

ANIMAL DISEASES ORDINANCE [NEW VERSION], 1985^{1*}

Chapter One: Interpretations

1. Definitions:

In this Ordinance -

"Animal" - any of the animals specified in the First Schedule;

"Carcase" - the carcase of an animal, including part of the carcase and the meat, bones, hide, skin, hoofs, horns, wool, offal and other parts of an animal;

"Directives of implementation" - rules that were made under this Ordinance and orders, directions, prohibitions or conditions that were given or imposed under this Ordinance or any rules thereunder;

"Disease" - any of the diseases specified in the Second Schedule and any contagious or hereditary disease of animals that may affect animals in Israel;

"District Commissioner" - an employee of the Ministry of Agriculture appointed by the Minister of Agriculture to be District Commissioner for the purpose of this Ordinance;

"District Officer" - an employee of the Ministry of Agriculture appointed by the Minister of Agriculture to be District Officer for the purpose of this Ordinance;

"Fodder" - hay, grain or other substances commonly used for the food of animals;

"Government Veterinarian" - a public servant appointed by the Minister of Agriculture to be Director of Veterinary Services, Government Veterinarian or Assistant Government Veterinarian and any other veterinarian holding any office under the Government which the Director of Veterinary Services may, by a notice published in the *Official Gazette*, declare to be an office the holder of which is included in the term "Government Veterinarian" for the purpose of this Ordinance;

"Inspector" - a public servant appointed by the Minister of Agriculture to be an Inspector and any person appointed by the Director of Veterinary Services, or by any person authorised by him or her in that behalf in writing, to be an Inspector for the purpose of this Ordinance;

¹ *Animal Diseases Ordinance* [New Version] 1985, replaces the *Animal Diseases Ordinance*, 1945; *The new version is in force as from June 1, 1985; and Published in "*Sefer Ha-Chukim*" (sections of the *Official Gazette* containing principle legislation) 1141 of 8 April 1985.

"Killing" - including slaughter and in respect poultry eggs - their destruction;

"Litter" - straw or other substance commonly used for bedding or otherwise for or about animals;

"Owner" - in relation to animal, carcase, litter, dung or fodder includes any person, other than a Government Veterinarian or Inspector acting on his or her official capacity, who -

1. is, or holds himself or herself out to be, the owner or part owner;
2. is the agent of any such person aforesaid;
3. is in possession of, or beneficially interested in, or having control or charge of, or has power of deposition over;
4. allows them to live, be or remain, on his premises as the case may be;
5. is the occupier of any premises, or the driver of any vehicle, or the master of any vessel, or the commander of any aircraft, in which they are found, unless such person proves that some other person in Israel is the owner.

"Veterinarian" - a person licensed under the Veterinary Surgeons Ordinance to practice veterinary medicine.

2. Power of the Minister to amend the Schedules:

The Minister of Agriculture may, by order published in the *Official Gazette*, add to the First and Second Schedules, or to delete from them, an animal or disease, as the case may be.

3. Power of the Director of Veterinary Services to amend the Schedules:

- (a) Whenever the Director of Veterinary Services is of the opinion that it is urgently necessary so to do in the public interest he or she may, by order published in the *Official Gazette*, add to the First and Second Schedules, or delete from them, an animal or disease, as the case may be.
- (b) An order under Subsection (a) shall not remain in force after the expiration of a period of ten days from the date of publication of such an order in the *Official Gazette*. However, the Minister of Agriculture may, before the expiration of the said period, by order published in the *Official Gazette*, revoke or vary any such order made by the Director of Veterinary Services.

Chapter Two: Measures for Checking Diseases

4. Diseased animals to be notified and separated:

Every person having in his possession or charge any animal affected, or suspected by him or her of being affected, with disease shall as soon as possible -

- (1) Give notice thereof to one of the following -
 - (a) where such animal is within the area of a municipal corporation - to the veterinarian, or, if there is none, to the town clerk, of such municipal corporation;
 - (b) where the animal is within the area of jurisdiction of any other local authority - to the clerk of such authority or other official thereof exercising similar functions;
 - (c) where the animal is in a locality where there is no local authority, or in its lands or the lands of a tribe - to the mukhtar or other head of the locality or the sheikh of the tribe; or to the nearest police officer or District Officer.
- (2) Keep such animal separate from animals not so affected or suspected.
- (3) Cause such animals to be tied up or to be in an enclosed place; if the person in possession or charge of the animal is travelling by sea, he or she shall inform the customs authorities on arrival at a port of Israel, and if he or she is travelling by land, he or she shall inform the nearest police officer.

