

CHAPTER 35

DISEASES OF ANIMAL LAW

Arrangement of sections

Section

1. Short
2. Interpretation
3. Power to make regulations
4. Presumption
5. Protection of officers
6. Special power regarding proceeding for offence

CHAPTER 35

A Law to make provisions for preventing the Introduction and spread of infectious and contagious diseases amongst animals.

[27TH August, 1991]

A N S L
Cap 41

Short title

1. This Law may be cited as the Diseases Animal Law.

Interpretation

2. In this Law —

“animals” includes stock, camels, dogs and ostriches, and any animal or bird which the Commissioner may by notice in the State Gazette declare to be included in the term "animal" for the purpose of this law

"carcass" includes the carcass of an animal and part of a carcass and the meat, bones, hide, skin, hooves, horns, offal or other part of an animal, separately or otherwise or any part thereof;

“cattle” includes bulls, cows, oxen, heifers and calves;

"Commissioner" means State Commissioner responsible for agriculture, "disease" includes african coast fever, anthrax, black-quarter cattle plague (rinderpest), farcy, foot and mouth disease, glanders, lymphangitis (Epizootic and uncreative), mange piroplasmiasis, pleuropneumonia, rabies, scab, sheep pox, swine erysipelas, swine fever, trypanosomiasis and

tuberculosis, and other disease of an infectious or contagious nature which the Commissioner may by notice in the State Gazette declare to be included in the term "disease" for the purpose of this Law.

"fodder" means grass or any other substance used for feeding or otherwise for or about an animal.

"litter" means straw or any other substance used for bedding or otherwise or about an animal;

"State" means Enugu State of Nigeria:

"stock" includes horses, mules, donkeys, cattle, sheep, goats, antelopes (domesticated) and swine

3.(1) The Commissioner may make regulations for all or any of the purposes following—

(a) for providing for the examination, testing, isolation, inoculation, removal, disinfection, branding, and slaughter of animals infected or suspected of being infected with any disease or which have been in contact with such animal;

(b). for prescribing and regulating the destruction, burial, digging up, disposal or treatment of any carcass or of any fodder, litter, utensil, pens, hurdles, dung or other things being in an infected place or area or removed thereout;

(c). for regulating the movement of animals within the State.

(d). for prohibiting the movement of animals into any area in which there is or suspected to be any disease, and for prohibiting or restricting the removal from an; such area of animal, carcass, hide, skin, hair, wool, leather or any other thing by means of which disease may be carried:

(e) for the disinfection of persons and their clothing who have been in contact with or employed about animals which are suffering or are suspected to be suffering from disease;

(f) for the reporting of cases of disease or death amongst animals;

(g) for the disaffection of buildings and places wherein animals infected with disease have been stalled or kept, and the disinfection and cleaning of public markets, private sale yards, railway premises, railway Vans, trucks or carriages, wherein any animal shall have been placed, kept or carried:

(h). for prohibiting in any place where disease exists the performance of any local custom likely to tend to the dissemination of such disease;

(i). for requiring or regulating the branding of stock, prescribing the brands which may or shall be used and providing for the registration of brands;

(j). for the appointment of officers to carry out the provisions of any regulations under this Law, and conferring upon them all necessary powers.

(k). for prescribing and regulating the seizure, detention, disposal and forfeiture of any animal in relation to animals in quarantine;

(l). for prescribing the fees to be paid for any examination, inoculation, testing for disinfection, or for any certificate, licence, permit or other thing issued or done under any regulation under this Law and the payments to be made for the feeding and stabbing of animals in quarantine:

(m). for prescribing the cases in which compensation may be paid to the owners of any animal slaughtered, or to the owners of any carcass destroyed because it is suspected of being infected with disease, under the powers conferred by any regulation under this Law and determining the amount of such compensation and the funds but of which such compensation shall be paid;

(n). for prescribing the proof required that an animal or carcass is infected with disease or is suspected of being infected with diseases.

(o) for prescribing and regulating the construction, position and proper sanitary maintenance of any place where an animal is kept: and

(p). generally for the prevention of the introduction and spread of disease, and for giving effect to the purposes of this Law.

(2) Any regulation made under this section may be applied to the whole of the State or to any part thereof.

Presumption

4. When the owner or person in charge of any animal suffering from disease is charged with an offence against any regulation under this Law he shall be presumed to have known of the existence of such disease in such animal unless he satisfies the court that he had not such knowledge, and could not with reasonable diligence have obtained such knowledge.

