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**BILL ESSENTIALS**

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website, [www.ttparliament.org](http://www.ttparliament.org)

# BILL ESSENTIALS

BILL ESSENTIALS NO. 26, 2019–2020





15 MAY, 2019

## The Animals (Diseases and Importation) Amendment Bill, 2019

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## BACKGROUND

1. **The Animals (Diseases and Importation) (Amendment) Bill, 2019<sup>1</sup>** (hereinafter referred to as “**the Bill**”) seeks to amend the **Animals (Diseases and Importation) Act<sup>2</sup>** (hereinafter referred to as “**the Act**”):-
  -  to protect and promote animal health;
  -  to prevent the introduction and spread of animal diseases within Trinidad and Tobago from other countries;
  -  to facilitate and regulate trade in animals, carcasses, animal products and animal-related items; and
  -  to establish standards for animal welfare and for other connected purposes.
2. This Bill was introduced in the House of Representatives by Senator the Honourable Clarence Rambharat, Minister of Agriculture, Land and Fisheries on September 19, 2019
3. This Bill would come into effect on the date fixed by the President for proclamation.
4. The Act would be cited as the “Animal (Diseases, Importation, Health and Welfare) Act.”






## KEY FEATURES OF THE BILL

### Interpretation


5. **Clause 6** of the Bill amends Section 2 of the Act by deleting and substituting the definitions of the following:-
  -  “animal”
  -  “carcase”
  -  “defined port”
  -  “disease”
  -  “infestation”
  -  “poultry”
6. **Clause 6** also proposes to introduce fifty-seven (57) new definitions, including *inter alia*:-








<sup>1</sup> <http://www.ttparliament.org/publications.php?mid=28&id=864>

<sup>2</sup> **Chap 67:02:** [http://rgd.legalaffairs.gov.tt/Laws2/Alphabetical\\_List/lawspdfs/67.02.pdf](http://rgd.legalaffairs.gov.tt/Laws2/Alphabetical_List/lawspdfs/67.02.pdf)




-  “animal disease emergency plan” means a contingency plan which sets out the emergency procedures to be implemented in the event of an outbreak of a notifiable disease;
-  “compartment” means an animal subpopulation contained in one or more establishments under a common biosecurity management system with a distinct health status with respect to a specific disease or specific diseases for which required surveillance, control and biosecurity measures have been applied for the purpose of international trade;
-  “invasive alien animal species” means an animal that has been introduced and subsequently becomes established and spread outside its native distribution area and causes harm to the environment, human or animal health, or the economy;
-  “quarantine station” means an establishment under the control of the Inspector 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 outside the establishment while the animals are undergoing observation for a specified length of time and, if appropriate, testing and treatment;
-  “zoonosis” – which refers to any disease or infection which is naturally transmissible between animals and humans or vice versa.

## Inspector

7. **Clause 7** of the Bill repeals and replaces Section 3 (1) of the Act. It makes clear that Inspector includes, not only the person holding the substantive post of Technical Officer (Animal Health) or acting in that capacity, but also the Chief Veterinary Officer in the Ministry or a veterinary officer authorised by him in writing.
8. **Clause 7** also clarifies that animal health para-professionals attached to the Animal Health Division of the Ministry shall assist the Inspector in carrying out his functions.
9. **Clause 8** of the Bill proposes to insert six (6) new clauses after the existing Section 3 to provide for the administration of the Act, functions of the Inspector, delegation of functions, establishment of an Advisory Committee on Animal Health and Welfare, official/approved laboratories and animal health measures.
10. **New section 3A** provides that the Inspector shall have primary responsibility for the administration of this Act.
11. **New section 3B** establishes the functions of the Inspector, which include *inter alia*:-
  -  Enforcing this Act or any subsidiary legislation made thereunder and also advising the Minister on all animal health related matters;

-  Implementing measures to prevent and control the introduction, establishment, or spread of notifiable diseases within Trinidad and Tobago;
-  Developing and updating the list of notifiable diseases for Trinidad and Tobago;
-  Issuing official veterinary health certificates relating to the health or to any period of quarantine of any animal in Trinidad and Tobago, and providing any information as required by any country importing an animal, carcass, animal product or animal-related item from Trinidad and Tobago;
-  Developing a system of health requirements/controls for animals, carcasses, animal products and animal-related items locally produced, imported, distributed and sold in Trinidad and Tobago;
-  Notifying the OIE<sup>3</sup> of outbreaks of notifiable diseases and complying with the reporting requirements of other regional and international bodies;
-  Informing and collaborating with the Ministry of Health or any other relevant agency, on any actions needed to manage risks to human health arising from animal diseases, pathogens, toxic substances or other hazards; and
-  Establishing guidelines for animal welfare standards.

12. **New section 3C** empowers the Minister to delegate to a suitably qualified person, any of the Inspector's functions under this Bill, upon the written recommendation of the Inspector. However, it prohibits certain functions from being delegated, including *inter alia*:-







-  official liaison duties with other Ministries, foreign authorities or any notification responsibilities;
-  approval of standards, requirements, rules or sanitary measures; and
-  other functions as prescribed under the Regulations.





