer or a veterinary inspector;
- (e) the method, age, and time limits for the slaughter of animals;
- (f) the inspection and registration of slaughter houses, slaughter slabs, abattoirs, farms, hatcheries, livestock markets and animal product processing plants and the imposition of registration fees for such registration and inspection; 20
- (g) the collection, processing methods and authorised uses of animal by-products; 25
- (h) the disinfection, fumigation and treatment of land, warehouses, buildings and structures suspected of being or having been used for the storage of anything likely to infect an animal with a disease;
- (i) the declaration of disease control zones and the prohibition, restriction and regulation of the removal of animals, animal products, animal by-products and articles or any other thing whatsoever to or from a disease control zone; 30
- (j) the maintenance of a disease free area;
- (k) the forms of records to be kept and of records to be made by owners of approved laboratories; 35
- (l) the standards of hygiene and quality assurance to be maintained in rendering plants and approved laboratories;

(m) the methods to be employed by an approved laboratory in the testing of animal feed for purposes of this Act and the fees to be paid for such testing;

5 (n) the inspection, disinfection or fumigation of any conveyance used in the transportation of an animal, animal product, animal by-product or article; and

(o) the payment and recovery of fees for any inspection, disinfection, fumigation or treatment carried out by an officer or a veterinary inspector.

10 PART IV

TRANSPORTATION OF ANIMALS

32. A transporter of any animals in transit by any conveyance, within or through Zambia, shall appoint a person to be in control of the animals, and, in default of such appointment

Obligation of transporter of animals in transit

15 (a) in the case of a motor vehicle, the driver of the motor vehicle;

(b) in the case of a train, the guard of the train;

(c) in the case of an aircraft, the captain of the aircraft; and

(d) in the case of a ship, the captain of the ship;

20 shall be deemed to be the person in control of such animals.

33. (1) A transporter of animals shall be in possession of a movement permit authorising the conveyance of such animals.

Transportation of animals

(2) The Minister may, by statutory instrument, make regulations for the purposes of regulating and controlling the mode and manner

25 in which animals shall be transported.

34. (1) A transporter of animals shall maintain a record of the animals conveyed in the prescribed manner and form.

Transporter of animals to maintain records

(2) A transporter referred to in subsection (1) shall, at the request of an officer, make available to the officer any record kept in

30 accordance with subsection (1).

PART V

LIVESTOCK SLAUGHTER AND CLEANSING

35. (1) A person shall not slaughter any immature livestock, or pregnant livestock unless the person is in possession of a permit

35 granted under section *thirty six* in respect of the slaughter.

Prohibition of slaughter of certain livestock

(2) Any person who contravenes subsection (1) commits an offence and is liable, upon conviction, to a fine not exceeding two

	hundred thousand penalty units or to imprisonment for a period not exceeding two years, or to both.	
Permit to slaughter livestock	<p>36. (1) Any person who wishes to slaughter immature livestock or pregnant livestock shall apply to the Director for a permit in the prescribed manner and form upon payment of the prescribed fee.</p> <p>(2) The Director may, upon receipt of an application under subsection (1) and where the application meets the requirements of this Act, grant the applicant a permit authorising the slaughter of such number of livestock as may be specified on the permit.</p> <p>(3) A person shall, where the person slaughters immature livestock or pregnant livestock, furnish an officer with</p> <p>(a) the permit granted in respect of the slaughter; and</p> <p>(b) such other information relating to the livestock and the slaughter thereof as the Minister may, by statutory instrument, prescribe.</p>	5
Permit for slaughterhouse	<p>37. (1) A person who intends to operate any premises as a slaughterhouse shall apply to the Director for a permit in the prescribed manner and form upon payment of the prescribed fee.</p> <p>(2) The Director shall, upon receipt of an application under subsection (1) and where the application meets the requirements of this Act, grant the applicant a permit to authorise the operation of the slaughterhouse.</p>	15
Power of entry	<p>38. (1) An officer may, at any reasonable time, enter any land or premises where livestock are kept for slaughter or offered for sale, and may inspect any livestock or carcass found on the land or premises.</p> <p>(2) An officer may, in the exercise of the officer's powers under subsection (1), prohibit the slaughtering of any livestock and may seize and remove any carcass or part thereof.</p>	20
Regulations in respect of livestock slaughtering	<p>39. The Minister may, by statutory instrument, prescribe the manner and form for the registration of any premises as a slaughterhouse.</p>	25
Declaration of livestock cleansing area	<p>40. The Minister may, by notice in the <i>Gazette</i>, declare an area, or any part thereof, to be a livestock cleansing area.</p>	30
Obligation of owner of livestock cleansing area	<p>41. (1) An owner of livestock in a livestock cleansing area shall cleanse the livestock at such intervals as may be prescribed:</p> <p>Provided that where it is impossible or inexpedient to cleanse the livestock within such prescribed interval, the interval may be extended by the Director for a further period not exceeding fourteen days.</p>	35

(2) Livestock shall not be moved from a livestock cleansing area to another area unless the livestock is cleansed twice within fourteen days immediately prior to the movement or until such time as an officer shall certify the livestock as free from ticks.