5. Notification to be forwarded to Government Veterinarian:

- (1) Any person mentioned in Section 4 (1) and any veterinarian, who is notified that an animal is suspected of being affected with disease, or otherwise becomes aware of the prevalence of disease or mortality among animals, shall forthwith notify the nearest Government Veterinarian.
- (2) The Government Veterinarian may give such directions and take such steps as may be necessary for the purpose of ascertaining the existence and nature of the disease and, on being satisfied that such disease exists, shall make a report to the Director of Veterinary Services.

6. Farmers to be notified:

A District Officer may, on being satisfied as to the existence within the district of a disease affecting animals, take such steps as he or she may deem practicable to cause mukhtars and occupiers of farms and owners of animals in the neighbourhood to be notified thereof.

7. Killing of affected animals:

Any Government Veterinarian may give directions to the owner of any animal which is affected with any disease to kill such animal or cause it to be killed, either forthwith or within such time as the Government Veterinarian may specify, and the same applies to any animal which has been in contact with any such affected animals or has been otherwise exposed to the infection or contagion of any disease, or when an animal is suspected by the Government Veterinarian of being affected with disease.

8. Disposal of carcasses of affected animals:

- (1) Where an animal dies of disease, or is killed under the provisions of Section 7, any District Officer or Government Veterinarian may give directions with reference to burial, destruction or disposal of the carcass of such animal, or of any litter, dung or fodder which may otherwise have been exposed to infection or contagion of the disease of such animal.
- (2) Any directions given under Subsection (1) may provide that the action required therein be made either forthwith or within such time as may be specified therein, and they may authorise the burial of the carcass of the animal in any ground in the occupation of the owner of the animal and suitable in that behalf or in any common or unenclosed land.

9. Examination, treatment and disinfection of animals:

- (1) Any Government Veterinarian or Inspector may, if at any time he or she considers it necessary or desirable so to do in order to prevent the spread of disease, direct the owner of any animal to have the animal examined, inoculated or otherwise treated, branded or otherwise marked, dipped, washed or otherwise disinfected, or to quarantine the animal for such period as he or she may specify.
- (2) Any Government Veterinarian may prohibit the killing by any person of any animal which is under treatment by virtue of the provisions of Subsection (1) or which is under treatment by any veterinarian, or which is otherwise under veterinary treatment, or which is undergoing a period of quarantine, and he or she may prohibit the use of the produce of such animal, including milk, for such period as he or she may deem fit to direct, or may permit such killing or use subject to such conditions as he or she may deem fit.

10. Disinfection of places and things:

- (1) Any Government Veterinarian or Inspector may direct the owner or occupier of any place or structure in which any animal affected, or suspected by him or her of being affected, with disease is or was kept or found, to cleanse or disinfect or cause to be cleansed or disinfected, such place or structure in such manner and within such time as he or she may specify.
- (2) Any Government Veterinarian or Inspector may direct the owner, or person having possession or control of anything used for, on or about such animal mentioned in Subsection (1), or for conveyance of, or the produce of, such animal, to cleanse or disinfect such thing, or cause it to be cleansed or disinfected, in such manner and within such time as he or she may specify.
- (3) Whenever a Government Veterinarian is of the opinion that the state of any place, structure or thing mentioned in Subsections (1) and (2) is such that the cleansing or disinfection thereof will be ineffective to prevent the spread of disease, he or she may -
 - (a) forbid the owner or occupier of such place or structure to keep, or to permit any other person to keep, in such place or structure animals for such period as he or she may deem fit.
 - (b) forbid the owner, or person having in his possession or control of, such thing, to use, or to permit any person to use such things for, on or about any animals, or for the conveyance of, or of the produce of, any animals, for such a period as he or she may deem fit.
 - (c) permit such an action mentioned in Subsections (a) and (b) subject to such conditions as he or she may deem fit.

11. Power to carry out tests:

Any Government Veterinarian may, for the purpose of detecting or diagnosing disease, take or cause to be taken from any animal or carcass, blood smears or any other specimen, or apply or cause to be applied thereto any test which he or she may consider necessary.