5. No action shall lie against any officer for any act done in good faith, in execution or intended execution of the powers conferred upon him by any regulation under this law and, except as otherwise provided by the regulation, no compensation shall be payable to any person for any act done under the powers conferred by any such regulation.

6. Proceedings in respect of an offence against any regulations under this Law alleged to have been committed by any person may be taken before the appropriate court having jurisdiction in the place where that person is for the time being.

Special
power
regarding
proceedings
for offence

DISEASES ANIMALS LAW

SUBSIDIARY LEGISLATION

DISEASES OF LEGISLATION

(ADDITIONAL ANIMALS AND DISEASES)DECLARATION

made under section 2

I. This Declaration may be cited as the Diseases Animal (.Additional Diseases and Animals) Declaration

Short title

Interpretati

2. For the purposes of the Animal Disease Law (hereinafter referred to as “Law”) the following are hereby declared to be included in the term “animal”

Cats;

Domestic fowls, ducks and turkeys:

Parrots and birds of the parrot family;

Geese;

Guinea fowl;

Pheasants;

Partridges.

3. The disease set forth in the Schedule hereto are declared to be included in the term “disease” for the purpose of the Law.

Additional
diseases
schedule

SCHEDULE

LIST OF DISEASES

Bacillary white diarrhea

Fowlpox

Fowl typhoid

Fowl plague

Newcastle disease

Psittacosis

East Coast sickness

African tuberculosis

Pullorum disease

Avian leucosis complex

DISEASES OF ANIMALS REGULATIONS

made under section 3

1. These regulations may be cited as the Diseases of Animals Regulations

2. In the these regulations-

“veterinary officer” means a veterinary officer in the service of the Government;

“veterinary surgeon” means any person who is a fellow or member of the Royal Collage of Veterinary Surgeons, or who possesses a veterinary qualification recognized by the Veterinary Surgeons Acts.

Notification of Disease

3. (1) Any person having in his charge or under his control any animal infected or suspected to be infected with disease shall keep such animal separate from animals not so infected or suspected, and shall forthwith give notice of the fact of the animal being so infected or suspected, to a veterinary officer or to the nearest Magistrate or local government.

(2). When the animal so infected or suspected is travelling, neither such animal nor any animal which it has been in contact with be moved except in so far as may be necessary for effecting isolation or for procuring food or water, pending the directions of a veterinary officer.

4. Every local government receiving a notification under the last preceding regulation or otherwise becoming aware that any animal within the limits of its jurisdiction is infected with disease shall forthwith notify the nearest Magistrate, and shall take measures to enforce the provisions of the said regulations with regard to isolation and non movement of the animal.

5. A Magistrate receiving a notification under either or otherwise becoming aware of the presence of disease within the area of his jurisdiction shall communicate with the nearest veterinary officer and shall, pending the instruction of a Veterinary officer, issue such orders, directions or prohibitions as he may deem proper for the prevention of the spread of the disease.

Provided that —

A Magistrate shall not order any animal to be slaughtered except on the instruction of a veterinary officer, or if it should appear to the magistrate that an animal should be slaughtered before the instruction of a veterinary officer can be obtained, he may appoint a committee of not less than three persons, two at least of whom shall be officers in the service of the Government, to inquire into and to advise as to the necessity for slaughtering such animal, and if the majority of the members of such committee shall advise that the animal should be slaughtered, he may order the animal to be slaughtered.

6. A veterinary officer shall, if he is of opinion that any animal is infected with any disease, or if he has reason to believe that any animal has been exposed to infection, issue such orders, directions or prohibitions as he may consider necessary or advisable to prevent the spread of the disease and may cause any such animal to be slaughtered if he shall consider that the slaughter of the animal is necessary for the prevention of the spread of the disease.

7. (1) Where any animal—

(a). dies of disease or is slaughtered in accordance with orders issued under these regulations; or

(b). is slaughtered otherwise than in accordance with orders issued under these regulations and its carcass is in the opinion of a veterinary officer infected with disease, the carcass shall be disposed of by burying or in such manner as the veterinary office shall direct.

8. A veterinary officer may for the purpose of examining any animal enter at any time any building or upon any land, and may for the purpose of diagnosing disease, take blood smears or cause them to be taken, from any animal, or apply such test as he may consider necessary.