5 (3) A person who contravenes subsection (1) or (2) commits an offence and is liable, upon conviction, to a fine not exceeding two hundred thousand penalty units or to imprisonment for a period not exceeding two years, or to both.

10 **42.** (1) The Director may, for considerations of weather, drought or condition of the livestock, or for other causes beyond the control of the owner of the livestock, temporarily exempt an owner of livestock from the provisions of section *forty-one* and may during such period prescribe the interval of cleansing.

Exemption to cleanse livestock

15 (2) The Director shall notify any exemption granted under this section to the local authority of the area in which such exemption is granted.

20 (3) A person shall not move any livestock from an area in which an exemption from cleansing under this section is in force unless the livestock are cleansed twice within fourteen days immediately prior to the movement.

(4) A person who contravenes subsection (3) commits an offence and is liable, upon conviction, to a fine not exceeding two hundred thousand penalty units or to imprisonment for a period not exceeding two years, or to both.

25 **43.** (1) An officer may, in any livestock cleansing area, at any reasonable time, enter any land or premises and inspect and count any livestock thereon, take a sample from the contents of any dipping tank, spray race or pour-on and call upon an owner of the livestock to produce all the livestock in the owner's possession for the purpose
30 of inspection and enumeration.

Powers of officer in livestock cleansing area

(2) An owner of livestock shall advise an officer of the usual date, place and method of tick control of the livestock and of any change of such date or place.

35 (3) A person who refuses to allow an officer to enter any land or premises or to examine livestock, or who impedes or hinders or attempts to impede or hinder an officer in the execution of the officer's duties, commits an offence and is liable, upon conviction, to a fine not exceeding two hundred thousand penalty units or to imprisonment for a period not exceeding two years, or to both.

- Owner of land to provide cleansing facilities
- 44.** (1) An owner of land on which livestock are found shall provide facilities for tick control of the livestock and shall make provision for sufficient quantities of effective tick destroying agent for the cleansing of such livestock.
- (2) An owner of land who contravenes subsection (1) commits an offence and is liable, upon conviction, to a fine not exceeding two hundred thousand penalty units or to imprisonment for a period not exceeding two years, or to both. 5
- Provision of tick control facilities
- 45.** (1) An officer may require an owner of land or livestock in a livestock cleansing area to provide tick control facilities of an approved design on the land, or may require the owner of land or livestock to make efficient by repair or otherwise, an existing tick control facility on the land at the expense of the owner of the land or livestock: 10
- Provided that nothing in this section shall be deemed to prohibit the provision of tick control facilities for the common use of two or more owners of land or livestock with the approval of an officer. 15
- (2) For the purposes of this section, an officer may enter any land or premises and may give written notice to the owner of land or livestock found thereon to provide tick control facilities within a reasonable period, being not less than thirty days, to be specified in such notice. 20
- (3) An officer may, where a person fails to comply with a notice under subsection (2), proceed to provide tick control facilities and may recover the cost thereof from the owner of the land or livestock. 25
- (4) An owner of land or livestock who refuses or fails to comply with any notice given by an officer under this section commits an offence and is liable, upon conviction, to a fine not exceeding two hundred thousand penalty units or to imprisonment for a period not exceeding two years, or to both. 30
- Government to provide dipping tanks or spraying races
- 46.** (1) The Minister may provide dipping tanks or spraying races in suitable places for the common use of owners of the livestock, and may charge such fees for the cleansing of livestock in such tanks or spraying races as may be prescribed. 35
- (2) The Minister may, in any livestock cleansing area, direct local authorities to provide dipping or spraying races for the common use of owners of livestock within the areas under the control of the local authorities and the local authorities may charge the fees prescribed pursuant to subsection (1). 40

47. (1) A person shall not sell or offer for sale as an effective tick destroying agent any article or fluid which does not conform to the prescribed standard.

Tick destroying agent to conform to prescribed standard

(2) A person who contravenes subsection (1) commits an offence and is liable, upon conviction, to a fine not exceeding three hundred thousand penalty units or to imprisonment for a period not exceeding three years, or to both.

PART VI

TSETSE CONTROL

10 48. (1) In this Part —

Interpretation

“ domestic animal ” includes any horse, cattle, mule, ass, sheep, hog, pig, goat, fowl, ostrich, dog, cat, or any other domesticated animal, fowl or bird, and any wild animal, fowl, bird or reptile in a state of captivity;

15 “ officer ” means a tsetse control biologist, tsetse control officer or tsetse assistant employed by the Government;

20 “ private land ” means any land, the ownership of which has by law, grant or title deed, become vested in any person other than the President, and includes any land held by any person under an agreement whereby such person is entitled to obtain from the President title thereto on the fulfilment by the person of the conditions prescribed by such agreement;

25 “ tsetse control picket ” means any barrier erected on any road or recognised footpath in terms of paragraph (e) of section *fifty-one*;

“ tsetse fly area ” means an area declared as such under section *forty-nine*; and

30 “ tsetse fly control area ” means a defined area where techniques to control or eradicate tsetse flies are applied.

(2) For the purposes of this Part, the terms “ persons ”, “ domestic animals ” and “ vehicles ” include any baggage or other articles carried by or on such persons, domestic animals or vehicles.