12. Prohibiting of exhibition, sale and slaughter:

The Director of Veterinary Services may, for the purpose of preventing the spread of any disease, prohibit the holding of any exhibition of animals in any place, or the sale of animals in open markets or in private yard sales, or the slaughter of animals for food, in any place, or the sale of carcasses in any place, or may permit any such action subject to such conditions as he or she may deem fit.

13. Power of entry:

- (1) Any District Officer, Government Veterinarian or Inspector may enter any place, structure, vehicle, vessel or aircraft containing or suspected to contain any animals, carcasses, litter, dung or fodder, and may examine the same -
 - (a) for the purpose of ascertaining whether any animal therein is suffering from any disease, or whether any such animal, carcase, litter, dung or fodder is capable of transmitting disease;
 - (b) for the purpose of ascertaining whether this Ordinance or any directives of implementation have been contravened.
- (2) Any veterinarian employed by a municipal corporation or local council and any other person authorised generally or specially in writing so to do by a District Commissioner, may enter any place, structure, vessel or aircraft containing or suspected of containing any stock or poultry as interpreted in the First Schedule, or carcasses thereof, and may examine the same for the purpose of ascertaining whether this Ordinance or any directives of implementation in respect of the slaughter of such animals or of the sale of their carcasses have been contravened.

14. Power to Inspect:

The owner of any animal, carcase, litter, dung or fodder shall produce the same for inspection when called upon to do so by any District Officer, Government Veterinarian or Inspector at such place and within such time as directed.

15. General Powers:

- (1) Where any person is empowered by this Ordinance to give any directions for the doing of any act or thing that person may, in lieu of giving such directions himself or herself do, or cause to be done that act or thing.
- (2) Where any person is required, by this Ordinance or any directives of implementation, to do any act or thing, any District Officer, Government Veterinarian, or Inspector may at any time before the requirement is complied with by the person concerned (whether or not the time allowed for fulfilling the requirement has expired) himself or herself do that act or thing or cause the same to be done.
- (3) Where any act or thing is done by a District Officer, Government Veterinarian or Inspector in pursuance of the powers conferred by Subsections (1) or (2), it shall be deemed to have been done at the expense of any person or persons to whom the directions might have been given or to

whom the requirement was applicable, as the case may be and Section 33 of this Ordinance shall apply accordingly.

- (4) A District Officer, Government Veterinarian or Inspector have such ancillary powers as may be necessary for the doing of any act or thing in accordance with Subsections (1) and (2) or of performing any duty or exercising any power imposed or conferred by this Ordinance, including power to enter upon any place, structure, vehicle, vessel or aircraft and power to take possession of and detain any animal, carcase, litter, dung or fodder, and any vehicle, vessel or aircraft, and any power which could have been authorised by any directions given under this Ordinance.

Chapter Three: Compensation

16. Compensation for killing:

- (1) For the purpose of this Section, "Owner" means the person who immediately prior to the killing of the animal, would have been entitled to sell it; in this matter, restrictions imposed by virtue of this Ordinance or any existing pledge, lieu or other similar obligation shall be disregarded.
- (2) Compensation for an animal killed under the provisions of this Ordinance shall be paid to the Owner thereof by The Treasury as follows -
 - (a) when the animal was affected with disease - one half of its value immediately before it became so affected, but so that the compensation shall not exceed one half of the maximum amount of compensation prescribed under Subsection (3) in respect of the kind or species to which such animal belongs;
 - (b) where the animal was not so affected but was suspected of being affected - the value of such animal immediately before it was killed, but so that the compensation prescribed under Subsection (3) in respect of the kind or species to which such animal belongs;
 - (c) where the carcase of any such animal is returned to the Owner thereof as fit for use, the value of such carcase shall be deducted from the amount of compensation payable under this subsection.
- (3) The Minister of Agriculture may, by notice published in the *Official Gazette*, prescribe the maximum amount of compensation to be payable under Subsection (2) in respect of any kinds or species of animal killed under the provisions of this Ordinance. Any such notice shall come into force on the date of its publication in the *Official Gazette*, or as from such date, whether past or future, as may be prescribed therein.

- (4) The value of any animal killed under the provisions of this Ordinance and of any carcass found fit for use shall be assessed by a Government Veterinarian whose decision thereon shall be final.
- (5) If the Owner of an animal killed under the provisions of Section 7 has insurance on the animal, the amount of the compensation awarded and paid to him or her under this Ordinance may be deducted by the insurers from the amount of the money payable under the insurance before they make any payment in respect thereof.