13. **New section 3C** provides that persons to whom functions have been delegated must communicate to the Inspector, any direct or indirect interest, either actual or reasonably perceived, in any matter or action to be taken by the Inspector. Subsequently, the Inspector must perform any function relating to the matter/action conflicting with such interests.

14. **New section 3D** would establish the Advisory Committee on Animal Health and Welfare to advise and provide assistance to the Minister regarding animal health policies, animal welfare, strategies, sanitary measures, disease prevention, control and eradication. The committee shall have a maximum of seven (7) members selected by the Minister and include:-

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<sup>3</sup> World Organisation for Animal Health

-  a Veterinary Surgeon;
-  a Senior Technical Officer from the Ministry with responsibility for animal health;
-  a Ministry of Health representative;
-  a Tobago House of Assembly representative;
-  a Zoological Society of Trinidad and Tobago representative; and
-  two (2) members selected at the Minister's discretion.




15. The Minister would be responsible for appointing the Chairman of the Committee.
16. **New section 3E** authorises the Minister to designate, by Order, any diagnostic, research or other laboratory as an official/approved laboratory as required under this Act.
17. **New section 3F** establishes principles for the formulation and development of animal health measures which the Inspector must consider, including the principles of:-
-  harmonisation with international standards;
  -  risk assessment and science-based measures;
  -  regionalization; and
  -  being least-trade restrictive and necessary/proportional to the risk.

### Segregation and notification of diseased or infested animals, etc.




18. **Clause 9** repeals and replaces Section 4 (1) (b) of the Act with a new paragraph which mandates persons who have a diseased or infested animal in their possession to give notice of such within twenty-four (24) hours to the nearest private veterinary surgeon or veterinary office. Under the current regime persons are required to give notice 'with all practicable speed' to the Inspector or Officer in charge of the nearest Police Station..
19. **Clause 9** also repeals section 4 (2) and inserts a new subsection which requires persons who have received notice under subsection (1) to notify the Inspector, without delay, of any animal which has or is reasonably suspected of having an agricultural, economic or zoonotic significance.






### Declaration of infected zone

20. **Clause 10** of the Bill seeks to amend Section 5 of the Act by repealing the existing Section 5 and substituting it with a new Section which would provide that any veterinary officer who suspects that a notifiable disease exists in any premises must immediately inform the Inspector and upon receipt of the Inspector's verbal or written approval must:-

-  declare a provisional infected zone;
-  write a notice specifying the limits of the said zone and indicating what preventative measures would be applied in the zone; and
-  serve such notice upon the owner/occupier of any affected premises.






## Animal Disease Surveillance System

21. **Clause 11** introduces nine (9) new clauses after Section 5 of the Act to provide for an animal disease surveillance system, revocation of a declaration of an infected zone, animal disease emergency plan, contingency plans for response to emergencies affecting animal health, declaration of animal disease emergency, declaration of different zones including free zones, containment zones, etc., movement restrictions, animal identification and traceability and registration of veterinary medicinal products.
22. **New section 5A** provides that the Inspector must:-
-  establish an animal disease surveillance system to detect animal diseases, animal health hazards or invasive alien animal species;
  -  provide continuous training in the early detection and reporting of unusual animal health incidents for veterinary surgeons, animal health para-professionals, livestock owners and other persons involved in animal handling;
  -  establish a national chain of command for the early detection, reporting and response to animal diseases, animal health hazards and invasive alien animal species.
23. **New section 5A** also establishes that any person who detects or suspects the presence of a notifiable disease or any invasive alien animal species must immediately report it to any veterinary officer or private veterinary surgeon, who subsequently, must report to the Inspector. Failure to comply by such persons would result in the commission of an offence.
24. **New section 5B** establishes that if the Inspector determines that the circumstances which led to the declaration of an infected zone are no longer present then the Inspector must recommend to the Minister to revoke such declaration of the infected zone. The Minister, upon receipt of such recommendations, may revoke such declaration of the infected zone by Order.
25. **New section 5C** mandates that the Inspector must prepare an animal disease emergency plan to be tested at least every four (4) years and updated within six (6) months of such testing.

26. **New section 5D** stipulates that the Inspector must develop contingency plans for animal health emergencies. The contingency plans must consider the different disease control strategies available, the implications of using different control strategies and the most appropriate strategies for any given different circumstances or disease outbreak scenarios.
27. **New section 5E** states that if the Inspector has reasonable grounds to suspect an outbreak of a disease or high risk of an outbreak of a disease in Trinidad and Tobago, the Minister must upon receipt of the Inspector's written recommendation, declare by Order, an emergency disease in Trinidad and Tobago or any part thereof. The Order should specify: -
-  the limits (boundaries) of the provisional infected zone;
  -  the duties of persons within the provisional infected zone;
  -  the restrictions for the suspected disease.
28. **New section 5E** provides that the Inspector must also implement the animal disease emergency plan when an animal disease emergency is declared. The declaration of an animal disease emergency must be:-
-  based on suspicion of an outbreak of a disease of any agricultural, economic, and zoonotic significance limited to the extent necessary to minimise the threat; and
  -  time-bound and subject to periodic review/evaluation as prescribed by Regulations and the animal disease emergency response plan.
29. **New section 5E** also provides that in cases of emergencies, any sanitary measures approved by the Inspector must be proportionate to the threat, which led to the declaration of emergency and must be published in the Gazette; two (2) daily newspapers circulating in Trinidad and Tobago; and the electronic media.
30. Additionally, the Inspector must update the Minister regularly on the animal health situation and advise the Minister to revoke the Order when the threat no longer exists. The Minister can then revoke the Order based on the Inspector's recommendation.
31. **New section 5F** empowers the Minister to declare, by Order, a zone to be a free zone, containment zone, surveillance zone or a free compartment upon the recommendation of the Inspector.
32. **New section 5G** establishes that without the Inspector's written approval, no person shall remove from or take into a provisional infected zone, infected zone or containment zone,