9. An administrative, veterinary or police officer may —

(a). arrest without warrant any person whom he has reasonable ground for believing that he has otherwise contravened any of these regulations or any order or direction given under any such regulations;

(b). seize and detain any animal in relation to which any such breach, non-compliance or contravention has been committed:

(2). Whenever a Magistrate is satisfied by evidence on oath that there is reason to believe that an offence has been committed in relation to any animal which has been seized and detained but that the offender is unknown or cannot be found, he may order the forfeiture of such animal:

Provided that no order shall be made under this paragraph unless the owner (if his name and whereabouts be known) of such animal shall have had an opportunity of appearing before the Magistrate to show cause why the order should not be made.

(3). Whenever a Magistrate is satisfied by evidence on oath that there is reason to believe that an offence has been committed in relation to any animal which has been seized and detained, he may order the owner of such animal to pay into court such sum as he may consider reasonable to cover the expenses of and in connexion with the seizure, removal and detention

of the animal, and, unless such sum be paid within such time as may be specified in the order, the animal shall be forfeited.

Compensation

11. Subject to the provisions of regulations 14, compensation may be paid to the owner of any animal which is slaughtered, or any hide or skin or other part of a carcass which is destroyed under the provisions of these regulations

12. Compensation shall not be paid in respect of any dog which is, or is suspected of being infected with rabies, or in respect of any animal in relation to which any offence under these or any other regulation under the Law has been committed or in respect of any animal or hide or skin or other part of any carcass which is certified by a veterinary officer to be infected with disease.

13. Where any animal is slaughtered or any hide or skin or other part of any carcass is destroyed by orders given under these regulations a certificate by a veterinary officer that such animal or hide or skin or other part of the carcass was infected with disease shall be accepted as conclusive proof thereof in any legal proceedings.

14. The compensation which may be paid in respect of any animal slaughtered or any hide or skin or part of a carcass destroyed under these regulations shall not exceed the value of the animal or hide or skin or part of the carcass immediately before it was slaughtered or destroyed and in no case shall the compensation paid in respect of a horse exceed thirty naira.

15. Claims for compensation shall be made in writing to the Chief Veterinary Officer through a Magistrate having jurisdiction in the area in which the animal was slaughtered, and the Chief Veterinary Officer if, after such inquiry as he may think proper, is satisfied that compensation may be paid in the circumstance of the claim, may assess the compensation thereof and direct the payment thereof,

Provided that any person who is dissatisfied with the decision of the Chief Veterinary Officer, may appeal to the Commissioner, whose decision shall be final.

CONTROL OF TRADE CATTLE REGULATIONS

under section 3

1. The regulations may be cited as the Control of trade cattle regulations.

2. In these regulations—

"area" means an area to which these regulations have been applied.

"Director" means the Chief Veterinary officer of the Veterinary Division of the Ministry of Agriculture.

"disease" includes rinderpest, contagious pleura-pneumonia, black- quarter, hemorrhagic septicaemia, anthrax, tuberculosis, and foot and mouth disease;

"local government" includes any person duly authorized by a local government to exercise or perform any or all of the powers or duties delegated to a local government under regulation 4 of these regulations:

"prescribed officer" means a person duly authorized by the Director to exercise a power or perform a duty in relation to which the expression is used, or, where such power or duty is exercised or performed by a local government the person duly authorized by a local government:

"trade cattle" includes all cattle intended for slaughter or for use as pack animals whether coming over land from any place outside the State or purchased in and intended to be moved out of an area, but does not include cattle proceeding to grazing grounds and not intended for sale or for use as pack animals.

3. The Commissioner may, by notice in the State Gazette, specify the areas to which these regulations shall apply and thereupon these regulations shall apply to those areas. By the same, or another notice, he may establish inspection stations and control posts at specified places.

4. The control of trade cattle prescribed in these regulations shall be exercised by the Director and by such officers of the Veterinary Division as he shall appoint for the purpose.

(2) The Director may, by agreement with a local government and with the approval of the Local Government Secretary where such has jurisdiction, delegate to such local government any or all of the powers and duties conferred or imposed on the Director by these regulations:

Provided that —

the powers and duties so delegated shall not be exercised or performed by a local government outside the area of its jurisdiction.

(3). Any delegation to a local government under this regulation may with the approval of the Local Government Secretary be, determined by a notice served on the local government by the Director or may, with the approval of the Local Government Secretary, be relinquished by a notice served on the Director by the local government.

(4). Subject to the agreement and approval mentioned in sub-regulation (2), the Director by himself or any officer of the veterinary department may, within the area of such local government jurisdiction, exercise and perform any of the powers or duties delegated to the local government.

