

[CAP. 248

REPUBLIC OF ZAMBIA

THE CATTLE CLEANSING ACT

CHAPTER 248 OF THE LAWS OF ZAMBIA

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THE CATTLE CLEANSING ACT

ARRANGEMENT OF SECTIONS

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CHAPTER 248

CATTLE CLEANSING

An Act to provide for the cleansing of cattle; to provide for application to declared areas and in the event of a serious outbreak of disease; and to provide for matters incidental thereto.

[11th April, 1930]

15 of 1930
47 of 1963
Government
Notices
319 of 1964
497 of 1964
Statutory
Instrument
57 of 1965
Act No.
13 of 1994

1. This Act may be cited as the Cattle Cleansing Act.

Short title

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

Interpretation

“cattle” means bulls, cows, heifers, calves and oxen, and any other animals to which this Act may be applied by the Minister by statutory notice;

“to clean” means the maintaining of cattle free from tick infestation by submerging such cattle in a dipping tank containing an effective tick destroying agent, and/or by hand dressing and clipping in such manner as the Director of Veterinary Services may from time to time prescribe by statutory notice;

“dipping tank” means any contrivance for the cleaning of cattle by submerging, and structures incidental thereto approved by the Director of Veterinary Services;

“effective tick destroying agent” means an aqueous solution containing the equivalent of 0.16 per centum of arsenious oxide or such other percentage of arsenious oxide or such other ingredients in such proportion as the Minister may, from time to time, prescribe by statutory notice;

“engorged tick” means any tick obviously distended with blood;

“inspector” means any Government Veterinary Officer or Government Livestock Officer and Assistant Livestock Officer and other person duly appointed to carry out the provisions of this Act;

“owner”, as applied to land, includes any person in actual occupation of or entitled as owner, lessee, or licensee to occupy any land, or the representative of any such person;

“owner”, as applied to cattle, includes every person claiming jointly or severally any right, title or interest in any cattle in his possession, or having charge, control or management of cattle, as well as the owner of land in respect of cattle belonging to his servants and running on such land;

“tick infestation” means ten or more engorged ticks.

(As amended by G.N. No. 319 of 1964)

Owners in any area may petition Minister to apply Act

3. The owners of land in any area may petition the Minister in writing to apply the provisions of this Act in such area as may be asked for in the petition. Such petition shall clearly describe the boundaries of the said area and the approximate number of cattle within such area.

(As amended by G.N. No. 319 of 1964)

Minister to publish petition and call for objections

4. The Minister shall, on the receipt of a petition as aforesaid, cause notice of the same to be published in the manner he may deem best calculated to reach all owners of land and cattle in the area mentioned in the petition. Such notice shall set out the boundaries of the area and shall call upon such owners to lodge in writing, within a reasonable time to be fixed by such notice, objections (if any) to the petition being acceded to, accompanied by a statement as to the area of land and the number of cattle belonging to such owner.

(As amended by G.N. No. 319 of 1964)

If objections predominate, Minister shall refuse petition

5. The Minister shall, on the expiration of the period fixed for receiving objections, consider the petition and objections thereto, together with such further information (if any) as he may deem necessary to call for or take into consideration in connection therewith and shall thereafter grant or refuse the petition:

Provided however that in no case shall a petition be acceded to if objections are received from the owners of one-third of the land included within such area.

(As amended by G.N. No. 319 of 1964)

If petition granted, notice applying Act and describing area to be published

6. Upon the Minister acceding to a petition as aforesaid, he shall, by statutory notice, apply the provisions of this Act, as from such date as may be mentioned therein, to the area the boundaries whereof shall be described in such notice. For the purposes of this Act, such area shall be known as a "declared area."

(As amended by G.N. No. 319 of 1964)

Power to apply Act in event of a serious outbreak of disease. Cap. 252

7. Notwithstanding anything to the contrary hereinbefore contained, the Minister may, upon a serious outbreak of disease as defined by section *two* of the Stock Diseases Act, by statutory notice apply the provisions of this Act to such area or areas as may be described in such notice.

(As amended by G.N. No. 319 of 1964)

Owners to clean their cattle

8. From and after the date upon which this Act comes into operation within any declared area, all owners of cattle within such area shall clean their cattle at such intervals as may be prescribed.