any animal, carcass, animal product, animal-related item or other item covered under Notice or Order (Section 5 and 5E), subject to any exceptions made.

33. Moreover, if a veterinary officer reasonably believes that any animal, carcass, animal product, animal-related item, or other thing has been removed from or taken into an infected zone or containment zone, the veterinary officer may:-

-  seize the item;
-  return it to or remove it from the infected zone or containment zone;
-  request the owner to return it to or remove it from the infected zone;
-  postpone the movement; or
-  take such other sanitary measures as necessary.



34. The veterinary officer must issue a written notice to the owner or person in possession, care or control of the animal, carcass, animal product or animal-related item or other thing and must specify the period and manner within which the item is to be removed/returned.

35. **New section 5H** provides that the Inspector must determine the most appropriate way to identify/trace animals and must also collaborate with the Ministry of Food and Agriculture to ensure food safety regarding the traceability of animal products used as food for human consumption.

36. **New section 5I** restricts the importation, manufacture, distribution, advertisement, sale or use of any veterinary medicinal product in Trinidad and Tobago unless registered in accordance with the Food and Drugs Act<sup>4</sup> or any other written law. Such registration requirement does not apply to traditional animal remedies prepared locally and administered by customary usage. The Inspector is responsible for collaborating with the Ministry of Health on the registration, authorized uses, prescription, sale and distribution of veterinary medicinal products.

### Infected zone


37. **Clause 12** of the Bill seeks to amend Section 6 of the Act by repealing the existing Section 6 and substituting it with a new Section, which would establish the protocol upon confirmation of an infected zone by the Inspector. Once the Inspector confirms the presence of an infected zone, the Minister may declare an infected zone by Order, which shall:-

-  specify the limits of the infected zone;
-  stipulate the duties of persons in the infected zone; and

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<sup>4</sup> Chap 30:01: [http://rgd.legalaffairs.gov.tt/Laws2/Alphabetical\\_List/lawspdfs/30.01.pdf](http://rgd.legalaffairs.gov.tt/Laws2/Alphabetical_List/lawspdfs/30.01.pdf)





 restrict or prohibit the international trade and movement of animals, carcasses, animal products or animal-related items that may be affected by the disease, or may contribute to disseminating the disease, in or out of the infected zone.


38. The Inspector must also frequently review the status of the infected zone to ensure compliance with the Order and recommend to the Minister any such revisions and updates accordingly.

### Control Measures

39. **Clause 15** proposes to insert after the existing Section 8, **Section 8A** which establishes that the Inspector, for the purposes of controlling or eradicating animal diseases and preventing the introduction or spread of such diseases may:-

 prohibit or regulate the movement of animals, carcasses, animal products, animal-related items, persons and vehicles, within, into or out of an infected or provisional infected zone, free zone or containment zone;

 seize, treat or dispose of animals, carcasses, animal products or animal-related items that are or have been in a zone; or

 implement any disinfection objects, sanitation measures, eradication measures, vaccination schemes, or official control and stamping-out programmes.


### Order amending definition of disease


40. **Clause 17** amends Section 12 of the Act by empowering the Minister, on the Inspector's recommendation, to amend the notifiable diseases listed in Schedule 1. The existing provision allows the Minister to amend the Schedule by Order.









### Regulations

41. **Clause 18** amends Section 13 of the Act by repealing and replacing subsection (2) (c) . **New subsection (2)(c)** requires the public notification of infected zones, the removal of anything into, within or out of such zones, and also the cleansing or disinfection of those zones.

42. **Clause 18** of the Bill also inserts eighteen (18) new paragraphs after section 13 (2)(j) of the Act, expanding the areas for which the Minister may make Regulations, including *inter alia* for the:-




 movement of persons, animals, carcasses, animal products or animal-related items or other things into, within, or out of, any infected place, infected zone, provisional infected zone, containment zone, free zone or free compartment;

 examination, inspection, cleansing, destruction, disposal, seizure and detention of any animal, carcass, animal product or animal-related item or thing;

-  documents and forms to be used including applications, permits, receipts for articles seized and certificates issued by the exporting country, as well as relevant application procedures;
-  fees and costs for inspection and analysis or any other official actions under this Act;
-  best practices for standards of animal welfare including animal care and treatment, disaster risk planning for animal safety, animal health, welfare and safety emergency procedures;
-  establishment and implementation of animal identification, animal traceability and animal movement systems;
-  operation of quarantine stations for the quarantine of aquatic and non-aquatic animals or international transportation facilities;
-  procedures to be followed by veterinary officers and official laboratories in exercising their functions;
-  population control of stray/feral animals including but not limited to spay and neuter programmes; or
-  any other matter deemed necessary for carrying out the provisions of this Act.