5. The person in charge of trade cattle, entering any area to which these regulations have been applied front any place outside the State, shall drive all the cattle by the most direct cattle route to the nearest inspection station.

6. (I) Where trade cattle have been purchased the person in charge thereof shall, before moving them out of the area where they are situate at the time of purchase, take them to the nearest inspection station within such area, and, if there be no inspection station, to the nearest control post.

Provided that where an inspection station or control post in another area is nearer to the place in which the cattle are situate at the time of purchase, the cattle may be taken to that inspection station or control post, as the case may be.

Provided also that if there be no inspection station or control post in that area such cattle may be taken to the nearest inspection station or control post, as the case may be, in some other area.

(2) Where an inspection station or a control post in another area is nearer to the place in which the cattle are situate at the time of Purchase, the cattle may be taken to that inspection station or control post, as the case may be:

Provided that if there be an inspection station or control post along such route, the cattle shall be taken to such inspection station or control post, as the case may be

7. (1) The person in charge of any trade cattle shall, before removing the same from any inspection station or control post, obtain a permit (in these regulations referred to as "movement permit") from the prescribed office in which shall be set out the route to be followed and the control posts over or through which all the cattle must pass.

(2) The person having charge of any trade cattle shall, until the destination mentioned in the permit has been reached, at all times keep such permit in his possession and shall on demand produce the same for the inspection of any prescribed officer.

8. A prescribed officer shall inspect all trade cattle brought to an inspection station or control post in accordance with regulations 5, 6 and 7, and the prescribed officer may, if he thinks fit, brand or affix any identification mark to such cattle and, for the cure or prevention of disease, may detain such cattle for the purposes of observation or treatment at such inspection station or control post.

9. (1) Trade cattle shall not be loaded on a railway wagon, motor vehicle, river or ocean vessel or on any aircraft for transport from one area to another unless the owner of such cattle is in possession of a veterinary loading permit issued by the prescribed officer in respect of

each consignment of trade cattle, such permit shall be in the form set out in the First Schedule hereto and shall be valid for a specified journey only.

(2) A veterinary loading permit shall not be issued unless the prescribed officer is satisfied that the provisions of these regulations in respect of trade cattle have been complied with and furthermore that such cattle are, in his opinion fit to travel.

(3) A veterinary loading permit shall only be issued to a person who has been duly licensed in accordance with the provisions of regulation 10,

10. (1) It shall be unlawful for the owner of the trade cattle to transport such cattle by rail, motor vehicle, river or ocean vessel or by aircraft unless he is the holder of a licence granted in that behalf by the prescribed officer. Such licence may be annual licence or a temporary licence and only one licence may be granted to an owner.

(2) An annual licence may be granted only to such owners who, during the twelve months prior to the date of granting of such licence, have transported by rail, motor vehicle, river or ocean vessel or by aircraft not less than two hundred and fifty heads of cattle. Such licence shall be valid for a period of one year from the first day of January and shall not be transferable. Such licence shall be in the form set out in Second Schedule hereto and the fee payable therefor shall be the sum of twenty naira.

(3) An owner who has not qualified for an annual licence may be granted a temporary licence which shall be valid for a period of three months including the month of issue. Such licence shall not be transferable and shall be in the form set out in the Third Schedule hereto and the fee payable shall be the sum of ten naira.

(4) The holder of an annual licence or a temporary licence shall not be permitted to transport more than five thousand heads of cattle in respect of each licence. The number of cattle transported in each consignment together with the date thereof shall be endorsed on the licence by the prescribed officer.

(5) The prescribed officer may refuse to grant a licence or to renew a licence or may cancel an existing licence if, in his opinion, the applicant or licence holder engages in practices detrimental to the interest of the trade. Any person aggrieved by such a decision may appeal, in writing to the Commissioner within fourteen days of such decision.