9. Every inspector shall have full power and authority to inspect and count any cattle at any time, and to take a sample or samples from the contents of any dipping tank, and to call upon all owners to produce all cattle in their possession or under their control for the purpose of inspection or enumeration. Every owner shall advise the nearest inspector of the usual date and place of dipping his cattle and of any change of such date or place. Any person who shall refuse to allow any inspector to enter upon any land or premises or to examine cattle, or who shall impede or hinder or attempt to impede or hinder any such inspector in the execution of his duties, shall be liable, on conviction, to a fine not exceeding one thousand five hundred penalty units or, in default of payment, to imprisonment with or without hard labour for a period not exceeding three months.

Powers of inspectors and penalty for hindering in execution of duties

(As amended by Act No. 13 of 1994)

10. The owner of cattle, notwithstanding that such cattle are free from tick infestation, shall be liable to the penalties prescribed in the last preceding section if it is shown that he has failed to clean them at such intervals as may be prescribed:

Penalty on failure to clean cattle at prescribed intervals

Provided that should it appear that it was impossible or inexpedient to clean such cattle within such prescribed intervals, the onus of proof of which shall be on the owner, the said interval may be exceeded but in no case beyond fourteen days in all.

11. The Director of Veterinary Services or any person duly authorised by him thereto in writing may, for considerations of weather, drought or condition of the cattle, or for other causes beyond the control of the owner, temporarily exempt owners in any declared areas from the provisions of section *eight*, and may during such period prescribe the interval of cleaning. A list of all exemptions granted under this section shall be posted whilst in operation, at the magistrate's office in the declared area the district and at the inspector's office in the declared area in which the cattle affected are located. No movement of cattle shall be permitted from any declared area in which exemption from dipping under this section is in force unless the cattle are twice cleaned within fourteen days immediately prior to removal.

Director of Veterinary Services may temporarily exempt owners

12. The owners of land on which owners of cattle reside may be required by the Minister to provide facilities, including, if necessary, the erection and maintenance of dipping tanks and the provision of effective tick destroying agents, for the cleaning of such cattle on terms and conditions to be approved of by the Minister. Any owner of land failing to make provision as aforesaid shall be liable, on conviction, to a fine not exceeding one thousand five hundred penalty units or, in default of payment, to imprisonment with or without hard labour for a period not exceeding three months, but the payment of such fine or the undergoing of such

Owners may be required to provide facilities in respect of cattle

imprisonment shall not relieve the said owner of his obligation to provide the said facilities.

(As amended by No. 47 of 1963, G.N. No. 319 of 1964 and Act No. 13 of 1994)

Government may act on behalf of absentee owners

13. Should any person own land with cattle thereon, the property of such person, and be absent from or not have a representative or agent in Zambia having authority to carry out the terms of this Act, the Minister may authorise the due performance of the terms of this Act in such manner as he may deem expedient, and any disbursements thereby incurred shall be recoverable by summary sale by auction of sufficient cattle and goods, the property of such person, to repay the said disbursements.

(As amended by G.N. No. 319 of 1964 and S.I. No. 57 of 1965)

Tick destroying agent sold must conform to prescribed standard

14. It shall be unlawful for any person to sell or offer for sale as an effective tick destroying agent any article or fluid which does not conform to the standard prescribed under this Act.

Certificate of analyst to be evidence

15. In any proceedings under this Act, a certificate of analysis under the hand of an analyst shall be evidence of the facts therein contained.

Prohibition on movement of cattle into declared area without permit

16. No movement of cattle shall be permitted from any area in which this Act is not in operation to any declared area unless the cattle have been twice cleaned within fourteen days immediately prior to removal or until such time as an inspector shall certify them as free from ticks. The movement of such cattle shall only be by permit issued by an inspector and shall be subject to such conditions as shall be endorsed upon the permit.

Regulations

17. The Minister may, by statutory instrument, make regulations prescribing the intervals at which cattle shall be cleaned and providing generally for the better carrying out of the objects and purposes of this Act.

(As amended by G.N. No. 319 of 1964)

General penalty

18. Any person contravening the provisions of this Act, for which no penalty is expressly provided, or the provisions of any regulations made thereunder, shall be liable, on conviction, to a fine not exceeding one thousand five hundred penalty units or, in default of payment, to imprisonment with or without hard labour for a period not exceeding three months.

(As amended by Act No. 13 of 1994)