35 49. (1) The Minister may, by statutory notice, declare any defined area to be a tsetse fly area or a tsetse fly control area.

Declaration of tsetse fly area

(2) A declaration made pursuant to subsection (1) may provide for the introduction of any of the following measures in respect of any tsetse fly area or part thereof and may confer powers and

impose duties on an officer or owner of private land in connection with the carrying out and enforcement of such measures:

- (a) the cutting, clearing or removal of any trees, timber or vegetation where the control of tsetse flies is hampered by the presence of such trees, timber or vegetation; 5
- (b) the control of bush fires;
- (c) the removal of any persons or domestic animals from the area or any part thereof where such removal is considered necessary for the application of any scheme for the eradication or effective control of tsetse flies; 10
- (d) the application of insecticides to clear an area of tsetse flies:

Provided that where the insecticide is to be applied on a private land, the owner of the land shall be given prior notification; and 15

- (e) the application of any other method or technique that may be considered appropriate and effective.

Powers of
Minister in
respect of
private land

50. (1) The Minister may order an officer to take such steps as may be necessary for the introduction on private land of any measures under this Act, and require the owner of such land to permit the introduction of such measures. 20

(2) A notice requiring an owner to permit any measures under subsection (1) shall be published in the *Gazette*.

Regulations
on tsetse fly
control

51. The Minister may, by statutory instrument, make regulations

- (a) prohibiting the travel or movement of persons, domestic animals and conveyances to, from or within, a tsetse fly area or a tsetse fly control area; 25
- (b) restricting travel or movement to certain defined routes and to specified periods of the day or night;
- (c) where any travel or movement is authorised in terms of this Act, providing for the inspection, by officers, of persons, domestic animals and conveyances, for the purpose of detecting the presence of tsetse flies, and for the introduction and enforcement of measures for ridding such persons, domestic animals and conveyances, of tsetse flies; 30 35
- (d) providing for the protection of loads on conveyances by tarpaulins or similar coverings for the purpose of preventing the entry of tsetse flies amongst the loads;

- (e) providing for the establishment of tsetse control pickets and check points on roads and recognised footpaths;
- (f) preventing the entry, introduction or carrying, of tsetse fly into a tsetse fly control area or tsetse fly free area and for matters incidental to such purposes;
- (g) regulating or prohibiting, except under a permit issued under this Act, the performance of any specified act or the carrying on of any operation including trading, whether within or outside a tsetse fly control area, where such regulation or prohibition is reasonably required for the purpose of controlling the spread of tsetse flies;
- (h) providing for the issue and revocation of permits, for the performance of any act or the carrying on of any operation which is mentioned in paragraph (g);
- (i) prescribing the form of permits, the conditions attaching to them, the conditions precedent to their issue and the periods of their validity and providing for the production of permits to officers;
- (j) prescribing the fees payable for permits; and
- (k) generally for the better carrying into effect of the provisions of this Act.

PART VII

GENERAL PROVISIONS ON CONTROL OF ANIMAL DISEASE

52. (1) The Minister may, by statutory instrument, in consultation with the Director, establish zoosanitary border posts and internal check points.

Zoosanitary border posts and internal check points

(2) The Department shall control livestock at zoosanitary border posts and internal check points established under subsection (1), and shall conduct veterinary inspections at such posts and check points.

53. The Director shall, for the purpose of early detection of diseases have in existence an early warning system of diseases.

System for disease control

54. (1) The Minister may, by statutory instrument, in consultation with the Director, declare an area to be a disease free zone and prescribe

Declaration of disease free zone

(a) the use of such area;

(b) the measures to be undertaken by owners of livestock within a disease free zone; and

- (c) measures to be undertaken by owners of livestock outside a disease free zone in order to prevent introduction of diseases into such area.
- (2) Without prejudice to subsection (1), an area shall be declared disease free if 5
- (a) any disease announced by the Director has not occurred in that area for a period specified by the Director;
- (b) measures to prevent the introduction of disease or infection are in place;
- (c) barriers, either natural or artificial exist to prevent animal sub-populations from mixing; and 10
- (d) no disease declared by the Director under this Act has been detected in adjacent zones including wildlife areas.
- 55.** (1) A person shall not test, register, sell or use any pesticide, chemical, drug or hormone on any animal without a permit issued by the Director in respect of that pesticide, chemical drug or hormone. 15
- Prohibition of use of pesticides, etc. an animal without permit
- (2) A person shall not
- (a) distribute, sell or offer or expose for sale any pesticide or chemical for animals which does not conform to the requirements of this Act; and 20
- (b) carry out research or activities related to research on notifiable diseases without a permit from the Director.
- (3) A person who produces, distributes, stores, sells or deals in any manner with pesticides for animals and any other chemical shall— 25
- (a) ensure that the chemical is maintained according to standards approved by the Minister; and
- (b) provide information of any change or anticipated change in the pesticide three months prior to the introduction of the change. 30
- (4) A person who contravenes this section commits an offence and is liable, upon conviction, to a fine not exceeding five hundred thousand penalty units or to imprisonment for a period not exceeding five years, or to both. 35
- 56.** A person shall not import or export honey, bee or hive products or run, keep or maintain a bee keeping farm or enterprise for purposes of sale without a permit from the Director.
- Restriction on bee keeping

