



GUYANA

ACT NO. 7 OF 2011

ANIMAL HEALTH ACT 2011

In assent,

A handwritten signature in black ink, appearing to read 'Bharat Jagdeo', written over the printed name and title.

Bharat Jagdeo,
President.

August 3, 2011

ARRANGEMENT OF SECTIONS

SECTIONS

PART I PRELIMINARY

1. Short title and commencement.
2. Interpretation.

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PART II
ADMINISTRATION

3. Designation of the Authority.
4. Functions of the Authority.
5. Establishment and mandate of animal health committees.
6. Membership of the committees.
7. Functioning of the committees.
8. Powers of appointment and designation.
9. Powers of authorised officers.
10. Rights and duties of owner and person in charge of an establishment.
11. Improvement notice.

PART III
ANIMAL DISEASE CONTROL

12. List of prescribed diseases.
13. List of national pathogens.
14. Designation of infected zones.
15. Designation of free zones, buffer zones and surveillance zones.
16. Movement permits and orders.
17. Control measures.
18. Duty of animal owners.
19. Slaughtering and destruction orders.
20. International transportation facility.

PART IV
IMPORT AND EXPORT (TERRESTRIAL)

21. Import requirements.
22. Import permit and border inspections.
23. Animal quarantine.
24. Exports.

PART V
IMPORT AND EXPORT (AQUATIC)

25. Import requirements.
26. Aquatic animal quarantine.
27. Registered importers.
28. Import permit.

29. Special requirements for introductions and transfers of living aquatic animals.
30. Conditions on imports.
31. Border inspections.
32. Registered exporters.
33. Export permit.
34. Prohibited species.
35. Export certification.

PART VI
OFFENCES AND PENALTIES

36. Offences.
37. Offences by authorised officers.
38. Offences by customs officers.
39. Offences by body corporate.
40. Penalties.
41. Fixed penalties.

PART VII
MISCELLANEOUS

42. Duty to assist and cooperate.
43. Right of appeal.
44. Good faith defence.
45. Power of the Minister to make subsidiary legislation.
46. Savings and repeal.

AN ACT to control the movement of animals into and within Guyana and to prevent the introduction and spread of animal diseases within Guyana and from other countries, and to ensure the safe and humane movement of animals to and from Guyana and to regulate the importation and production of animal products and livestock feeds and other matters related thereto and connected therewith.

A.D. 2011

Enacted by the Parliament of Guyana:-

PART I
PRELIMINARY

Short title and commencement.

1. This Act may be cited as the Animal Health Act 2011 and shall come into operation on a date to be appointed by the Minister by order.

Interpretation.

2. In this Act -

“abattoir” means premises used for the slaughter of non-aquatic animals for human consumption or animal feeding;

“animal” means an aquatic animal or a terrestrial animal;

“animal feed” means a mixture of nutrients that are produced under hygienic conditions that comply with the requirements of each species, age and type of production, either as the only source of feed or as a supplement;

“animal health status” means the status of a country or a zone or a compartment with respect to an animal disease;

“animal identification” means the combination of the identification and registration of an animal individually, with a unique identifier, or collectively by its epidemiological unit or group, with a unique group identifier;

“animal product” means a terrestrial animal product or an aquatic animal product;

“animal traceability” means the ability to follow an animal or group of animals during all stages of their lives until slaughter;

“animal welfare” means taking due diligence to ensure that an animal or group of animals is free from hunger, thirst, malnutrition, thermal and physical discomfort, pain, injury and disease, fear and distress and is free to express normal patterns of behaviour;

“approved” means officially approved, accredited or registered by the Authority;

“aquaculture facility” means an establishment in which aquatic animals for breeding, stocking or marketing are raised or kept for farming purposes, for release into the aquatic environment or for human consumption;

“aquaculture site” means a hatchery, nursery or grow-out area, including land-based, flow-through and open-water based systems;

“aquatic animal” means all life stages, including eggs and gametes, of fish, molluscs, crustaceans and amphibians originating from aquaculture facilities or removed from the wild, for farming purposes, for release into the aquatic environment or for human consumption;

“aquatic animal product” means non-viable aquatic animals and products from aquatic animals, and includes fresh fish, processed whole fish or edible products of fish that have been subjected to treatment such as cooking, drying, salting, brining, smoking or freezing;

“aquatic zone” means a clearly defined part of the aquatic environment of Guyana containing an aquatic animal sub-population with a distinct health status with respect to a specific disease for which required surveillance, control and animal health measures are applied, including aquaculture facilities and aquaculture sites;

No. 1 of 2010

“Authority” means the Guyana Livestock Development Authority established under section 3 of the Guyana Livestock Development Authority Act 2010;

“authorised officer” means a person appointed or designated and qualified to act as such under section 8 (1) (a) of this Act;

“biological products” means –

- (a) biological reagents for use in the diagnosis of certain diseases;
- (b) sera for use in the prevention and treatment of certain diseases;
- (c) inactivated or modified vaccines for use in preventive vaccination against certain diseases;
- (d) genetic material of infectious agents; or
- (e) endocrine tissues from fish or used in fish;

“buffer zone” means a zone established to protect the health status of animals in a free zone from those in a zone of a different animal health status, using measures such as vaccination, movement control and disease surveillance based on the epidemiology of the disease or pathogen under consideration, in order to prevent spread of the causative pathogenic agent into a free zone;

