

ARRANGEMENT OF SECTIONS

Prevention of Diseases

Section

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Act 83



THE EIGHTY-THIRD

ACT

OF THE PARLIAMENT OF THE REPUBLIC
OF GHANA

ENTITLED

THE DISEASES OF ANIMALS ACT, 1961

AN ACT to consolidate with amendments enactments providing for the prevention and control of the spread of infectious and contagious diseases among animals.

DATE OF ASSENT: *1st November, 1961*

BE IT ENACTED by the President and the National Assembly in this present Parliament assembled as follows:—

Prevention of Diseases

Power of Minister to apply Act to other epizootic diseases.

1. The Minister may by legislative instrument declare that any epizootic disease not specifically mentioned in section 22 of this Act shall be a disease within the meaning of this Act; and the provisions of this Act shall, subject to such limitations, if any, as he may specify, apply to the disease.

Power of Minister to declare infected areas.

2. Whenever a disease breaks out in any district, area, or place, the Minister by executive instrument may declare the district, area, or place, or any portion thereof, to be an infected area within the meaning of this Act; and the provisions of this Act relating to infected areas, shall, subject to such limitations, if any, as he may specify, apply to the infected area.

3. Every owner or person having the charge of an animal which has died of, or is suffering from a disease, or which he has reason to suspect to have died of, or to be suffering from a disease, shall forthwith notify the nearest veterinary authority.

Veterinary authority to be notified of cases of disease.

4. Until a veterinary authority gives direction as to the disposal of the animal referred to in section 3 of this Act the owner or the person in charge of the animal shall forthwith separate it and keep it from all other animals not suffering from the disease or which he has no reason to suspect to be suffering from the disease.

Isolation of infected animals.

5. No person shall without the permission of a veterinary authority disperse or dispose of, whether by sale or otherwise, or send away any animals, or the carcase or flesh or other part of any animals, which have been in contact with animals referred to in section 3 of this Act.

Animals in contact with infected animals.

6. A veterinary authority may at all reasonable times require any owner or person having charge of an animal to produce it for inspection, and to give him any information respecting such animal as the veterinary authority may desire. Any owner or person who refuses, delays, or omits to comply with any such requirements shall be guilty of an offence under this Act.

Power of veterinary authority to inspect animals.

7. Whenever a veterinary authority suspects that an animal has died of a disease he may perform or cause to be performed an examination on the body of such animal as he or the person performing the examination may consider necessary or desirable.

Power of veterinary authority to perform autopsies.

8. Any veterinary authority may at any time require any animal to be examined, inoculated, sprayed, dipped, washed, or otherwise disinfected or to undergo a period of quarantine if he considers it to be necessary in order to prevent the outbreak or spread of disease.

Power of veterinary authority to require disinfection or quarantine.

9. A veterinary authority—

- (a) may disinfect or cause to be disinfected any building, yard, pen, or other place in which any case or suspected case of disease has occurred, and any material which the veterinary authority considers to be or likely to be infected;
- (b) may destroy, or cause to be destroyed any fodder, fence, hedge, carcase, flesh, or material which in his opinion is or is likely to be infected and which he considers cannot effectively be disinfected;
- (c) may order that the hide or skin of any animal, which has died of or which on slaughter is found to be infected with a disease, shall be dried, cured, or otherwise disposed of as he thinks fit;

Powers of veterinary authority with respect to disinfection, destruction.

- (d) may cause any animal, which has been in contact with any animal or carcase infected or suspected by him to be infected with disease, to be isolated in such place and in such manner as he thinks fit;
- (e) may seize and detain, or cause to be seized and detained, any animal found at large and infected with, or suspected to be infected with, a disease;
- (f) may, if he considers that such destruction is necessary in the interests of the public health, destroy, or cause to be destroyed (subject to the provisions of any regulations made under section 21 of this Act) any animal infected with, or suspected to be infected with, a disease; and
- (g) may issue such directions and take such steps as he thinks fit with respect to the disposal, movements, detention, inspection, examination, disinfection, inoculation, quarantining, and destruction of animals in the cases herein referred to, as also generally (subject to the provisions of any regulations under section 21 of this Act) with respect to the due administration of the provisions of this Act and of the regulations thereunder.

Effect of
declaring an
infected
area.

10. Whenever the Minister declares a district, area, or place to be an infected area under section 2 of this Act, the following provisions shall apply to the infected area—

- (a) every owner or person having the charge of any animal capable of suffering from the disease by reason of an outbreak of which the area has been declared to be an infected area shall forthwith register himself at the nearest Agriculture Office in the district or such office as may be prescribed by regulations under section 21 of this Act, and shall state the number of animals owned by him or of which he is in charge, and the area where the animals feed and, on any variation in the number or alteration of the area, the owner or person in charge of the animal shall forthwith in like manner register the variation or alteration;
- (b) no animal referred to in paragraph (a) shall be allowed to enter or to leave the infected area except in strict accordance with any directions which a veterinary authority may give in that behalf and by such route (if any) as a veterinary authority may prescribe.