17. When compensation may be withheld:

- (1) No compensation shall be paid in respect of any dog, cat or monkey, which is killed under the provisions of this Ordinance.
- (2) No compensation shall be payable in respect of an animal killed if the animal was affected with disease when imported into the country, or became affected before it was passed by the inspecting officer at the port or place of entry into the country, or if it was imported into the country with the contravention of this Ordinance, or any of the directives of implementation.
- (3) No compensation shall be paid for any animal killed according to the provisions of this Ordinance, if the Director of Veterinary Services is of the opinion that its Owner has contravened this Ordinance or any of the directives of implementation, or has not taken the required measures to prevent the animal from being infected with the disease as directed by the Director of Veterinary Services, and the need to kill the animal resulted from the non-compliance with said provisions.

Chapter Four: Infected Areas

18. Declaration of infected areas:

- (1) The Director of Veterinary Services, may by order published in the *Official Gazette*, declare any area, village or place to be an infected area.
- (2) A Government Veterinarian may declare any village to be an infected area by serving a notice to that effect on the mukhtar of such village, and the mukhtar shall thereupon take forthwith steps, as he may deem practicable to give publicity in the village to the declaration. A Government Veterinarian, upon serving a notice as aforesaid, shall notify the Director of Veterinary Services of the terms of the notice and the Director of Veterinary Services shall within ten days of the service of the notice upon the mukhtar (unless the declaration is previously rescinded) cause such notice to be published in the *Official Gazette*.

- (3) A Government Veterinarian may declare any place to be an infected area by serving a notice on the occupier or, if there is no occupier, on the owner of such a place.
- (4) A declaration under this Section may be made whenever the person authorised to make such declaration is satisfied that a disease exists in the area, village or place or any part thereof, or that a disease has recently so existed. Such a declaration shall state the disease in question and shall prescribe the site and limits of the area or place or state the name of the village, as the case may be.

19. Varying or rescinding a declaration:

Without prejudice to the power of the Director of Veterinary Services and a Government Veterinarian to vary or rescind any declaration made by them under Section 18, the Minister of Agriculture may vary or rescind a declaration made by the Director of Veterinary Services, and the Director of Veterinary Services may vary or rescind a declaration made by a Government Veterinarian, all in the same manner as the declaration could be varied or rescinded by whom it was made.

20. Provisions to apply in infected areas:

- (1) The following provisions shall apply in relation to any infected area, save as provided in Subsection (3):
 - (a) no person shall move any animal into or out of any such area save with the written permission of a Government Veterinarian and in accordance with any conditions which may be contained therein;
 - (b) no person shall leave such area without having complied with such general or special direction for preventing the spread of disease as may be given by a Government Veterinarian or an Inspector;
 - (c) nothing used for, on or about any animal affected or suspected of being affected with disease within such area, or for the conveyance of, or of the produce of, any such animal shall be moved out of such area, save with the written permission of a Government Veterinarian and in accordance with any condition which may be contained therein;
 - (d) owners of animals in such areas shall herd or keep them as far as possible from any public road;
 - (e) a Government Veterinarian or Inspector may direct the owner of any animal within such area to isolate the animal from the other animals within such area or to remove such animal, within a stated period, from such area to such other place as he or she may direct;

- (f) a Government Veterinarian or Inspector may cause any animal in such area to be branded with such mark as he or she may deem fit;
 - (g) where any animal dies of disease, the owner of such animal shall forthwith burn the carcass thereof or bury the same at a depth of not less than two meters below the surface of the ground; however, with the approval of a Government Veterinarian and subject to such conditions as he or she may impose, the carcass may be removed to any place for the purpose of conversion into animal feed or into any other product.
- (2) Any person negligently allowing an animal to escape from or stray into an infected area shall be deemed to have moved the animal out or into such areas, as the case may be.
- (3) The provisions of Subsections (1) may be varied (whether by addition or deletion), or may be replaced in whole or in part, by rules made by the Minister of Agriculture under this Ordinance, either as regards infected areas generally or as regards any specified infected area.
- (4) The powers conferred by or under this Section shall be without prejudice to any other powers conferred by or under this Ordinance.

21. Notification of disease:

The Director of Veterinary Services may, by notice published in the *Official Gazette*, declare any diseases to be a disease communicable to human beings. The occurrence of such disease shall be reported with all reasonable speed by the Government Veterinarian to the nearest Government medical officer.