- 57.** The Minister may, by statutory instrument make regulations for—
- (a) the assessment of fish health status in the production sites through inspections and standardised procedures;
- 5 (b) the eradication of fish diseases by slaughtering of infected stocks, and re stocking with fish from approved disease free resources; and
- (c) regulating and monitoring the introduction and transportation of fish.
- 10 **58.** (1) A person shall not herd or graze animals or allow that person's animals to herd or graze within two hundred metres of a public road unless there is a barrier between the public road and the area of herding or grazing.
- (2) A person who contravenes subsection (1) commits an offence
- 15 and is liable, upon conviction, to a fine not exceeding two hundred thousand penalty units or to imprisonment for a period not exceeding two years, or to both.
- PART VIII**
ANIMAL FEED
- 20 **59.** (1) A person shall not import, manufacture or sell any animal feed without a permit.
- (2) A person shall not import, manufacture or sell any animal feed unless the animal feed conforms to the standards and specifications prescribed under this Act.
- 25 (3) A person who contravenes subsections (1) and (2) commits an offence and is liable, upon conviction, to a fine not exceeding five hundred thousand penalty units or to imprisonment for a period not exceeding five years, or to both.
- 60.** (1) A person shall not import without a permit from the
- 30 Director—
- (a) any animal feed which contains bone or any other substance derived from an animal carcass; or
- (b) bones or any other substance derived from an animal carcass for the purpose of manufacturing any animal feed.
- 35 (2) A person shall not manufacture or sell any animal feed containing bone or any other substance derived from an animal carcass unless such bone or substance has been sterilised in the prescribed manner.

Prevention and control of fish diseases

Prohibition of herding or grazing near public road

Restriction on importation, manufacture or sale of animal feed

Restriction on importation, manufacture, etc. of animal feed containing certain substances

(3) A person who contravenes subsections (1) and (2) commits an offence and is liable, upon conviction, to a fine not exceeding five hundred thousand penalty units or to imprisonment for a period not exceeding five years, or to both.

Permit for rendering plant

61. (1) A person shall not operate a rendering plant without a permit. 5

(2) A person who contravenes subsection (1) commits an offence and is liable, upon conviction, to a fine not exceeding five hundred thousand penalty units or to imprisonment for a period not exceeding five years, or to both. 10

Regulatory provisions for animal feed

62. The Minister may, by statutory instrument make regulations for—

- (a) the form of register, applications, permits, reports of sampling and analysis;
- (b) the manner of branding, labelling, marking or sealing packages or containers of any animal feed; 15
- (c) the prohibition or restriction of the disposal, acquisition or use of any animal feed;
- (d) the restriction, limitation or prohibition of the importation of any animal feed or class of animal feed into Zambia and the conditions under which the animal feed may be imported; and 20
- (e) the methods to be employed for rendering. 10

PART IX

THE ANIMAL DISEASE CONTROL FUND

Declaration of animal disease emergency

63. (1) The Minister may declare an animal disease emergency where— 25

- (a) an introduced disease is capable of spreading rapidly;
- (b) the presence, impact and extent of the disease, the potential for spread and its rate of spread, requires emergency eradication measures to eliminate the disease; 30
- (c) a disease is of immediate or potential danger to the health of other animals or to human health;
- (d) a Group 1 notifiable disease is detected in any area in Zambia; or
- (e) the animal was diseased at the time of slaughter. 35

(2) The Director may, where the Minister declares an animal disease emergency under subsection (1)—

- (a) designate a disease control zone;
- (b) prohibit or restrict the entry or removal of any animal, animal product, article or animal feed from the area;
- (c) specify the activities to be carried out in the area;
- 5 (d) restrict the movement of persons, vehicles and goods to, and from, the area; and
- (e) take any other action that the Director considers appropriate to prevent the introduction or spread of the disease.
- 10 **64.** (1) There is hereby established the Animal Diseases Control Fund. Animal Diseases Control Fund
- (2) The Fund shall consist of—
- (a) such moneys as Parliament may appropriate for the purpose of the Fund;
- 15 (b) voluntary contributions to the Fund from any person or organisation; and
- (c) any grants from any source within or outside Zambia approved by the Minister responsible for finance.
- (3) The monies of the Fund shall be applied for —
- 20 (a) the prevention, control and eradication of emergency diseases declared under section *sixty-three*;
- (b) the payment of compensation due to any person whose animals are destroyed under powers conferred by this Act; and
- 25 (c) any other matter relating to the prevention, control and eradication of emergency diseases.
- 65.** The financial year of the Fund shall be the period of twelve months ending on 31st December in each year. Financial year
- 66.** (1) The Minister shall cause to be prepared proper books of accounts in relation to the Fund. Accounts and audit
- 30 (2) The accounts of the Fund for each financial year shall be audited by the Auditor General and, for that purpose, the Auditor General and any officer authorised by the Auditor General shall have access to all books and other records relating to the accounts for the Fund.
- 35 (3) The Auditor General shall, not later than nine months after the end of each financial year, submit a report on the accounts of the Fund for that financial year to the Minister.