43. **Clause 18** increases the penalty upon summary conviction for breach of any of the Regulations from five thousand dollars (\$5,000.00) to **fifty thousand dollars (\$50,000.00)**.

### Import requirements

44. **Clause 19** of the Bill repeals and replaces Section 14 of the Act. **New section 14** would provide *inter alia* for import requirements established by the Inspector for the prevention of animal diseases and zoonoses in Trinidad and Tobago. It would also restrict the importation of animals, carcasses, animal products or animal-related items into Trinidad and Tobago except under the provisions of this Act.
45. **Clause 19** also establishes that the Inspector, for the purposes of preventing animal diseases and zoonoses from entering Trinidad and Tobago must:-
-  establish import requirements for animals, carcasses, animal products and animal-related items according to international standards or science-based risk analysis;
  -  approve and publish in the Gazette and its website, a list of animals, carcasses, animal products and animal-related items which require an official veterinary health certificate or other official health certificate before importation into Trinidad and Tobago; and
  -  coordinate with the Ministry of Health to establish import requirements for veterinary medicinal products.

46. The Inspector must also regularly review and update the Ministry's website containing the import requirements issued under this section.

### Regulations controlling the importation of animals, etc.

47. **Clause 20** of the Bill seeks to amend the existing Section 15 of the Act by inserting after subsection (2) paragraph (d), the **new paragraph (e)** to extend the scope of the Regulations which would establish the requirements, procedures and forms for the importation, exportation and transit of animals, carcasses, animal products and related items.

48. **Clause 20** also proposes to increase the existing penalty in subsection (3) from five thousand dollars (\$5,000.00) to **fifty thousand dollars (\$50,000.00)** for a breach of any of the Regulations.

### International transport facility

49. **Clause 21** inserts after Section 15 of the Act, a new **Section 15A** which establishes that where required in writing by the Minister, the owner/operator of an international transport facility, designated as an approved import entry point/export exit point, must provide and maintain adequate areas, offices, laboratories, facilities, buildings, accommodations, equipment furnishings and fixtures to facilitate inspection or any other purpose under this Act or Regulations. The Minister, upon the Inspector's advice, may also require such owner/operator to make improvements to such designated facilities above.

### Import permits



50. **Clause 22** repeals and replaces Section 16. **New section 16** stipulates that persons intending to import animals, carcasses, animal related products or items into Trinidad and Tobago must apply for an import permit approved by the Inspector once the requirements are met. Such import permit may be reviewed, modified, suspended or revoked, at any time by the Inspector, with written notice.

### New Clauses: 16A – 16F

51. **Clause 23** proposes to insert six (6) new clauses after the existing Section 16 to establish the restrictions on the importation of animals, animal related products/items, zoological collection and exhibitions, arrival notification, inspection of imports, in-transit permits and export requirements.




### Restrictions on importation

52. New **section 16A** restricts a person from importing an animal, carcass, animal related product/item unless:-

-  such importation is in accordance with an import permit issued by the Inspector; and
-  such animal, carcass, animal related product/item is accompanied by an official veterinary health certificate, where necessary.

53. **New section 16A** also empowers the Inspector to prohibit or restrict the importation of any animal, carcass, animal related product/item into Trinidad and Tobago, for any reasonable cause at any time.

54. Additionally, the Inspector can also prohibit the importation of any item which in the officer's opinion is capable of carrying any notifiable, infectious or contagious diseases affecting animals such as:-



-  tack, harness, gear, rope, sling or other equipment used in connection with any animal;
-  cage, basket, box, crate, tank, aquarium or other container used or being used for the carriage of any animal, animal-related item or refuse; and
-  instrument, tool or other utensil which has been used for any animal or any of the things mentioned above.

55. Moreover, once the Inspector is satisfied that such equipment, container, utensil or animal-related item is capable of being disinfected, the veterinary officer may permit its entry into the country, subject to certain written conditions and directions as established by the veterinary officer, relating to its disinfection in the specified port area. Any such disinfection if required would be the importer's expense.

56. Furthermore, any equipment, container, utensil or animal-related item that enters the country in breach of this Act or condition/direction imposed thereunder, may be seized by a veterinary officer and detained, destroyed or disposed as ordered by the Inspector.

### Zoological collection and exhibitions

57. **New section 16B** provides for the Inspector to issue an import permit to any person for the importation of any animal into Trinidad and Tobago:-

-  for exhibition purposes, performances or circus where the animal is not expected to remain permanently in Trinidad and Tobago; or
-  for educational purposes or zoological collection where the animal is expected to be used for research/display purposes and is expected to remain permanently in Trinidad and Tobago.

58. **New section 16B** also provides that any such permit granted may contain terms and conditions deemed appropriate by the Inspector in the circumstances.