Chapter Five: Rules

22. Rules:

22a. The Minister of Agriculture may make rules for carrying out the purposes and provisions of this Ordinance, and in particular for all or any of the purposes of the following -

- (1) the control, examination, detention, inoculation, disinfection, removal, branding, dipping, testing or killing animals affected or suspected of being affected with any disease, or of any animals exposed to infection or especially liable to become infected with any disease;
- (2) cleansing and disinfecting of buildings and places wherein animals have been or are stalled or kept, and of public markets, private yard sales, railway premises or vehicles wherein any animals shall have been placed, kept or carried;

- (3) disinfection of persons and their clothing and personal effects that were in an infected area or that came in contact with or employed with animals affected or suspected of being affected with a disease;
- (4) prescribing quarantine for diseased animals or animals which have been in contact with affected animals or especially liable to become infected with disease;
- (5) prescribing and regulating the destruction, burial, disposal or treatment of carcasses, fodder, litter, utensils, dung or other things being in an infected place or area, or removed;
- (5a) prescribing and regulating any examination, treatment, disinfection, seizure, transfer, detainment, removal, killing or destruction of animals, animal products or carcasses, due to which the risk of damage to the health of human beings exists;
- (6) prohibiting or regulating the digging up of carcasses which have been buried;
- (7) prescribing and regulating the slaughter of animals, including the inspection thereof and the carcasses thereof;
- (8) construction, planning and use of slaughterhouses, animal markets, and facilities for the maintenance of animals;
- (9) prohibiting or regulating the movement of animals, carcasses, litter, dung or fodder within Israel;
- (10) prescribing and regulating the issue of licenses respecting movement and removal of animals and things;
- (11) prohibiting or regulating the importation and exportation of animals, carcasses, litter, dung or fodder;
- (12) prohibiting or regulating the importation of any organism causing disease or the use thereof, and the importation, manufacture or use of any vaccine, serum or analogous product used in the prevention, treatment or diagnosis of disease;
- (13) prescribing and regulating the seizure, detention and disposal of any animal in relation to which a contravention of this Ordinance or directives of implementation had been committed;
- (14) prescribing the duties of local authorities under this Ordinance;
- (15) generally, for the prevention of the spread of animal diseases.

22b. The Minister is entitled, after consulting with the Scientific Council of the Union of Veterinary Surgeons in Israel, to set forth rules concerning clinics, both in general and with regards to various

kinds thereof, according to the types of services or treatment provided therein, provisions concerning:

- (1) means of the supervision of compliance with the provisions of the rules under this Section;
- (2) imposing the duty of registration on clinics of certain types;
- (3) the conditions which shall be maintained in the clinics for the purpose of providing veterinary medical services or medical treatment of certain types;
- (4) sanitation arrangements;
- (5) the keeping, maintenance, preservation and control of records.

22c. Rules according to Paragraphs (1) and (5) of Subsection (22b) shall be enacted with the approval of the Knesset Economic Committee.

23. Fees:

The Minister of Agriculture may make rules for prescribing fees for -

- (a) examination, inoculation, testing, dipping, disinfection or slaughter of animals;
- (b) feeding and stabling of animals detained in quarantine;
- (c) examination and disinfection of hides or other animal products;
- (d) certificate, license, permit or other document issued or done under any rules under this Ordinance; and also to regulate the payment and recovery of expenses incurred by the State under this Ordinance.

Chapter Six: Miscellaneous

24. Saving of acts done under the Ordinance:

No action shall lie against the Government or the officer thereof for any act done in good faith under this Ordinance, the provisions of this Ordinance or any directives of implementation, and save as herein provided no compensation shall be payable to any person for any act done under this Ordinance unless the Minister of Agriculture otherwise directs.

25. Power of arrest without warrant:

- (1) Any District Commissioner, District Officer, Government Veterinarian, Inspector or police officer (hereafter authorised person) may without warrant stop and detain any person who is found committing or suspected of being engaged in committing, a contravention of this Ordinance or any other directives of implementation, and if his or her name or address are not known to the

authorised person and such person fails to give them to the satisfaction of the authorised person he or she may, without warrant, arrest him or her.

- (2) Where the person arresting is not a police officer, he or she shall, without necessary delay, hand over the offender to the nearest police station.