Presump-
tion.

11. When the owner or person in charge of any animal suffering from a disease is charged with an offence under this Act, he shall be presumed to have known of the existence of the disease in the animal

unless he satisfies the court that he had not such knowledge and could not with reasonable diligence have obtained such knowledge.

12. The Minister may, by executive instrument, suspend the operation of any of the provisions of this Act with respect to animals or diseases, and subject to such limitations and conditions, if any, as he may specify, the provisions shall cease to operate accordingly.

Power of Minister to suspend operation of provisions of this Act.

13. (1) Whenever it appears to the Minister responsible for Finance to be proper that pecuniary compensation should be paid to any person who has sustained loss by reason of any measure which has been taken under this Act, he may, subject to any regulations made under section 21 of this Act, authorise payment of a sum of money out of the Consolidated Fund to any person in such manner as he thinks fit.

Power of Minister responsible for Finance to authorise payment of compensation.

(2) Nothing in this section shall be deemed to entitle any person as of legal right to receive compensation in respect of any loss alleged to have been sustained by reason of any measures referred to in this section.

Veterinary Guards

14. The Chief Veterinary Officer may provide for the appointment of persons as veterinary guards by such person and on such conditions of service as he may direct.

Appointment of veterinary guards.

15. Veterinary guards may be employed under the control and superintendence of the Chief Veterinary Officer for the prevention and detection of offences and the apprehension of offenders against this Act.

Duties of veterinary guards.

16. Veterinary guards may serve and execute summonses and warrants issued by a District Magistrate in respect of alleged offences against this Act.

Execution by veterinary guards of criminal process.

17. A veterinary guard may, with or without a warrant or other legal process, arrest any person whom he finds committing any offence against this Act; and shall without unnecessary delay bring any person so arrested before a District Magistrate of the district in which the arrest was effected, or hand him over into the custody of a police officer.

Arrest by veterinary guards without warrant.

18. (1) The Minister may prescribe a distinctive uniform or badge for veterinary guards.

Veterinary guards uniform.

(2) No person other than a veterinary guard shall wear without permission in writing from the Minister such uniform or badge, or any dress or badge having the appearance or bearing of any of the distinctive marks of such uniform or badge.

(3) If any person contravenes the provisions of subsection (2) he shall be liable on conviction to a fine not exceeding ten pounds and in default of payment to imprisonment for a term not exceeding two months.

Power of public officers to execute provisions of the Act.

19. All public officers are hereby authorised and empowered to take all such necessary action and to do all such things as the efficient execution of any of the provisions of this Act may reasonably require; and no action, suit, or civil proceeding of any kind whatsoever shall, without the written consent of the Attorney-General, be brought against any person in any court for damages or compensation in respect of any measures or acts which may be taken or done in the execution or intended execution of such person's duties under this Act.

Offences.

20. (1) Any person who contravenes any of the provisions of this Act for which a penalty is not expressly provided, or who without lawful excuse wilfully hinders, delays, or obstructs any public officer acting in the execution of his functions thereunder, shall be guilty of an offence under this Act, and on conviction thereof shall be liable to imprisonment for a term not exceeding six months, or to a fine not exceeding fifty pounds or to both.

Regulations.

21. The Minister may by legislative instrument make such regulations as he considers necessary or expedient for giving full effect to the provisions of this Act.

Interpretation.

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

“animal” means any animal liable to infection with a disease, as that term is in this section defined, but, when used in specific connection with or with specific respect to any particular disease, means only such animals as are liable to infection with that disease;

“disease” means cattle plague (rinderpest), anthrax, contagious bovine pleuro-pneumonia, foot-and-mouth disease, swine fever, glanders, “quarter-ill,” epizootic lymphangitis (yaws), rabies, trypanosomiasis, mange, swine erysipelas, fowl pest (Newcastle disease), fowl-plague, fowl-typhoid, bacillary white diarrhoea, fowl-paralysis, tuberculosis, fowl pox, African swine fever, African horse sickness, and any disease of an epizootic character which the Minister may in section 1 of this Act declare to be a disease within the meaning of this Act.

“infected area” means any area which may be declared under section 2 of this Act;

“Minister” means the Minister of Agriculture;

“veterinary authority” includes an officer of the Department of Animal Health not below the rank of Laboratory Assistant, and (in the absence of that officer) a Medical Officer of the Ministry of Health, an officer of the Health Branch of the Ministry not below the rank of Sanitary Superintendent.

23. (1) The following enactments are hereby repealed—

The Cattle Guards (Colony) Ordinance (Cap. 35);

The Cattle Guards (Northern Territories) Ordinance (Cap. 36);

The Diseases of Animals Ordinance (Cap. 245).

Repeals and savings.

(2) Every statutory instrument made under the repealed Ordinances and in force immediately before the commencement of this Act shall continue in force as if made under the corresponding provisions of this Act.