59. Moreover, any person desirous of applying for such permit must make an application in approved form to the Inspector, accompanied with the specified fee.

#### Arrival notification



60. **New section 16C** provides that any customs officer, importer, courier, master of a vessel or captain of an aircraft must promptly notify the Inspector of the arrival of any animals, carcasses, animal product or animal-related items.

61. Moreover, any courier is prohibited from releasing or disposing of any animal, carcass, animal product or animal-related item without authorization from the Inspector or veterinary officer.

#### Inspection of imports


62. **New section 16D** provides that a veterinary officer must inspect all consignments of animals, carcasses, animal products, and animal-related items at a specified port of entry as designated by the Inspector upon its importation into the country.

63. Such inspections of consignments would be carried out by a veterinary officer at any approved premises/facility where:-

-  the container was sealed and marked in accordance with the Customs Act<sup>5</sup>; and
-  there is a negligible risk of introduction/spread of a disease.

64. Moreover, if the veterinary officer inspects the consignment and determines that it presents a negligible risk for the introduction/spread of disease then the veterinary officer may grant permission to land the consignment.

65. Additionally, if the veterinary officer determines that such consignment may result in the introduction/spread of a vector or disease or the consignment's accompanying documentation fails to meet the requirements then the veterinary officer must:-



-  Immediately inform the Inspector and provide written notice to the importer of the following measures to be carried out within fourteen (14) days from receipt of the notice at the importer's expense along with the grounds for imposing these measures including:-
  - i. taking of samples for submission to an approved laboratory for analysis;
  - ii. transferring the consignment to a quarantine station or other identified location for testing or disinfection;
  - iii. carrying out treatment or disinfection of the consignment;

<sup>5</sup> Chap 78:01: [http://rgd.legalaffairs.gov.tt/Laws2/Alphabetical\\_List/lawspdfs/78.01.pdf](http://rgd.legalaffairs.gov.tt/Laws2/Alphabetical_List/lawspdfs/78.01.pdf)

- iv. returning the consignment to the country of origin; or
- v. destruction of the consignment.







66. The veterinary officer can also waive such notice to the importer and carry out any of the specified actions above if the destruction of the shipment is urgently required on humane grounds or giving notice is impractical in the circumstances.
67. Furthermore, if an imported consignment remains unclaimed for at least two (2) weeks after entering the country, or after treatment or disinfection thereof, the Inspector is empowered to dispose of such consignment.
68. Whilst the cost of any action taken by the Inspector above is to be borne by the importer, if the importer fails to pay such costs for any action taken by the Inspector then the Inspector is restricted from issuing further import permits to the importer until such costs have been fully satisfied.
69. Lastly, the State cannot be held liable for any actions taken in good faith to destroy or dispose of animals, carcasses, animal products or animal-related items imported into the country in breach of this Act.

#### In transit permits

70. **New section 16E** provides that any person wishing to transport an animal, carcass, animal product or animal related item through the country must apply to the Inspector for an in-transit permit in approved form, accompanied with the prescribed fee, before entry.
71. The Inspector can issue such in-transit permit to the applicant in approved form and may include such conditions as deemed fit, once the applicant satisfies the Act's requirements.
72. A veterinary officer at any port of entry can:-
-  inspect any animal, carcass, or animal related product/item in transit through the country to verify its sanitary status and can refuse entry if the official veterinary health certificate issued by the Inspector of the exporting country is incomplete;
  -  upon the detection of any notifiable disease immediately inform the Inspector and:-
    - i. refuse entry;
    - ii. detain or seize the item; or
    - iii. apply sanitary treatment or action.
73. Lastly, any owner or operator of a vehicle carrying an animal, carcass, or animal related product/item, stopping in or passing through a port in Trinidad and Tobago, on their way

to another port situated in another country, must comply with the Inspector's specified conditions contained in the in-transit permit.




### Export requirements

74. **New section 16F** prohibits the exportation of any animal, carcass, or animal related product/item from Trinidad and Tobago except as provided for in this Act. Any person intending to export a consignment of animal, carcass, or animal related product/item from Trinidad and Tobago must submit the consignment, along with any additional document required by the authorized officer, to ensure the consignment satisfies the importing country's requirements upon examination by the authorized officer, along with the Ministry of Health.
75. Once the authorized officer is satisfied that such consignment meets the importing country's requirements, the authorized officer must issue an official veterinary health certificate for the consignment.
76. Conversely, if the authorized officer is satisfied that the exporting consignment poses a risk for the introduction and spread of any disease or does not satisfy the importing country's requirements then the authorized officer must:-
-  subject the consignment to appropriate treatment to remove the risk; or
  -  deny the issuance of an official veterinary health certificate.
77. The authorized officer in issuing an official veterinary health certificate can:-
-  carry out biological tests, vaccinations or disinfection procedures;
  -  carry out inspections on animals and grant approval/certification procedures on animals and establishments;
  -  observe animals during transport to shipment point and at point of departure; and
  -  send advance notice to the importing country.
78. Moreover, a private veterinary surgeon can also issue an official veterinary health certificate, if the Inspector endorses the certificate for the animal to be exported from Trinidad and Tobago.
79. Lastly, all costs for any required action under this section must be paid by the owner of the animal, carcass, animal related product/item intended to be exported from Trinidad and Tobago.