“Committee” means the National Advisory Committee on Animal Health or the National Committee on Aquatic Animal Health Management established under section 5 (1) and (2);

“commodity” means animals, animal products intended for human consumption, for animal feeding, for pharmaceutical or surgical use or for agricultural or industrial use, animal genetic material, feedstuffs, biological products and pathological material;

“compartment”, in the aquatic animal health context, means one or more aquaculture facilities under a common bio security management system containing an aquatic animal population with a distinct health status with respect to a particular disease for which required surveillance and control measures are applied and basic bio security conditions are met for the purpose of international trade;

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

“container” means any receptacle or other structure for holding terrestrial animals or commodities;

“diagnosis” means a determination of the nature of a disease, and “diagnostic” shall have a corresponding meaning;

“disease” means the clinical or pathological manifestation of infection in animals;

“early detection system” means a system under the control of the Authority for the timely detection and identification of animal diseases;

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

“epidemiological unit” means a group of animals with a defined epidemiological relationship sharing approximately the same likelihood of exposure to a pathogen;

- “eradication” means the elimination of a pathogenic agent of disease from a zone;
- “establishment means premises in which animals are kept and includes aquaculture facilities;
- “export” means the sending of commodities to another country by any means, and exportation” has a corresponding meaning;
- “exporter” means any person who, whether as owner, consignor, consignee, agent or broker, is in possession of or in any way entitled to the custody or control of any animal, animal product or commodity to be exported from Guyana;
- “fish slaughtering premises” means premises used for the slaughter of fish for human consumption or other purposes;
- “free zone” means a zone in which the absence of a prescribed disease or a national pathogen has been demonstrated and an official control programme is effectively applied for animals and animal products and their transportation;
- “infected zone” means a zone in which the absence of a prescribed disease or a national pathogen has not been demonstrated for the purposes of international trade; or means a zone in which a prescribed disease has been diagnosed;
- “infection” means the presence of the pathogenic agent, including zoonotic agents, in the host;
- “international aquatic animal health certificate” means a certificate issued by the Authority certifying the state of health of aquatic animals, and a declaration that the aquatic animals originate from a source subject to official health surveillance according to the procedures described in the OIE Manual for the Diagnosis of Aquatic Animal Diseases;
- “international transportation facility” means –
- (a) a container that transport persons, animals or other commodities internationally;
 - (b) an airport that receives any aircraft operating on an international flight;
 - (c) a port that receives any ship sailing on an international voyage; or
 - (d) a warehouse or other facility that receives any international air, water, rail or road traffic;

- “international veterinary certificate” means a certificate, issued in conformity with the regulations made under this Act, describing the animal health or public health requirements which are fulfilled by the exported commodities;
- “introduction” means the human-assisted movement of an aquatic animal to an area outside its natural range;
- “meat” means all edible parts of a non-aquatic animal;
- “memorandum of understanding” means a written agreement between the Authority and any other public or private entity under section 4 (u) of this Act;
- “Minister” means the Minister responsible for Agriculture;
- “monitoring” means a continuous investigation of a given population or sub-population and its environment to detect changes in the prevalence of a disease or pathogen or characteristics of a pathogenic agent;
- “national pathogen list” means the list of pathogens of national importance that are the subject of control with respect to their entry, establishment and spread within Guyana and listed as such under section 13;
- “official analyst” means a person authorised and qualified to act as such under section 8 (1) (b);
- “official control programme” means a programme which is approved and managed or supervised by the Authority for the purpose of controlling a vector, pathogen or disease by specific measures applied within an infected zone, a free zone, a surveillance zone or buffer zone, as the case may be;
- “official laboratory” means a laboratory designated as such under section 8 (3);
- “OIE” means the World Organisation for Animal Health;
- “outbreak” means the occurrence of one or more cases of a disease or an infection in an epidemiological unit;
- “owner” or “person in charge”, in relation to anything or business, includes any person having for the time being the possession, custody or control thereof;
- “person” means a natural person or a body corporate;
- “population” means a group of animals sharing a common defined characteristic;

“premises” includes any building, tent or other structure, permanent or otherwise, together with the land on which the same is situated and any adjoining land employed in connection therewith, used for activities carried out in relation to animals, animal products or commodities;

“prescribed disease” means a disease subject to an official control programme and prescribed as such under section 12;

“quarantine station” means a facility under the control of the Authority where animals are maintained in isolation with no direct or indirect contact with other animals, to prevent the transmission of a specified disease or pathogen into their surrounding environment while the animals are undergoing observation for a specified length of time as well as, if appropriate, testing and treatment;

“risk analysis” means a process composed of hazard identification, risk assessment, risk management and risk communication in accordance with internationally accepted procedures and standards;

“risk assessment” means the processes of identifying and estimating the risks associated with the importation of a commodity and evaluating the biological and economic consequences of those risks;

“sell” includes to offer, advertise, keep, store, display, transmit, consign, convey or deliver for sale, or to exchange or to dispose of to any person in any manner whether for a consideration or otherwise, and “sold”, “selling” and “sale” shall have corresponding meanings;

“slaughter” means any procedure which intentionally causes the death of an animal by bleeding;

“stamping-out programme” means a programme carried out under the direction of the Authority, on confirmation of a disease, to kill terrestrial animals which are affected and those suspected of being affected in the epidemiological unit and, where appropriate, in other epidemiological units which have been exposed to infection by direct animal-to-animal contact, or by indirect contact of a kind likely to cause the transmission of the casual pathogen, and includes cleansing and disinfection procedures;