- (4) The Minister shall, not later than seven days after the first sitting of the National Assembly next after the receipt of the report, lay it before the National Assembly.
- 67.** (1) There is hereby established the Animal Disease Control Interdisciplinary Committee. 5
- (2) The Committee shall consist of the following members who shall be appointed by the Minister:
- (a) the Permanent Secretary in the Ministry responsible for livestock development, who shall be the Chairperson; and 10
- (b) one Permanent Secretary each from the Ministries responsible for
- (i) home affairs;
- (ii) local government;
- (iii) transport; 15
- (iv) information;
- (v) health; and
- (vi) finance.
- (3) The Minister shall appoint a Vice Chairperson from amongst the members of the Committee. 20
- (4) The functions of the Committee are to —
- (a) mobilise resources for the prevention and control of animal diseases;
- (b) control disbursements from the Fund; and
- (c) co ordinate the implementation of the measures in respect of preventing and controlling the spread of a notifiable disease or other disease using the sectoral skills and resources of line ministries. 25
- (5) The Committee may exercise its functions notwithstanding any vacancy in its membership. 30
- (6) The provisions of the Schedule apply to the Committee.
- 68.** (1) The Director shall, where there is an animal disease emergency, submit to the Committee a periodic report at such intervals as may be determined by the Chairperson.
- (2) The report referred to in subsection (1) shall include the following: 35

- 5 (a) the status of the outbreak of disease;
- (b) the measures that have been undertaken to prevent the spread of the outbreak of disease; and
- (c) such other information as may be requested by the Chairperson.

PART X

COMPENSATION

10 **69.** The Minister may, by statutory instrument, regulate the procedure, criteria, type and determination of compensation to be given to any person under this Act. Regulatory powers with respect to compensation

70. (1) A claim for compensation shall be made to the Director in the prescribed manner and form. Claim for compensation

15 (2) Subject to the other provisions of this Act, the Minister may order the payment of compensation to the owner of an animal, animal product, animal by-product, article or animal feed destroyed or disposed of, under the powers conferred by this Act, where physical evidence is provided that the animal, animal product, animal by-product, article or animal feed was destroyed or disposed of as a consequence of the exercise of powers conferred under this Act.

20 (3) In determining the amount of compensation to be paid under this Act, no allowance for loss of profit occasioned by breach of contract or loss of production or any other consequential losses shall be made.

25 **71.** The Minister may withhold compensation in whole or in part where Compensation to be withheld in certain circumstances

- (a) doubt or dispute arises as to the entitlement of a person to receive compensation as stipulated under this Act;
- 30 (b) the owner of the animal, animal product, animal by-product, article or animal feed in respect of which compensation is claimed has committed an offence under this Act;
- (c) the animal, animal product, animal by-product, article or animal feed was at the time it was imported into the country already infected or contaminated by a disease or did not meet the prescribed standard;
- 35 (d) the animal is slaughtered on humane grounds; or
- (e) the animal was diseased at the time of slaughter.

PART XI

GENERAL PROVISIONS

- Appeals **72.** (1) A person aggrieved with any decision made by an officer or Director under this Act may, within seven days of the date of the decision, lodge with the Minister an appeal against the order. 5
- (2) There shall be no right of appeal against
- (a) an order for the destruction or disposal of an animal, animal product or animal by-product declared by a veterinary officer to be infected with a disease; 10
- (b) an order for the destruction or disposal of an animal, animal product or animal by-product kept or transported contrary to the provisions of this Act or any other law; or
- (c) an order for the disposal of animal feed imported, compounded, mixed, manufactured or used contrary to the provisions of this Act. 15
- (3) An appeal lodged under subsection (1) shall be in writing and shall specify in detail the grounds upon which it is made.
- (4) A person aggrieved with a decision of the Minister may appeal to the High Court within thirty days of receiving the decision. 20
- General offences **73.** A person who—
- (a) contravenes or fails to comply with a provision of this Act, regulations or any order or notice made or issued under this Act; 25
- (b) contravenes or fails to comply with any condition of a permit issued under this Act;
- (c) intentionally introduces or causes the introduction or spread of a disease;
- (d) on being required to do so, fails or refuses to produce to an officer, veterinary officer, veterinary inspector, police officer or other authorised person a permit or other document relevant for purposes of this Act; 30
- (e) fails or refuses, without reasonable cause, to give information to an officer, veterinary officer, veterinary inspector or a police officer when required to do so under this Act; 35

- (f) knowingly or recklessly gives false or incomplete information for purposes of obtaining a permit or other requirement under this Act;
- 5 (g) for the purpose of obtaining the issue of a permit whether for that person or any other person, makes a declaration or statement which the person knows to be false in any material particular or makes use of a declaration, statement or document containing the same;
- 10 (h) grows, possesses, sells, offers for sale, transports or distributes in any manner, any animal, animal product, animal by-product or article knowing that the animal, animal product, animal by-product or article is infected with a disease;
- 15 (i) tampers with any sample taken for purposes of this Act; or
- (j) alters, forges, defaces or destroys any document issued under this Act; commits an offence and is liable
- 20 (i) for a contravention of paragraphs (c) and (h), to a fine not exceeding five hundred thousand penalty units or to imprisonment for a period not exceeding five years, or to both; or
- 25 (ii) for any other offence, to a fine not exceeding two hundred thousand penalty units or to imprisonment for a period not exceeding two years, or to both.