26. Power of seizure:

- (1) Any Government Veterinarian, Inspector or seizure police officer may seize and examine any animal, carcase, vehicle, vessel or thing with regard to which he or she suspects that any offence under this Ordinance had been or is being committed, and may order the same to be taken back to any area or place wherefrom it may be suspected to have been unlawfully removed or may remove it to any place and detain it there subject to the orders of a magistrate. Any seizure and detention so made shall be reported as soon as practicable by the person making the seizure to a magistrate having jurisdiction in the district within which the seizure has been made.
- (2) The magistrate may order that the owner of any animal or thing seized and detained under subsection (1) shall pay to the Government Veterinarian such sum as he or she may consider reasonable to cover the expenses connected with the removal of such animal or thing to the place of detention and, in case of an animal, the cost of maintenance during such detention, and that unless such sum be paid within a time to be specified in the order, the animal or thing shall be forfeited.

27. Forfeiture:

Whenever it shall be reported to a magistrate that any animal or thing has been seized and detained under Section 26 but that the person who is alleged to have committed an offence in respect thereof is unknown or cannot be found, the magistrate may if satisfied that there is reason to believe that such offence has been committed, order the animal or thing to be forfeited. However, no such order shall be made unless the owner (if his name and whereabouts are known) shall have an opportunity of appearing before the magistrate to show cause why such order should not be made.

- 27a.** (a) Any person who contravenes any of the directives of this Ordinance or any rules enacted hereunder or any instruction or order under this Ordinance, which was delivered to him or her personally, shall be liable as for a civil fine.
- (b) The rate of the civil fine shall be -

- (1) For contravention of the provisions of Chapter D or the provisions of rules enacted under Section 22(a) (11) of the Ordinance - a fine in the amount of fine times the fine set forth in Section 61(a) (1) of the *Penal Code*, 5737-1977 (hereinafter: the "Penal Code");
- (2) For contravention of any other provision of the Ordinance, a fine in the amount of the fine set forth in Section 61(a) (1) of the *Penal Code*.

For the purposes of this subsection -

"The Ordinance" - including rules enacted in accordance hereto and any instruction or order given hereunder and delivered personally to the person in contravention.

"Chapter D" - including rules enacted in accordance thereto and any instruction or order given hereunder and delivered personally to the contravening person;

"The amount of the fine" - the amount of the fine updated as at the date of demand for payment, and if an appeal was filed and the court deliberating the appeal instructed payment to be deferred - according to its amount updated as at the date of the decision on the appeal.

- (c) With a continuing contravention, a fine shall be added to the fine stipulated in subsection (b), in the amount of one fiftieth thereof for each day in which the contravention continues.

27b. (a) A civil fine shall be paid upon demand of the Director of Veterinary Services or anyone so empowered by him or her, which demand shall be issued after the person for whom it is intended has been notified of the intention to issue it and after that person has had a proper chance to be heard.

- (b) The civil fine shall be paid within 30 days of the date of receipt of the demand under Subsection (a).

27c. (a) An appeal may be filed before a Magistrate's Court against the demand as stated in Section 27b; the appeal in itself shall not defer the payment of the fine, unless the court had otherwise ordered.

- (b) Should the appeal be allowed, the fine shall be refunded plus linkage differentials and interest according to the *Interest and Linkage Adjudication Law*, 5721-1961 (hereinafter: "Linkage Differential and Interest") from the date of its payment until the date of its refund.

27d. Should a civil fine not have been paid on time, it shall bear Linkage Differential and Interest for the period of the arrears.

27e. A civil fine shall be collected for the Treasury of the State, and its collection shall be subject to the *Taxes Ordinance (Collection)*.

27f. (a) Nothing in the provisions of Section 27a shall derogate from the authority of a plaintiff to file an indictment as stated in Section 28 with regard to the contravention, if he or she believes circumstances to justify this, for reasons which shall be recorded.

(b) Should an indictment be filed against a person for an offence as stated in Section 28, the said person shall not be charged with payment of a civil fine with respect thereto, and should such a fine have been paid, it shall be refunded to him or her, plus Linkage Differentials and Interest from the date of its payment until the date of its refund.

28. Penalties:

(1) Any person who contravenes this Ordinance or any directives of implementation, notice or permit made, given or imposed under this Ordinance or any rules thereunder, or obstructs any person exercising any powers, or performing any duties, conferred or imposed on him or her by or under this Ordinance or any directives of implementation, shall be liable on conviction to imprisonment for a term not exceeding one year.