“sub-population” means a distinct part of a population identifiable according to specific common animal health characteristics;

“surveillance” means the investigation of given population or sub-population to detect the presence of a disease and includes ante and post mortem inspections;

- “surveillance zone” means a zone established within, and along the border of, a free zone separating the free zone from an infected zone;
- “terrestrial animal” means a mammal, bird or bee, including cattle, buffalo, horses, mules, asses, sheep, swine, goats, dogs, cats, poultry, insects, reptiles, amphibians, eggs of any kind, and their semen, fertilised ova and embryos;
- “terrestrial animal product” means any part of a terrestrial animal, including milk and eggs;
- “traceability” means the ability to identify, through all stages of life, the origin and the final destination of an animal, animal product or commodity;
- “transportation” means the procedures associated with the carrying of animals for commercial purposes from one location to another by any means;
- “vehicle” means any vessel, aircraft, train, conveyance, cart, container, animal or other thing on land or at sea that can transport animals, animal products or commodities from one place to another;
- “veterinary biological” includes hormones, vaccines, sera, toxins, anti-toxins, antigens, micro-organisms living or dead, any other biological substance which is intended solely for use in the practice of veterinary medicine, and germplasm of animals for use in artificial insemination or embryo transfer;
- “veterinary medicine” means a substance or composition of synthetic origin applied or administered to an animal, whether used for therapeutic, prophylactic or diagnostic purposes or for the modification of an animal’s physiological function or behaviour, or any substance or composition presented as having such properties or uses, and includes antibiotics, growth promoting substances and veterinary pesticides, such as those applied for control of diseases and ectoparasites of animals;
- “zone” means a clearly defined part of the territory of Guyana, including aquatic zones, containing an animal sub-population with a distinct health status with respect to a specific disease for which required surveillance, control and animal health measures are applied;
- “zoonosis” means any disease or infection which is naturally transmissible from animals to humans.

PART II
ADMINISTRATION

Designation of
the Authority.

3. (1) The primary responsibility for the administration of this Act lies with the Minister.
- (2) The Authority shall be responsible for the implementation of this Act.

Functions of
Authority.

4. The principal functions of the Authority under this Act shall be to --
- (a) prevent and control the introduction, establishment or spread of prescribed diseases and national pathogens into Guyana and for that purpose carry out surveillance, monitoring, official control and stamping-out programmes;
 - (b) undertake emergency action for emerging diseases and pathogens and in outbreaks of the same;
 - (c) develop and implement an animal identification system, an animal traceability system and a permit system for animal movement;
 - (d) designate infected zones, buffer zones, free zones, zones of low disease prevalence and surveillance zones;
 - (e) distribute information received from the OIE or other international or regional standard-setting entities and coordinate the circulation of draft standards within Guyana and the collection of comments thereon from interested governmental and non-governmental entities;
 - (f) advise on Guyana's participation in the work of the OIE and its subsidiary bodies, and other international and regional entities, including representation at meetings;
 - (g) supply information on animal health matters according to international reporting requirements;
 - (h) develop and update a list of prescribed diseases and a list of national pathogens and establish import requirements accordingly;
 - (i) carry out risk analysis for the purposes of paragraph (h);
 - (j) carry out veterinary inspections of commodities for export and issue international veterinary certificates and international aquatic animal health certificates;
 - (k) designate quarantine stations and facilities in accordance with prescribed standards;

- (l) establish standards for animal welfare during the life of an animal as well as during its slaughter and destruction;
- (m) develop diagnostic, investigative and analytical capabilities and establish official laboratories;
- (n) provide laboratory services;
- (o) regulate and control the importation and exportation of animal feed;
- (p) regulate and control the manufacture, import, export, use, quality, suitability, packaging, labelling, transport, storage, sale and advertising of any veterinary biological and veterinary medicine;
- (q) advise the Minister on the preparation and amendment of regulations, orders and notices under this Act and their publication;
- (r) provide advice, information or assistance to any public or private entity in relation to animal health and zoonoses;
- (s) develop and promote private sector participation in the execution of programmes for animal health;
- (t) furnish such certificates or documentation required under this Act on receipt of the prescribed application in writing and on the payment of the prescribed fee;
- (u) enter into memoranda of understanding for the implementation of activities under this section;
- (v) develop and maintain an epidemiological surveillance system including an early detection system and contingency plans;
- (w) establish basic bio security conditions applying to a particular disease, and a particular zone to ensure adequate disease security;
- (x) carry out any other matters in connection with or reasonably incidental to the foregoing.

Establishment
and mandate of
animal health
committees.

5. (1) There shall be established a Committee to be known as the National Advisory Committee on Animal Health.

(2) There shall be established a Committee to be known as the National Committee on Aquatic Animal Health Management.

(3) The committees established in this section shall advise and provide assistance to the Authority in their respective fields of competence, regarding policies, strategies and measures concerning zones, animal health or aquatic animal health, trade in animals and aquatic animals and their products and disease prevention; control and eradication.

Membership of
the committees.