### Quarantine stations

80. **Clause 24** of the Bill seeks to amend Section 17 of the Act by repealing the existing Section 17 and substituting it with a new Section, which would provide for designated quarantine

stations in such places as the Inspector deems fit and necessary. All animals that are required to be quarantined under this Act or under an import permit, must be placed within such stations based on the veterinary officer's directions. However, private premises cannot be a designated quarantine station without such consent of the owner/occupier of the premises.

81. Moreover, an authorised officer must ensure that any quarantine station is satisfactory for the purpose of receiving/retaining animals in quarantine and monitored daily by a veterinary officer or private veterinary surgeon approved by the Ministry responsible for animal health.
82. **Clause 24** of the Bill also provides that a veterinary officer or private veterinary surgeon can place an animal in quarantine if they suspect that the animal:-
  -  Is suffering from a notifiable disease;
  -  may have been in contact with any animal suffering or may be suffering from a prescribed disease; or
  -  has otherwise been exposed to the risk of contracting a notifiable disease.
83. Furthermore, the release of an animal from quarantine must be subject to and dependent on the results of re-inspection and any diagnostic examination or tests deemed necessary by the Inspector for the detection of any disease.
84. Additionally, it is not permissible to remove any animal from any quarantine station without the Inspector's prior written approval, which may be either unconditional or subject to certain specified conditions, regardless of the expiry of a quarantine period as directed by the Inspector.
85. Lastly, any animal that develops a notifiable disease in the quarantine station or which the veterinary officer thinks is at risk of spreading a notifiable disease in the country may, with the Inspector's approval, be humanely euthanised or destroyed without payment of compensation.

### Imported animals to be quarantined

86. **Clause 25** of the Bill seeks to amend Section 18 of the Act by repealing the existing Section 18 and substituting it with a new **Section**, which provides for all imported animals, unless exempted by the Regulations, to be quarantined for such period as directed by the Inspector and subject to specified conditions.

### New Clauses: 18A – 18L

87. **Clause 26** of the Bill proposes to insert twelve (12) new clauses after Section 18 under a new **Part IIIA** entitled "**Animal Welfare and Stray Animals**".



## Prohibition of maltreatment

88. New **section 18A** creates an offence to prohibit any person beating, ill-treating, starving, over-driving, overriding, overloading<sup>6</sup>, abusing, torturing, neglecting or maltreating an animal.
89. Moreover, an animal drawing a vehicle would be deemed ill-treated if, due to the condition of the vehicle or harness used or the nature and condition of the road travelled or other cause, the animal has been made to suffer unnecessary strain/pain or has been overworked in the Magistrate's opinion.




## Working animal unfit for work

90. New **section 18B** establishes an offence if any person works an animal that is in an unfit condition for work in any plough, carriage or other vehicle, either suffering from lameness, emaciation or any other condition caused by disease, deficient feeding or otherwise.

## Compensation for damage done by cruelty to animals

91. New **section 18C** establishes that any person committing an offence under **18A** or **18B** that causes an animal to suffer damage or to any person or property, upon conviction for such offence must pay the animal's owner the fair market value of the animal or to the person who sustained the damage such compensation as adjudged by the Court. Such compensation payment or imprisonment for non-payment thereof does not prevent or affect the punishment, which the offender would be liable for in respect of the offence.
92. Any court proceedings would not be barred against the offender or his employer for damages or injuries suffered, that is not recoverable under this Act.

## Bull-baiting, cock-fighting and similar offences

93. New **section 18D** establishes that a person commits an offence where he:-
-  encourages, aids, or assists at the fighting or baiting of any domestic or wild animal;
  -  keeps, uses or acts in the management of any place used for the purposes of fighting or baiting any animal; or
  -  permits or suffers their premises (being the owner/occupier), to be so used.
94. Moreover, any person that receives money for admitting any person to any place kept or used for such purposes shall be deemed to be the keeper of such place, unless the contrary is proved.

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<sup>6</sup> An animal would be considered overloaded if it is made to carry a burden/draw a load that is beyond its strength, or is afterwards exhausted or if due to the size, strength, or condition of the animal or other circumstances, the Magistrate decides that the burden or load is unduly heavy.

### Animals may be detained for treatment

95. New **section 18E** provides that on any conviction for any offence under section **18A** or **18B**, the Magistrate may, if he thinks that such animal is unfit to work, direct that it be detained for treatment in any place which has been notified in the Gazette by the Inspector as set apart for that purpose, for any period not exceeding thirty (30) days, during which the maintenance of such animal shall be provided free of cost to the Government.

### Liability for animals detained

96. New **section 18F** provides that no officer, servant or person having charge of any place designated by the Magistrate for treatment of such animals unfit to work shall be liable in respect of the death, sickness or deterioration of, or any accident/casualty suffered by any animal detained in such place except for gross negligence.