(2) Whenever any person has been convicted of any offence against this Ordinance, the court convicting such person may, in addition to or in lieu of imposing any other punishment, order that the animals or things or any part of them in respect of which such offence has been committed shall be forfeited.

29. Award to informers:

Whenever the court convicting a person of an offence against this Ordinance inflicts a fine on such a person, the court may award any portion of such fine, not exceeding one half, to the person on whose information the conviction has been obtained.

30. Report by Government Veterinarian:

In a prosecution for an offence under this Ordinance any report signed by a Government Veterinarian shall be accepted as evidence unless the accused person desires that the veterinarian shall attend as a witness or the court considers his attendance necessary.

31. Burden of proof:

- (1) When the owner of any animal suffering from disease is charged with an offence against this Ordinance, he or she shall be presumed to have known of or suspected the existence of such disease in the animal unless he or she satisfied the court that he or she had no such knowledge or suspicion, and could not, with reasonable diligence, have obtained such knowledge.
- (2) Where any person is charged with having imported or exported any animal, carcass, litter, dung or fodder in such circumstances that he or she was guilty of an offence against this Ordinance, the burden of proving that any such circumstances did not exist shall be upon such person.

32. Expenses:

When any act or thing is done or caused to be done by a government employee and such act or thing is, in the terms of this Ordinance, deemed to have been done at the expense of some other person, the amount of any expenses reasonable incurred in connection with the doing of such act or thing shall be a debt due by that other person to the State, and without prejudice to any other method of recovery, the amount of such debt may be sued for and recovered in any court of competent jurisdiction. However, this Section shall not apply in any case in which a fee is prescribed by rules made under this Ordinance in respect of doing of that act or thing.

33. Interpretation Ordinance not to apply in certain cases:

Notwithstanding anything in the *Interpretation Ordinance*, it shall not be necessary, save where this Ordinance otherwise provides, for any regulations under this Ordinance, to be published in the *Official Gazette*, save for orders and rules under Sections 2, 3, 20(3), 22 and 23 of this Ordinance.

FIRST SCHEDULE

(Definition of "Animal" - Section 1)

A. Stock:

1. Cattle
2. Sheep, goat and goatex* (* a cross between ibex and goat)
3. Buffaloes
4. Camels
5. Horses
6. Mules
7. Donkeys
8. Pigs
9. Rabbits
10. Semen of any of the above

B. Fur Animals:

Domesticated animals the skins of which are used for fur production, including -

1. Minks
2. Chinchillas
3. Nutrias
4. Foxes
5. Ocelots
6. Sables

C. Poultry:

1. Fowl
2. Geese
3. Ducks
4. Turkeys
5. Pigeons
6. Swans
7. Muscovy ducks
8. Mullards
9. Pea-fowls
10. Guinea-fowls
11. Ostriches
12. Quails
13. Pheasants
14. Eggs for incubation of any of the above
15. Semen of any of the above

D. Other animals:

1. Dogs
2. Cats
3. Monkeys
4. Hamsters
5. Mice

6. Rats
7. Wild animals of the class Mammalia
8. Wild animals of the class Reptilia and Amphibia
9. Bees
10. Birds
11. Fishes

SECOND SCHEDULE
(Definition of "Disease" - Section 1)²

1. Multiple Species Diseases

| <i>The disease</i> | <i>OIE code</i> |
|---|-----------------|
| Anthrax | B051 |
| Aujeszky's disease | B052 |
| Bluetongue | A090 |
| Bovine and ovine genital campylobacteriosis | B104 |
| Bovine and porcine cysticercosis | B106 |
| Brucellosis | B152 |
| Echinococcus/hydatidosis | B053 |
| Erysipelas | C801 |
| Foot and mouth disease | A010 |
| Heartwater | B054 |
| Leptospirosis | B056 |
| Listeriosis | C611 |
| New World screwworm | B060 |
| Old World screwworm | B061 |
| Paratuberculosis | B061 |
| Piroplasmiasis | B102 |
| Q Fever | B057 |
| Rabies | B058 |
| Rift Valley fever | A080 |
| Salmonellosis | C619 |
| Sheep, goat, fowl, camel, and horse pox | A100 |
| Trypanosomiasis | B113 |
| Tuberculosis | B105 |
| Vesicular stomatitis | A020 |
| West Nile fever | |