6. (1) The National Advisory Committee on Animal Health shall be made up of the following permanent members -

- (a) a representative of the Ministry, appointed by the Minister;
- (b) the Head of Animal Health Unit of the Authority; and
- (c) the Chief Executive Officer of the Authority;

(2) The National Committee on Aquatic Animal Health Management shall be made up of the following permanent members -

- (a) a representative of the Ministry, appointed by the Minister;
- (b) the Head of Animal Health Unit of the Authority;
- (c) the Chief Executive Officer of the Authority; and
- (d) the Chief Fisheries Officer.

(3) Additional members selected according to their qualifications and appointed by the Minister and may include representatives from -

- (a) the livestock, fisheries and aquaculture industry;
- (b) food producers;
- (c) consumers;
- (d) international organizations;
- (e) other concerned Ministries or authorities; or
- (f) one or more *ad hoc* representatives appointed by the Minister.

Functioning of
the committees.

7. (1) The Head of Animal Health Unit of the Authority shall be the Chairperson of the committees established under section 5.

(2) The Head of Animal Health Unit of the Authority shall appoint a secretary from among the members to keep minutes of each meeting.

(3) At least one half the committee members present at any particular meeting shall constitute a quorum for purposes of transacting business.

(4) Each committee may make provision for the conduct of its meetings and the procedures to be followed at such meetings.

(5) Except where the Chairperson specifically calls for a closed meeting, members of the public may attend meetings of a committee, although they may only participate where so authorised by the Chairperson, and in no case may they vote.

Powers of
appointment
and designation.

8. (1) The Authority may from time to time appoint or designate, with the concurrence of any Minister or other public authority as may be necessary, any person with the prescribed qualifications as -

- (a) an authorised officer to carry out the functions assigned to such officers under this Act;
- (b) an official analyst for purposes of enforcement of this Act.

(2) The Authority may carry out an appointment or designation under subsection (1) based on any memorandum of understanding.

(3) The Authority may from time to time designate any laboratory as an official laboratory for purposes of enforcement of this Act.

Powers of
authorised
officers.

9. (1) An authorised officer may, without a warrant -

- (a) enter any abattoir, establishment, fish slaughtering premises, aquaculture facility, aquaculture site or other premises or area, except for a dwelling place, where activities in relation to animal health or aquatic animal health are being carried out or are suspected of being carried out, and may, for the purpose of determining whether this Act is being violated -
 - (i) inspect or search such premises, and examine any animal, appliance, product, material, object or substance which is being or is suspected of being, used in relation to animal health or aquatic animal health activities;
 - (ii) demand any information regarding any such animal, appliance, product, material, object or substance from the owner or person in charge of such premises;
 - (iii) weigh, count, measure, mark, open and take samples in the prescribed manner of anything found at that premises and submit it to an official laboratory for analysis by an official analyst, or lock, secure, seal or close any door giving access to it;
 - (iv) examine, make copies of or take extracts from any book, statement or other document found at such premises, and demand from the owner or any person in charge of the premises an explanation of any entry in it;
 - (v) inspect any operation or process carried out on such premises, and demand any information regarding such operation or process from the owner or person in charge

of such premises or from any person carrying out such operation or process;

- (vi) read any values recorded by measuring instruments installed on the premises or by instruments in the possession of the authorised officer;
- (vii) take any photographs; or
- (viii) seize any animal, appliance, product, material, object, substance, book, statement or document which appears to provide proof of a contravention of any provision of this Act, providing a signed receipt in the prescribed form which shall be countersigned immediately by the owner or person in charge of such premises or object.

- (b) stop and search without a warrant any container or vehicle, upon entry into, movement within or exit from Guyana; or
- (c) stop, for a stipulated period, the distribution, sale or use of any animal, animal product or commodity which the authorised officer has reason to believe is infected with or may spread a prescribed disease or a national pathogen.

(2) An authorised officer exercising the requisite authority under this section may request the presence and assistance of such law enforcement personnel as the authorised officer considers necessary.

(3) An authorised officer shall exhibit an official identification card of the authorised officer on demand by any person affected by the exercise or performance of any power, duty or function of such authorised officer under this Act.

Rights and duties of owner and person in charge of an establishment.

10. During an inspection carried out under section 9, the owner or person in charge of an establishment or facility, or any other person present at the premises -

- (a) may accompany the authorised officer;
- (b) shall supply any information or documents requested by the authorised officer relating to installations, appliances, materials, procedures or other matters relevant to any inspection; and
- (c) shall permit the taking of samples and the gathering of evidence including photographs.

Improvement
notice.

11. If an authorised officer has reasonable grounds for believing that an owner or person in charge of an animal is failing to comply with this Act, including in relation to animal welfare, the authorised officer may serve an improvement notice on that owner or person in charge -

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

PART III

ANIMAL DISEASE CONTROL

List of
prescribed
diseases.

12. (1) The Authority shall develop a list of prescribed diseases based on risk analysis.

(2) The Authority shall regularly update the list of prescribed diseases based on risk analysis.

(3) The Authority shall communicate the list of prescribed diseases, and any subsequent amendments to it, to the Minister for approval and publication.

List of national
pathogens.

13. (1) The Authority shall develop a list of national pathogens based on risk analysis.

(2) Each national pathogen shall satisfy at least one of the following criteria -

- (a) it is the causative agent of a disease listed by OIE;
- (b) it is the causative agent of a disease the occurrence of which would have significant socio-economic impacts;
- (c) it is either exotic or occurring in limited parts of the country;
- (d) it is clearly identifiable;
- (e) it is the causative agent of a prescribed disease.