74. Except where otherwise expressly provided in this Act, any person who is convicted of an offence under this Act for which no penalty is provided, is liable, upon conviction, to a fine not exceeding two hundred thousand penalty units or to imprisonment 30 for a period not exceeding two years, or to both.

General
penalty

75. (1) A person shall not, without the consent in writing given by, or on behalf of, the Department, publish or disclose to any person otherwise than in the course of duties, the contents of any document, communication or information which relates to, and which has come 35 to that person's knowledge in the course of that person's duties under this Act.

Prohibition
of disclosure
of
information
to
unauthorised
persons

(2) Any person who contravenes subsection (1) commits an offence and is liable, upon conviction, to a fine not exceeding two hundred thousand penalty units or to imprisonment for a period not exceeding two years, or to both.

(3) A person who, having any information which to the knowledge of that person has been published or disclosed in contravention of subsection (1), unlawfully publishes or communicates the information to any other person, commits an offence and is liable, upon conviction, to a fine not exceeding two hundred thousand 5 penalty units or to imprisonment for a period not exceeding two years, or to both.

Arrest
without
warrant

76. (1) An officer may arrest a person without warrant where the officer has reasonable grounds to believe that the person-

(a) has committed an offence under this Act; 10

(b) is about to commit an offence under this Act and there is no other way to prevent the commission of the offence; or

(c) is willfully obstructing the officer in the execution of the officer's duties. 15

(2) An officer who makes an arrest under subsection (1) shall, without undue delay, have the person so arrested brought before a court of competent jurisdiction to be dealt with accordingly.

Forfeiture
provisions
on
conviction

77. (1) Upon the conviction of any person of an offence under this Act, the court may in addition to any other penalty imposed, 20 declare any animal, animal product, animal by-product or article or subject to subsections (2) to (8) inclusive, any conveyance with which the offence was committed, or which was used in, or for the purpose of, or in relation to, or in connection with, the commission of the offence, to be forfeited without compensation and shall order 25 the same to be disposed of as the State considers fit.

(2) Where the prosecution requests a declaration of forfeiture in respect of any conveyance, the court shall make an order, to the effect that unless any person other than the convicted party claims, under this section, any right of ownership in the conveyance within 30 three months of the date referred to in subsection (5), the prosecution may apply to the court *ex parte* for a declaration for forfeiture under subsection (1), and the court shall make the declaration.

(3) Upon the making of an order under subsection (2), the Director shall, within one month thereafter, cause to be published in the 35 *Gazette* and in at least one daily newspaper of general circulation in the place where the offence was committed, a notice of the making of the order, which notice shall be in the prescribed form, or if no such form is prescribed, in a form approved by the court.

(4) If under any written law requiring the registration of any 40
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conveyance referred to in subsections (1) and (2), the conveyance is registered in Zambia in the name of any person other than the person convicted, the Director shall, within seven days after publication of the notice in the *Gazette* cause a copy to be sent by registered post in a sealed envelope addressed to the person at the address appearing on the register, and the registration of the letter shall be conclusive evidence of service of the notice upon such person.

(5) Any person who claims any right of a conveyance may, within three months after the making of the order referred to in subsection (2), serve upon the Director and lodge with the clerk of the court an application in writing for the discharge of the order setting out the claim of ownership in the conveyance, whereupon the clerk of the court shall fix a date, not less than one month after the lodgement of the application for a hearing and shall, within seven days after the lodgement, cause notice of the hearing of the application to be served upon the Director.

(6) In any proceedings brought under subsection (5), the onus of proof shall be on the applicant and no order discharging the order shall be made unless the applicant has adduced evidence and proved to the satisfaction of the court that the applicant was not in any way privy to the offence and that the conveyance was, at the time of the commission of the offence, being used for such purpose without the knowledge or consent of the applicant and without any negligent disregard on the part of the applicant, of its use by the convicted person.

Cap. 399

Cap. 399

(7) Where, upon an application made under subsection (5), the court is satisfied that the conveyance is owned jointly by the claimant and the convicted party, or is the subject matter of a hire purchase agreement between the claimant and the convicted party, and the claimant has discharged the onus of the proof prescribed by subsection (6), the court shall declare forfeited all of the estate or interest of the convicted person in and to the conveyance, or all of the rights therein accrued to that person under the hire purchase agreement or pursuant to the Hire Purchase Act and order the estate, or interest or rights to be disposed of as the State may consider fit.

(8) Except with the consent of the State, any right vested in any claimant under any hire purchase agreement or pursuant to the Hire Purchase Act to re possess any conveyance which is subject to an order made under subsection (2), shall be suspended pending

the determination of any application brought under subsection (5), and in the event of the court declaring the rights therein accrued to the convicted party to be forfeited, the accrued right to repossess the conveyance shall not be exercisable against the Government. 5

Disposal of
seized animals,
etc.