### Unclaimed animals may be sold or destroyed






97. New **section 18G** provides that the person in charge shall dispose of such animal appropriately under this Act which have been unclaimed by its owner upon expiration of such period or within forty-eight (48) hours thereof, or its owner refuses to pay the cost of keeping/treating the animal during its detention. Such disposal of any animal detained in such place for any period would be after the publication of seven (7) days' notice in the *Gazette* and two (2) daily newspapers in circulation in Trinidad and Tobago.

### Power to order destruction of animal

98. New **section 18H** establishes that for the commission of any offence relating to the maltreatment of animals or working an animal unfit for work, the Court, if it deems fit may order as part of sentencing, that the animal be destroyed and its body disposed of at the offender's expense.

### Welfare of animals

99. New **section 18I** establishes that an owner or person in charge of an animal must provide such animal with:-

-  sufficient and suitable diet and access to sufficient and clean water;
-  proper shelter and housing appropriate for the animal's behavioural patterns and sufficient to protect the animal from unsuitable weather conditions including risk of injury/death from flooding or other natural disasters;
-  veterinary care needed to treat and prevent suffering and disease;
-  suitable accommodations during transportation; and
-  humane care and treatment.

100. New **section 18I** also prohibits an owner/person in charge of an animal from causing or permitting another person from causing unnecessary suffering or death of an animal.
101. Moreover, an owner/person in charge of an animal is also required to take all reasonable steps to mitigate any suffering, potentially caused by the animal's exposure to fireworks.

#### Duty of owner of animals



102. New **section 18J** establishes that owners/persons in charge of animals must provide assistance and carry out the veterinary officer's instructions as required to facilitate the execution of the veterinary officer's functions. Such owner/persons in charge of an animal must provide a veterinary officer with requested information necessary for the eradication of any animal disease or implementation of this Act.

#### Disposal of infected or contaminated animal

103. New **section 18K** provides for the Inspector to humanely euthanise and safely dispose of an infected/contaminated animal or compel the owner/person in charge of the animal to humanely euthanise the animal and safely dispose it by a private veterinary surgeon.

#### Stray and feral animals


104. New **section 18L** establishes that the Inspector in collaboration with the Ministry of Health must approve measures to:-


-  control the stray and feral animal populations including programmes and strategies to control animals that pose a risk to public health, safety or security; and
-  contain and control notifiable diseases including zoonoses in stray and feral animal populations.

#### New Clauses: 20A – 20B

105. **Clause 27** of the Bill proposes to insert two (2) new clauses after the existing Section 20 to provide for the storage and removal of an animal, carcass or animal related product/item, seized or detained by a veterinary officer and to restrict any person from removing, altering or interfering with any animal, carcass, animal related product/item that was seized or detained unless authorized by the Inspector in writing.

#### Storage and removal of seized animals

106. New **section 20A** establishes that any veterinary officer who seizes and detains an animal, carcass or animal related product/item may:-
-  require the owner/person in charge of it at the time of its seizure to remove it to any place; or

 store the animal at the place of seizure.

Prohibition on the interference with seized animals

107. New **section 20B** prohibits any person from removing, altering or interfering with any animal, carcass or animal related product/item anything else seized/detained under this Act without the Inspector’s authorization in writing.

Offences

108. **Clause 28** of the Bill seeks to amend Section 21 of the Act by repealing the existing Section 21 and substituting it with a new **Section** to create the following Offences:

Section	Offence	Penalty
<p>21 (1) Offences</p>	<p>Any person who fails to comply with any order, direction or permit lawfully made or granted under this Act.</p>	<p>On summary conviction: a fine of <b>fifty thousand dollars (\$50,000.00)</b> and imprisonment for <b>two (2) years</b>.</p>
<p>Any person who takes or allows to be taken, or allows to stray a diseased/infested animal in or upon any common, public road, or public place, unless as required under this Act or such Regulations made thereunder.</p>		
<p>Any person who gives false information to a veterinary officer.</p>		
<p>21 (2)</p>	<p>Any person who attempts to improperly influence an official in exercising their official functions under this Act.</p>	<p>On summary conviction: A fine of <b>one hundred thousand dollars</b></p>
<p>Any person fails to allow an authorized search or inspection under this Act.</p>		
<p>Any person who knowingly/recklessly provides false or misleading information to obtain any document under this Act.</p>		

	<p>Any person who exports any animal, carcass, or animal related product/item except in accordance with this Act.</p>	<p><b>(\$100,000.00)</b> and to imprisonment for <b>three (3 years)</b>.</p>
	<p>Any person who fails to provide access, samples or information to a veterinary officer upon request, or fails to comply with an order given under this Act.</p>	
<p>21 (3)</p>	<p>Any person who tampers with any samples taken under this Act.</p>	<p>On summary conviction: a fine of <b>two hundred thousand dollars (\$200,000.00)</b> and imprisonment for <b>five (5) years</b>.</p>
	<p>Any person who imports any animal, carcass or animal related product/item without a required import permit or official veterinary health certificate or contrary to any specified requirements under this Act.</p>	
	<p>Any person who carries out activities without the required permit or Inspector’s authorization.</p>	
	<p>Any person who alters, forges, defaces, or destroys any document issued under this Act.</p>	
	<p>Any person who tortures, beats, injures, mutilates, neglects or treats an animal with cruelty or overloads an animal (Section 18A).</p>	
	<p>Any person who breaches Sections 18B (Working animal unfit for work), 18D (Bull baiting, cock fighting and similar offences) or 18I (Welfare of Animals).</p>	
	<p>Any person who permits an act by another person or omits to act which causes unnecessary suffering to an animal including suffering causing by exposure to fireworks.</p>	