(3) The Authority shall regularly update the list of national pathogens based on risk analysis.

(4) The Authority shall communicate the list of national pathogens and any subsequent amendments to it to the Minister, for approval and publication.

Designations of infected zones.

14. (1) Where an authorised officer suspects that a prescribed disease or a national pathogen exists in any zone, the authorised officer shall without delay sign a notice to that effect specifying the limits of the zone and declaring it an infected zone.

(2) The notice referred to in subsection (1) above shall be served upon the owner or occupier of such zone.

(3) The zone declared an infected zone shall be subject to confirmation or otherwise by the Minister under subsection (5), provided that the authorised officer may, at any time within the prescribed number of days and after further investigation by the Authority but before confirmation or otherwise, withdraw such notice and such place shall cease to be an infected zone.

(4) The Authority shall with all practicable speed send copies of any notice issued or withdrawn under subsection (1) to the Minister.

(5) Upon receipt by the Minister of any notice which has not been withdrawn, the Minister shall consider the matter and -

- (a) if satisfied that such course is expedient or necessary, by order declare the zone referred to in the notice to be an infected zone, specify the limits of such zone and outline the duties of persons in the zone; or
- (b) if the Minister is not so satisfied, by order revoke the notice of the authorised officer, at which time the zone referred to in the notice shall cease to be an infected zone.

Designations of free zones, buffer zones and surveillance zones.

15. The Authority may by order declare a zone to be a free zone, a buffer zone or a surveillance zone.

Movement permits and orders.

16. (1) No person shall, without a permit issued by an authorised officer, remove from or take into a buffer zone, free zone, infected zone or surveillance zone any animal, animal product or commodity.

(2) Where an authorised officer believes on reasonable grounds that any animal, animal product or commodity has been removed from or taken into a buffer zone, free zone, infected zone or surveillance zone in contravention of subsection (1), the authorised officer may -

- (a) return it to or remove it from the buffer zone, free zone, infected zone or surveillance zone, or move it to any other place; or
- (b) require its owner to return it or remove it from the buffer zone, free zone, infected zone or surveillance zone, or move it to any other place.

(3) A requirement under subsection (2) (b) shall be communicated by written notice to the owner of the animal, any animal product or commodity, which shall specify the period within which and the manner in which the item is to be returned or removed.

(4) The Minister may by order, in order to ensure the safe treatment of animals which are to be moved from one zone to another within Guyana, prohibit or require the postponement of movement, for such period as the Ministry may specify in the order.

Control
measures.

17. For the purposes of controlling or eradicating prescribed diseases or national pathogens in a zone and of preventing their introduction or spread, the Authority may -

- (a) prohibit or regulate the movement of persons and vehicles, within, into or out of a zone;
- (b) provide for the establishment of compartments within a zone and varying measures of control for each compartment;
- (c) authorise the disposal or treatment of animals, animals products or commodities that are or have been in a zone; or
- (d) implement any other disinfection measures, eradication measures or official control and stamping-out programmes.

Duty of animal
owners.

18. (1) Every owner of any animal infected or suspected to be infected with a prescribed disease or a national pathogen shall -

- (a) keep such animal separate from animals not so diseased or suspected to be infected;
- (b) within twenty-four hours, give notice of the fact of the animal being so diseased or suspected to the nearest office of the

Authority or to the person in charge of the nearest police station.

(2) The person to whom notice under subsection (1) (b) above is given, if not an authorised officer, shall without delay notify an officer of the Authority.

Slaughtering
and destruction
orders.

19. (1) An authorised officer may cause any animal, or any epidemiological unit, infected or suspected to be infected with a prescribed disease or a national pathogen, whether or not present in any infected zone, to be slaughtered or destroyed in order to prevent the spread of the disease or pathogen, and for such purpose the authorised officer may give all such directions as the authorised officer considers necessary.

(2) An authorised officer may, for the purpose of observation and treatment, take possession of and retain any animal liable to be slaughtered or destroyed under this section.

(3) Any animal destroyed under the provisions of this Act or which dies as the result of disease, shall be burnt or buried or otherwise disposed of as soon as possible in accordance with the orders, either general or particular, of the authorised officer and for such purposes the authorised officer may use any suitable ground in the possession or occupation of the owner of the animal.

(4) It shall be lawful for the Minister, out of moneys voted for that purpose by the National Assembly, to compensate owners for animals destroyed in order to achieve eradication or control or to prevent the further spread of a prescribed disease or national pathogen.

(5) Notwithstanding subsection (4), compensation may be reduced or refused where the owner of the animal has, in the opinion of Minister, been negligent in the care of the animal.

International
transportation
facility.

20. (1) The owner operator of an international transportation facility shall, where required in writing by the Authority, provide and maintain areas, offices, laboratories and other facility, including buildings, accommodation, equipment, furnishings and fixtures in accordance with prescribed standards.

(2) Where an area, office, laboratory or other facility that is provided by an owner or operator pursuant to subsection (1) is not adequate for the purposes mentioned in that subsection, the Authority may require the closure and cessation of operation of the area, office, laboratory or other facility.

(3) A requirement under subsection (2) shall be communicated by written notice to the owner or operator, which shall specify the period within which and the manner in which any modifications, construction or repairs are to be carried out.

PART IV IMPORT AND EXPORT (TERRESTRIAL)

Import requirements.

21. (1) No terrestrial animal, terrestrial animal product or commodity shall be imported into Guyana except in accordance with this Act.