78. (1) Where any animal, animal product, animal by-product or article or any conveyance or animal feed is seized under this Act, or any other written law, in relation to or in connection with the commission of any offence under this Act, and —

(a) the person suspected of having committed the offence is unknown; 10

(b) the person suspected of having committed the offence cannot be found for the purpose of service of the process of the court charging that person with the offence; or 15

(c) having been served with such process, the person suspected of having committed the offence fails to appear in answer to the charge;

the Director may, one month after publication of a notice of intention to apply for a court order for forfeiture in one daily newspaper of general circulation in the district in which the offence is alleged to have been committed, apply by way of original application, *ex parte*, to the court for an order declaring the animal, animal product, animal by-product, article, animal feed or conveyance, as the case may be, to be forfeited without compensation and ordering it to be disposed of as the Director may consider fit. 20 25

(2) If any person claims any right of ownership in any conveyance to which a notice published under subsection (1) applies, the person may, within one month after the date of publication, lodge with the clerk of the court a notice of claim of ownership and serve a copy of the notice upon the Director, and the provisions of subsections (4) to (8) of section *seventy seven* shall apply, with the necessary modifications, to the claim of ownership. 30 35

(3) If any animal, animal product, animal by-product, article or animal feed is seized under this Act, or any other written law, in relation to, or in connection with, the commission of any offence under this Act, or any other written law, the Director may apply to the court by way of original application, *ex parte*, for an order 40

for the immediate disposal by sale or otherwise of the animal, animal product, animal by-product, article or animal feed and the proceeds shall be held by the Director pending the determination of any proceedings brought in respect of the offence and shall be dealt with by the Director as the court may direct or, if the person suspected of having committed the offence is unknown or cannot be found for the purposes of service of the process of the court, subsection (1) shall apply, with necessary modifications, to the proceedings.

10 **79.** Where the holder of any permit or authority, issued under this Act, is convicted of an offence under this Act, the court shall, in addition to any penalty imposed, order the person to surrender forthwith to the Director the permit or authorisation, as the case may be, to be dealt with by the Director in accordance with the provisions of this Act.

Surrender of
permit on
conviction

15 **80.** (1) The Minister may make regulations for the better carrying out of the provisions of this Act and, in particular but without prejudice to the generality of the foregoing, such regulations may provide for

Regulations

20 (a) the prevention of the introduction of, or the spread of, any animal disease in Zambia;

(b) the prohibition or control of movements of animals, animal products, animal by-products and articles and the mode of their transfer;

25 (c) the establishment of animal disease control check points;

(d) the controlling of

(i) any disease common to human beings and animals;
and

30 (ii) any parasite injurious both to human beings and animals or capable of introducing or spreading among human beings or animals any disease referred to in sub paragraph (i);

(e) the quarantine or isolation of any animal, animal product, animal by-product or article;

35 (f) the control, immunisation, treatment, compulsory tick control and other prescribed measures by the owner of an animal and the manner in which community participation in control measures shall be conducted;

(g) the manner in which any infection or contaminated article

or anything suspected of being an infected or contaminated article, shall be cared for, treated, disinfected, destroyed or disposed of by the owner thereof or by any owner of premises on which such article is present; 5

(h) the manner in which animals suspected to have been in contact with diseased animals shall be disposed of;

(i) the cleansing, disinfecting and disinfection of any building or place where animals infected with disease are kept;

(j) the cleansing, disinfecting and disinfection of any conveyance or premises used for the conveyance, sale, exhibition or other purpose of animals; 10

(k) the control of public markets, sales yards and agricultural show grounds, animal production, health programmes or schemes for purposes of this Act; 15

(l) the dividing of Zambia into veterinary districts;

(m) the declaration of specified areas for purposes of this Act, including the declaration and regulation of certain areas as disease control zones;

(n) generally for the prevention and control of disease; 20

(o) the control of animals in captivity and the prevention of zoonotic diseases;

(p) the standards of animal welfare;

(q) the competence and supervision of veterinary inspectors;

(r) the fees to be paid for anything done or to be done under this Act; and 25

(s) generally the carrying into effect of the purposes of this Act.

(2) Any regulations under subsection (1) may provide that any person who contravenes or fails to comply with such regulations commits an offence and is liable, upon conviction, to a fine not exceeding three hundred thousand penalty units or to imprisonment for a period not exceeding three years, or to both. 30

Repeal of
Cap. 252

82. (1) The Stock Diseases Act, 1961, is hereby repealed.