2. Cattle Diseases

| <i>The disease</i> | <i>OIE Code</i> |
|--|-----------------|
| Anaplasmosis | B101 |
| Bovine ephemeral fever | (653) |
| Bovine spongiform encephalopathy | B115 |
| Bovine viral diarrhoea / Mucosal Disease | C652 |
| Contagious bovine pleuropneumonia | A060 |
| Dermatophilosis | B107 |
| Enzootic bovine leukosis | B108 |
| Haemorrhagic septicaemia | B109 |
| Infectious bovine rhinotracheitis / infectious postular vulvovaginitis (IBR/IPV) | B110 |
| Lumpy skin disease | A070 |

² Amended in 2001.

| | |
|---------------------------|------|
| Malignant catarrhal fever | B114 |
| Rinderpest | A040 |
| Theileriosis | B111 |
| Trichomonosis | B112 |

3. Sheep and Goat Diseases

| <i>The disease</i> | <i>OIE Code</i> |
|---|-----------------|
| Border disease | |
| Caprine arthritis / encephalitis | B153 |
| Caseous lymphadenitis (<i>Corynebacterium ovis</i>) | C705 |
| Contagious agalactia | B154 |
| Contagious caprine pleuropneumonia | B155 |
| Enzootic abortion of ewes (ovine chlamydiosis) | B156 |
| Maedi-visna | B161 |
| Nairobi sheep disease | B158 |
| Ovine pulmonary adenomatosis | B157 |
| Peste des petits ruminants (PPR) | A050 |
| Scrapie | B160 |

4. Equine Diseases

| <i>The disease</i> | <i>OIE Code</i> |
|-------------------------------------|-----------------|
| African horse sickness | A110 |
| Contagious equine metritis | B201 |
| Dourine | B202 |
| Epeziotic lymphangitis | B203 |
| Equine encephalomyelitis | B204 |
| Equine infectious anemia | B205 |
| Equine influenza | B206 |
| Equine rhinopneumonitis | B208 |
| Equine viral arteritis | B211 |
| Glanders | B209 |
| Japanese encephalitis | B212 |
| Scabies | B213 |
| Venezuelan equine encephalomyelitis | B216 |

5. Swine Diseases

| <i>The disease</i> | <i>OIE Code</i> |
|---|-----------------|
| African swine fever | A120 |
| Atrophic rhinitis of swine | B251 |
| Classical swine fever | A130 |
| Enterovirus encephalomyelitis | B256 |
| Porcine reproductive and respiratory syndrome | B257 |
| Swine vesicular disease | A030 |
| Transmissible gastroenteritis | B254 |
| Trichinellosis | B255 |

6. Avian Diseases

| <i>The disease</i> | <i>OIE Code</i> |
|---|-----------------|
| Avian chlamydiosis | B312 |
| Avian infectious bronchitis | B301 |
| Avian infectious laryngotracheitis | B302 |
| Avian mycoplasmosis (<i>M. gallisepticum</i>) | B311 |
| Duck virus enteritis | B305 |
| Duck virus hepatitis | B304 |
| Fowl cholera | B306 |
| Fowl typhoid | B308 |
| Highly pathogenic avian influenza | A150 |
| Infectious bursal disease (Gumboro disease) | B309 |
| Marek's disease | B310 |
| Meningo-encephalitis meleagridis | |
| Newcastle disease | A160 |
| Pullorum disease | B313 |

7. Fish Diseases

| <i>The disease</i> | <i>OIE Code</i> |
|--|-----------------|
| Epizootic haematopoietic necrosis (EHN) | B413 |
| Infectious haematopoietic necrosis (IHN) | B405 |
| Koi herpes virus | |
| Spring viraemia of carp (SVC) | B404 |
| Viral haemorrhagic septicaemia (VHS) | B401 |
| Viral nervous necrosis | |

8. Bee Diseases

| <i>The disease</i> | <i>OIE Code</i> |
|--------------------|-----------------|
| Acariosis of bees | B451 |
| American foulbrood | B452 |
| European foulbrood | B453 |
| Nosemosis of bees | B454 |
| Varroosis | B455 |

9. Other Diseases

| <i>The disease</i> | <i>OIE Code</i> |
|--------------------|-----------------|
| Leishmaniosis | B501 |