(2) For the purpose of preventing the introduction, establishment or spread of any prescribed disease or listed pathogen in Guyana through the import of terrestrial animals, terrestrial animal products or commodities, the Authority may -

- (a) establish import requirements based on risk analysis;
- (b) issue import permits;
- (c) designate official border posts; or
- (d) carry out the inspection, testing, detention, disinfection, destruction, disposal, seizure and re-shipment of any terrestrial animal, terrestrial animal product, commodity, vehicle or container.

(3) The Authority shall regularly update any import requirements under subsection (2) (a) based on risk analysis.

(4) The Authority shall communicate the import requirements under subsection (2) (a) and the list of official border posts under subsection (2) (c), and any subsequent amendments to these, to the Minister for approval and publication.

Import permit and border inspections.

22. (1) Any person intending to import any terrestrial animal, terrestrial animal product or commodity into Guyana shall apply to the authority for an import permit, if so established by the import requirements, and pay any prescribed fee.

(2) Any permit granted under this section may contain such terms and conditions as the Authority may impose based on risk analysis.

(3) The Authority may exempt any terrestrial animal product or commodity from an import permit based on risk analysis.

(4) Any shipment of terrestrial animals, terrestrial animals products or commodities shall be subject to inspection by an authorised officer at an official border post.

(5) Upon inspection under subsection (4), an authorised officer may, where the authorised officer is satisfied that the import of the shipment would result or is likely to result in the introduction or spread in Guyana of a vector or a prescribed disease, or where the documentation accompanying the shipment fails to meet the prescribed requirements, order any of the following measures at the expense of the importer -

- (a) the taking of samples for submission to an official laboratory for analysis;
- (b) transfer to a quarantine station or any other location identified by the Authority for testing or disinfection;
- (c) return to the country of origin; or
- (d) destruction.

(6) The decision under subsection (5) shall be made based on risk analysis.

(7) The cost of any action taken by the Authority under subsection (5) shall be borne by the importer.

Animal
quarantine.

23. (1) The Authority may establish or designate quarantine stations at such places as it may deem necessary based on prescribed standards.

(2) By order of an authorised officer, any terrestrial animal may be placed under quarantine in a quarantine station where the authorised officer suspects that the terrestrial animal-

- (a) is suffering from a prescribed disease; or

- (b) may have been in contact, during its transportation, with any animal which is or may be suffering from a prescribed disease or with any animal which is not exempted from the requirement of being placed in quarantine; or
- (c) has otherwise been exposed to the risk of contracting a prescribed disease.

(3) Every terrestrial animal which is imported, unless exempted by virtue of regulations or subject to a different order of the Authority under section 22 (5) (c) or (d) of this Act, shall upon being landed be placed in quarantine for such period and be subject to such conditions as may be prescribed.

(4) Where it appears to an authorised officer that a terrestrial animal which is otherwise exempt from the requirements of subsection (3) above, nonetheless -

- (a) may be suffering from a prescribed disease; or
- (b) may have come in contact, during its transportation, with any animal which is or may be suffering from a prescribed disease or with any animal which is not exempted from the requirement of being placed in quarantine; or
- (c) has otherwise been exposed to the risk of contracting a prescribed disease,

the authorised officer may order the terrestrial animal placed in quarantine.

(5) Any terrestrial animal which develops any prescribed disease while in the quarantine station or, in the opinion of the authorised officer presents a risk for the spread of a prescribed disease in Guyana may, with the approval of the Minister, be destroyed without payment of compensation.

Exports.

24. (1) No terrestrial animal, terrestrial animal product or commodity shall be exported from Guyana except in accordance with this Act.

(2) For the purpose of meeting the requirements of the importing country for the export of terrestrial animals, terrestrial animal products or commodities, the Authority may -

- (a) carry out biological tests, vaccinations or disinfection procedures;

- (b) carry out inspection, approval and certification procedures of animals and establishments;
- (c) observe terrestrial animals during transport to the place of shipment and at the point of departure;
- (d) send advance notice to the importing country; or
- (e) issue international veterinary certificates.

PART V

IMPORT AND EXPORT (AQUATIC)

Import requirements.

25. The Authority shall develop -

- (a) a list of species of aquatic animals, aquatic animal products or commodities the importation of which into Guyana is restricted or expressly prohibited by international agreement or by the Authority's decision based on risk analysis;
- (b) a list of those species of ornamental aquatic organisms that are pre-approved for importation based on risk analysis;
- (c) a list of approved competent authorities of importing countries and their current contact information;
- (d) requirements for health certificates for aquatic animals, aquatic animal products or other commodities to be imported into Guyana;
- (e) official border posts.

(2) The Authority shall regularly update the import requirements under subsection (1) based on risk analysis.

(3) The Authority shall communicate the import requirements under subsection (1), and any subsequent amendments to them, to the Minister for approval and publication;

Aquatic animal quarantine.

26. (1) The Authority may establish or designate aquatic quarantine facilities, including ornamental aquatic organism quarantine facilities and introduction and transfer quarantine facilities, at such places as it may deem necessary based on prescribed standards.

(2) The Authority may establish rules for the confinement of aquatic animals in quarantine facilities.

Registered importers.

27. No person shall import aquatic animals, aquatic animal products or commodities into the territory of Guyana unless the person is registered as an importer in accordance with this Act.

Import permit.