Cap. 248
Cap. 250
Cap. 249

(2) Notwithstanding subsection (1), and the repeal of the Cattle Cleansing Act, the Tsetse Control Act and the Cattle Slaughter (Control) Act, any permit, licence or authorisation issued under the repealed Acts shall be in force for three months after the commencement of this Act, after which the holder shall apply for a permit in accordance with the provisions of this Act. 40

FIRST SCHEDULE

(Section 65 (6))

ADMINISTRATION COMMITTEE

1. A person shall not be appointed as a member of the
 5 Committee if that person—
- (a) holds office in, or is an employee of, any political party; or
- (b) has been convicted of an offence involving fraud or
 10 dishonesty, or any other offence under this Act or any
 other written law and sentenced therefor to a term of
 imprisonment of six months or more without the option
 of a fine.
2. (1) A member of the Committee shall, subject to the other
 provisions of this Schedule, hold office for a term of three years
 and may be appointed for a further period of three years.
- 15 (2) A member of the Committee may resign upon giving one
 month's notice in writing to the Minister.
- (3) The office of a member of the Committee shall become vacant-
- (a) if the member is absent, without reasonable excuse from
 20 three consecutive meetings of the Committee of which
 the member has had notice;
- (b) if the member is adjudged bankrupt;
- (c) if the member is convicted of an offence under this Act or
 25 any other written law and sentenced therefor to
 imprisonment for a term of six months or more, without
 the option of a fine;
- (d) if the member is declared to be of unsound mind; or
- (e) upon the member's death.
3. (1) Subject to the other provisions of this Act, the Committee
 may regulate its own procedure.
- 30 (2) The Committee shall meet for the transaction of business at
 least once in every four months at such places and times as the
 Chairperson may determine.
- (3) A meeting of the Committee may be called by the Chairperson
 upon giving notice of not less than fourteen days, and shall be called
 35 by the Chairperson if not less than one third of the members so
 request in writing:

Qualification
for
appointment
of member
of
CommitteeTenure of
office of
member of
CommitteeProceedings
of
Committee

Provided that if the urgency of any particular matter does not permit the giving of such notice, a special meeting may be called upon a shorter notice given by three members of the Committee.

(4) The Chairperson and Vice-Chairperson with two other members shall constitute a quorum at any meeting of the Committee. 5

(5) There shall preside at any meeting of the Committee -

(a) the Chairperson;

(b) in the absence of the Chairperson, the Vice-Chairperson;
or

(c) in the absence of both the Chairperson and the Vice-Chairperson, such other member as the members present may elect for the purpose of that meeting. 10

(6) A decision of the Committee on any question shall be by a majority of the members present and voting at the meeting and in the event of an equality of votes, the person presiding at the meeting shall have a casting vote, in addition to that person's deliberative vote. 15

(7) The Committee may invite any person, whose presence is in its opinion desirable, to attend and to participate in the deliberations of a meeting of the Committee, but such person shall have no vote. 20

(8) The validity of any proceedings, acts or decisions of the Committee shall not be affected by any vacancy in the membership of the Committee or by any defect in the appointment of any member or by reason that any person not entitled to do so, took part in the proceedings. 25

Sub-
committees
of
Committee

4. (1) The Committee may, for the purpose of performing its functions under this Act, establish such sub-committees as it considers necessary and delegate to any of those sub-committees such of its functions as it considers fit.

(2) Subject to subparagraph (1), the Committee may appoint as members of a sub-committee persons who are, or are not, members of the Committee, except that at least one member of the Committee shall be a member of the sub-committee. 30

(3) A person serving as a member of a sub-committee shall hold office for such period as the Committee may determine. 35

(4) Subject to any specific or general direction of the Committee, a sub-committee may regulate its own procedure.

Allowances
of member

5. There shall be paid to a member of the Committee or sub-committee such allowances as the Minister may determine.

6. (1) If any person is present at a meeting of the Committee or any sub-committee at which any matter is the subject of consideration, and in which matter that person or that person's spouse is, directly or indirectly, interested in a private capacity, that person shall, as soon as is practicable after the commencement of the meeting, declare such interest and shall not, unless the Committee or the sub-committee otherwise directs, take part in any consideration or discussion of, or vote on, any question relating to that matter.
- 5
- 10 (2) A disclosure of interest made under subparagraph (1) shall be recorded in the minutes of the meeting at which it is made.
7. (1) A person shall not, without the consent in writing given by, or on behalf of, the Committee, publish or disclose to any unauthorised person, otherwise than in the course of duties of that person, the contents of any document, communication or information whatsoever, which relates to or which has come to the knowledge of that person in the course of that person's duties under this Act.
- 15
- 20 (2) A person who contravenes subparagraph (1) commits an offence and is liable, upon conviction, to a fine not exceeding two hundred thousand penalty units or to imprisonment for a period not exceeding two years, or to both.
- (3) A person who, having any information which to the knowledge of that person has been published or disclosed in contravention of sub-paragraph (1), unlawfully publishes or communicates the information to any other person, commits an offence and is liable, upon conviction, to a fine not exceeding two hundred thousand penalty units or to imprisonment for a period not exceeding two years, or to both.
- 25
- 30 8. An action or other proceeding shall not lie or be instituted against a member of the Committee or a sub-committee, or in respect of, any act or thing done or omitted to be done in good faith in the exercise of or performance, or purported exercise or performance of any of the powers, functions or duties conferred under this Act.
- 35
- Disclosure of interest
- Prohibition of publication of, or disclosure of, information to unauthorised persons
- Immunity
-

THE DISTRICT MESSENGERS ACT

CHAPTER 288 OF THE LAWS OF ZAMBIA

CHAPTER 288 THE DISTRICT MESSENGERS ACT
CHAPTER 288
THE DISTRICT MESSENGERS ACT

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PART I
PRELIMINARY

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