11. Where under these regulations a person is required—

(a). to drive or take trade cattle from a place within the area or the jurisdiction of one local government (herein referred to as the place of “departure”) to a place within the area of the jurisdiction of another local government (herein referred to as the place of “destination”):

(b). to drive or take trade cattle from such a place of departure to such a place of destination by a specified route:

he shall be deemed to have contravened this regulation—

(i) if while within the first mentioned area of jurisdiction he fails to drive or take the cattle in the direction of the place of destination in case (a) or boundary of such area, or

(ii). if having entered the area of the jurisdiction of any other local government in which the place of destination is not situated, he fails to drive or take the cattle in the direction of the place of destination in case (a) or along the specified route in case(b) as far as the boundary of such area, or

(iii). if. while within the area the place of destination is situated, he fails to drive or take the cattle to that place in case (a) or in case (b) or fails to drive or take them along the specified route in case (b), or

(iv). if the fails to take his cattle to any of the control posts mentioned in the permit;

Provided that no cattle infected or suspected of being infected with disease shall be driven, taken or moved except in so far as may be necessary for effective isolation or for procuring food and water pending the directions of the prescribed officer.

12. (I) A person shall not be deemed to have contravened regulation 11 if being in possession of a valid movement permit he slaughters or sells any or all of his cattle before reaching the place of destination mentioned in the permit:

Provided that —

(a). no cattle infected of suspected of being infected with disease shall be sold except with the authority of the prescribed officer: or

(b). in the case of the slaughter or a sale or sales of some only of the number of cattle in respect of which the movement permit has been issued, he reports the fact of such slaughter or sale at the next post or station on the prescribed route, with, in the case of sale or sales, full particulars of the place and date and the name or names of the purchaser or purchasers. or

(c). in the case of the slaughter or a sale or sales resulting in the disposal of all of the cattle in respect of which a movement permit has been issued, he reports the fact of such slaughter or sale or sales either to the next post or station on the prescribed route or to the post or station at which he last reported with, in the case of sale or sales, full particulars of the place and date and the name or names of the purchaser or purchasers.

(2) Upon reporting the fact of the slaughter or a sale or sales to a post or station the permit shall, in the cases of the slaughter or a sale of a part only of the cattle, be endorsed by the prescribed officer at the post or station with an endorsement showing the place and date of all sales, and the number of cattle for which the permit continues to be valid, and in the case of the slaughter or a sale of all the cattle, the permit shall be retained by the prescribed officer at such post or station.

13. The person in charge of any trade cattle which, while in the process of movement from any place or area, dies of or shows symptoms of suffering from any disease, shall report the death or illness of such cattle, as the case may be, to the prescribed officer on arrival at the first inspection station or control post at which he calls after such death or illness.

14. Any person who—

(a) fails to take trade cattle to an inspection station or control post or fails to take them by the most direct route as provided by the regulations;

(b). refuses or fails to obey the instructions of the prescribed officer regarding the inspection treatment or detention of animals in quarantine at such inspection station or control post;

(c). removes trade cattle from an inspection station or control post without having obtained a movement permit;

(d). fails to produce a movement permit for inspection when required to do so by a prescribed officer;

(e). fails to report the slaughter, death or illness of any trade cattle as required by regulation 12;

shall be deemed to have contravened these regulations,

15. Any person contravening these regulations shall be liable to a fine not exceeding ten naira or to imprisonment not exceeding one month for the first offence and to a fine not exceeding twenty naira or to imprisonment not exceeding one month for each subsequent offence.

FIRST SCHEDULE

The Control of Trade Cattle Regulation

VETERINARY LOADING PERMIT

Permission is hereby grant -----

of -----to transport by -----head of cattle from -----
----to -----

Date -----20-----

Prescribed Officer

SECOND SCHEDULE

The Control of Trade Cattle Regulation

ANNUAL LICENCE

Licence is hereby granted to -----
----of -----to transport trade cattle by rail, motor vehicle or ocean vessel or
by aircraft.

This licence is not transferable and expires on the 31st December, 20-----
-----Not more than five thousand head of cattle may be transported under this licence.

Date -----20-----

Prescribed Officer

Endorsement

Date	No of heads of cattles transported	Signature of prescribed officer

First Schedule

The Council of Trade Cattle Regulation

TEMPORARY LICENCE

Licence is hereby granted to..... of.....to transport trade cattle by rail, motor vehicle, river, or ocean vessel or by aircraft. This licence is not transferable and is valid until.....20.....

Not more than five thousand heads of cattle may be transported under this licence.

Date.....20.....

.....

Prescribed officer

Endorsement

Date	No. of heads of cattle transported	Signature of prescribed officer

Control of Trade Cattle Regulation (Application) Notice

Short title

1. This notice may be cited as the control of Trade Cattle Regulations (Application) Notice

Applications of regulations to enugu state

2. The Control of trade Cattle regulations shall apply to Enugu Suite of Nigeria.

Establishment of control parts

3. Control posts are hereby established at the following places —