28. (1) No person shall import aquatic animals, aquatic animals products or commodities without an import permit issued by the Authority.

(2) An application for an import permit under subsection (1) shall be submitted to the Authority in the prescribed form and accompanied by any prescribed fee at least six weeks before the proposed date of importation.

Special requirements for introductions and transfers of living aquatic animals.

29. No person shall import living aquatic animals for their introduction or transfer without the written approval of the Authority, application having been made in the prescribed form and manner and accompanied by any prescribed fee.

Conditions on imports.

30. (1) Any permit or approval granted under section 28 or 29 may contain such terms and conditions as the Authority may impose based on risk analysis.

(2) In cases of import of ornamental aquatic organisms listed under section 25 (1) (b) of this Act, the importer shall demonstrate that -

- (a) the importer is the operator of an approved ornamental organism quarantine facility; or
- (b) the importer has a contractual arrangement with an operator of such an approved quarantine facility.

(3) In cases of import of living aquatic animals approved for introduction or transfer under section 29, the importer shall demonstrate that -

- (a) the importer is the operator of an approved introduction and transfer quarantine facility; or
- (b) the importer has a contractual arrangement with an operator of such an approved quarantine facility.

Border inspections.

31. (1) Any shipment of aquatic animals, aquatic animal products or commodities shall be subject to inspection by an authorised officer at an official border post.

(2) Upon inspection under subsection (1), an authorised officer may, where the officer is satisfied that the import of the shipment would result or is likely to result in the introduction or spread in Guyana of a listed pathogen, or where the documentation accompanying the shipment fails to meet the prescribed requirements, order any of the following measures at the expense of the importer -

- (a) the taking of samples for submission to an official laboratory for analysis;
- (b) transfer to a quarantine facility;
- (c) return to the country of origin; or
- (d) destruction.

(3) The decision under subsection (2) shall be made based on risk analysis.

(4) The cost of any action taken by the Authority under subsection (2) shall be borne by the importer.

(5) In cases of imports of species of ornamental aquatic organisms listed under section 25 (1) (b), the authorised officer shall, after the prescribed sealing and marking, transfer the shipment to the custody of the importer, who shall guarantee its secure transport, under quarantine conditions, to the approved ornamental aquatic organism quarantine facility.

(6) In cases of imports of living aquatic organisms approved by the Authority for introduction or transfer under section 29, the authorised officer shall, after the prescribed sealing and marking, transfer the shipment to the custody of the importer, who shall guarantee its secure transport of the shipment, under quarantine conditions, to the approved introduction and transfer quarantine facility.

Registered exporters.

32. No person shall export aquatic animals, aquatic animal products or commodities from Guyana unless the person is registered as an exporter in accordance with this Act.

Export permit.

33. (1) No person shall export aquatic animals, aquatic animal products or other commodities without an export permit issued by the Authority.

(2) An application for an export permit under subsection (1) shall be submitted to the Authority in the prescribed form and accompanied by any prescribed fee.

Prohibited
species.

34. (1) The Authority shall develop and update a list of species of aquatic animals, aquatic animal products and commodities that are prohibited for export.

(2) The Authority shall communicate the list developed under subsection (1), and any subsequent amendments to the same, to the Minister for approval and publication.

(3) No person shall export any item listed under subsection (1) except upon written clearance by the Authority.

Export
certification.

35. For the purpose of ensuring that the requirements of the importing country are met for the import of aquatic animals, aquatic animal products and commodities, the Authority may -

- (a) carry out diagnostic tests;
- (b) observe the aquatic animals, aquatic animal products or commodities during transport to the place of shipment and at the point of departure;
- (c) send advance notice to the importing county; or
- (d) issue international aquatic animal health certificates.

PART VI

OFFENCES AND PENALTIES

Offences.

36. Any person who -

- (a) possesses, sells, offers for sale, transports, imports or exports any animal, animal product or commodity knowing it is infected or may transmit a prescribed disease or national pathogen;
- (b) fails to comply with any order or direction lawfully made or given under this Act;
- (c) imports any animal, animal product or commodity except at an official border post;
- (d) imports any animal, animal product or commodity contrary to any other requirement prescribed under this Act;
- (e) intentionally permits or causes the introduction or spread of any prescribed disease or national pathogen;
- (f) exports any animal, animal product or commodity except in accordance with this Act;

- (g) fails to provide access, samples or information to an authorised officer upon request, or otherwise fails to comply with an order properly given under this Act;
- (h) tampers with any samples taken under this Act;
- (i) breaks any seal or alters any markings made by an authorised officer without permission;
- (j) gives false information to an authorised officer;
- (k) attempts to improperly influence an authorised officer in the exercise of the authorised officer's official functions under this Act;
- (l) assaults, resists, intimidates, threatens or obstructs any authorised officer exercising lawful powers under this Act;
- (m) poses as an authorised officer;
- (n) alters, forges, defaces or destroys any document issued under this Act.

commits an offence.

Offences by
authorised
officers.

37. Any authorised officer who –

- (a) seizes any thing for any reason other than those prescribed in this Act;
- (b) discloses any information acquired in the course of exercising the officer's official functions under this Act except where required to do so by the authorised officer's supervisor or by any court;
- (c) accepts any monetary or other benefit from a person affected by the exercise of official powers under this Act,

commits an offence.

Offences by
customs
officers.

38. Any customs officer who -

- (a) fails to notify the Authority promptly upon the arrival of any animal, animal product or commodity in Guyana;
- (b) releases or disposes of imported animals, animal products or other commodities unless so authorised by any authorised officer,

commits an offence.

Offences by
body corporate.

39. Where an offence under this Act which has been committed by a body corporate is proven to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of -

- (a) any director, manager or other similar officer of the body corporate;
- (b) any person who was purporting to act in the capacity of a director, manager; or
- (c) similar officer,

that person as well as the body corporate shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

Penalties.

40. (1) Any person who commits an offence under this Act shall be liable on summary conviction -

- (a) in the case of a first offence, to a fine not less than twenty thousand dollars or to imprisonment for six months;
- (b) in the case of a subsequent offence, to a fine not less than forty thousand dollars or to imprisonment for two years;
- (c) where the offence is a continuing offence, to an additional fine of not less than one thousand dollars or imprisonment for two days for each day, on which the offence continues.

(2) Upon the conviction of any person for any offence under this Act, the court may, in addition to any other sentence imposed, declare any animal, animal product, commodity or other object in respect of which the offence has been committed or which was used in connection with the offence forfeited to the State and disposed of as the court may direct.

Fixed penalties.

41. (1) Notwithstanding anything to the contrary in this Act or any other applicable law, where an authorised officer has reason to believe that any person (hereafter referred to as the "alleged offender") is committing or has committed an offence specified in regulations under this section, the authorised officer may then and there serve notice in writing upon the alleged offender charging the alleged offender with the commission of the offence.

(2) The authorised officer shall at the time of the service of notice referred to in subsection (1) inform the alleged offender that the alleged offender shall -

- (a) appear before the magistrate on the date specified; or
- (b) in accordance with procedures set out in subsections (3) and (4), pay the fixed penalty set out in regulations under this section, in lieu of appearance before the magistrate.

(3) An alleged offender who chooses to pay the fixed penalty referred to in subsection (2) (b) shall -

- (a) within seven days of the date of the notice, sign the notice in acknowledgement of guilt and return it, together with the sum cited therein, to the clerk of the magistrate's court;
- (c) be treated for all purposes in law as a person who has not committed, been charged with, prosecuted for, convicted of or sentenced for the offence in respect of which payment was made.

(4) The admission of guilt and the fixed penalty paid under this section shall be dealt with by the magistrate in the same manner as adjudication in court of an offence punishable on summary conviction and for which no conviction is recorded.

PART VII MISCELLANEOUS

Duty to assist
and cooperate.

42. Customs, port, airport, airline, postal, shipping, police, and local authorities shall assist authorised officers in the performance of their functions and exercise of their powers under this Act by providing such facilities and assistance as the Authority may request from time to time.

Right of appeal.

43. (1) Any person aggrieved by an action or decision of an authorised officer or an official analyst under this Act may appeal to the Authority within the prescribed time period and in the manner prescribed by regulations.

(2) The decision of the Authority on any appeal lodged under subsection (1) shall not prejudice the right of any aggrieved party to seek recourse in the courts.

Good faith
defence.

44. No member of a Committee, authorised officer, official analyst or other representative of the Authority shall be liable to suit or to prosecution in respect of anything done in good faith in the performance of official functions under this Act.

Powers of the
Minister to
make subsidiary
legislation.

45. (1) The Minister may, on the advice of the Authority, make subsidiary legislation for the purpose of carrying out the provisions of this Act.

(2) Without prejudice to the generality of subsection (1), the Minister may make regulations providing for any of the following -

- (a) the establishment and functioning of any animal identification, animal traceability or animal movement system;
- (b) the importation and exportation of animals, animal products and commodities; including any documentation and inspections required;
- (c) the procedures applicable for the approval, suspension and denial of registration of importers and exporters of animals, animal products and commodities;
- (d) the registration, importation, manufacture, distribution and sale of any veterinary biological, veterinary medicine or animal feed;
- (e) the operation of any quarantine facilities or international transportation facilities;
- (f) standards for animal welfare;
- (g) the procedures to be followed by authorised officers, official analysts and official laboratories in the exercise of their functions under this Act;
- (h) the operating procedures of the National Advisory Committee on Animal Health;
- (i) the level of fees and costs for inspection and analysis or any other official actions taken under this Act;
- (j) the forms to be used for the purposes of this Act, including applications, registrations, permits and receipts for articles seized, as well as the relevant application procedures;
- (k) rules and procedures applicable to the implementation of official control measures and stamping-out programmes;
- (l) the offences that will be subject to a fixed penalty as set out in section 41, as well as the applicable procedures;
- (m) the appeal procedures applicable under this Act;
- (n) any other matters deemed necessary to achieve the purposes of this Act.

Savings and
repeal.
Cap. 71:02 Act
No. 14 of 2003.

46. (1) The Animals (Movement and Disease) Prevention Act 2003 is repealed.

(2) All subsisting subsidiary legislation made under the Animals Diseases Act and the Animals (Movement and Disease) Prevention Act 2003, not inconsistent with this Act, shall notwithstanding the repeal of those Acts, continue to apply as if they were made under this Act unless or until specifically revoked or amended under this Act, and all existing appointments, notices and instruments, and generally all acts of authority under the repealed Acts shall continue.

Passed by the National Assembly on 19th May, 2011.

S.E. Isaacs,
Clerk of the National Assembly.

(BILL No. 4/2011)