<p>Any person who possesses, sells, offers for sale, transports, imports or exports any animal, carcass or animal related product/item knowing it is infected or contaminated or may transmit a notifiable disease or intentionally permits/causes the introduction or spread of any notifiable disease.</p>	
<p>Any person who throws the carcass of an animal or places or causes to be thrown or placed into or in any river, stream, drain, or other water course or into or within the territorial sea as defined under the Territorial Sea Act<sup>7</sup>.</p>	
<p>Any person who throws or places any part of an animal or causes it to be thrown or placed in a public place.</p>	
<p>Any person who digs up, or causes or allows to be dug up, the buried carcass of any animal slaughtered under this Act for being diseased or suspected thereof or which has died or is suspected of having died from any disease.</p>	
<p>Any person who imports any animal, carcass or animal related product/item, except through a defined port of entry.</p>	
<p>Any person who assaults, resists, intimidates, threatens, or wilfully obstructs an officer lawfully exercising his powers under this Act.</p>	
<p>Any person who impersonates a veterinary officer, being an employee of the Ministry of Food and Agriculture or not and offers to provide veterinarian services without being licensed to do so, or in the case of an employee of the Ministry of Food and Agriculture offers to provide such services outside the course of such employment, without being licensed to do so.</p>	

<sup>7</sup> Chap 1:51: [http://rgd.legalaffairs.gov.tt/Laws2/Alphabetical\\_List/lawspdfs/1.51.pdf](http://rgd.legalaffairs.gov.tt/Laws2/Alphabetical_List/lawspdfs/1.51.pdf)

### New Clauses: 21A – 21H

109. **Clause 29** of the Bill proposes to insert eight (8) new clauses after the existing Section 21 to provide provide *inter alia* for offences committed by Officials from the Ministry responsible for animal health, any customs officer, a body corporate and suspension/revocation of permits upon conviction for any offence. It also provides for the Court in addition to any sentence imposed, to forfeit any proceeds obtained from commission of the offence.
110. Additionally, it establishes a duty on all local authorities, Customs, port, airport, police and so on to assist and cooperate with veterinary officers in exercising their functions as requested by the Inspector. It also establishes a right of appeal to the Inspector for an action or decision of a veterinary officer by any aggrieved person under this Act, including a defence of good faith for any veterinary officer, official or other government entity for anything done in good faith in execution of their duties.

### Offences by officials

111. New **section 21A, 21B** and **21C** creates the following Offences by government officials, customs officers and body corporates respectively:

Section	Offence	Penalty
21A Offences by Officials	Any officer from the Ministry of Food and Agriculture who unlawfully seizes an item whilst purporting to act in accordance with this Act.	On summary conviction: a fine of <b>fifty thousand dollars (\$50,000.00)</b> and imprisonment for <b>two (2) years</b> .
	Any officer from the Ministry of Food and Agriculture who agrees to do, abstains from doing, permits, conceals, or connives in doing an act or thing contrary to the proper execution of their official duties under this Act.	
	Any officer from the Ministry of Food and Agriculture who discloses any confidential	
	information acquired in the course of employment under this Act except as required to do so by their supervisor or any court.	
	Any officer from the Ministry of Food and Agriculture who in connection with their official duty, directly or indirectly asks for or takes any payment, gratuity or other reward to which that officer is not entitled.	

<p><b>21B</b> Offences by Customs Officers</p>	<p>Any customs officer who without lawful excuse, fails to notify the Inspector promptly upon the arrival of any animal, carcass or animal related product/item in Trinidad and Tobago.</p>	<p>On summary conviction: a fine of <b>fifty thousand dollars (\$50,000.00)</b> and imprisonment for <b>two (2) years</b>.</p>
<p>Any customs officer who releases or disposes of imported animal, carcass or animal related product/item unless authorised to do so by any veterinary officer.</p>	<p>On summary conviction: a fine of <b>two hundred thousand dollars (\$200,000.00)</b>.</p> <p style="text-align: center;"><b><u>OR</u></b></p> <p>On conviction on indictment: a fine of <b>five hundred thousand dollars (\$500,000.00)</b>.</p>	
<p><b>21C</b> Offences by Body Corporate</p>	<p>Any offence committed by a Body Corporate under this Act.</p>	

### Suspension and revocation of permits

112. New **section 21D** provides for the Inspector to suspend or revoke any permit or other authorization issued under this Act once there is reasonable grounds for doing so. If the Inspector wishes to suspend or revoke a permit or other authorization, then a written notice must be issued to the owner of the animal, carcass or animal related product/item requiring the owner within a specified time to justify why the permit should not be revoked or suspended.

### Forfeiture

113. **Section 21E** establishes that upon conviction of any person for an offence under this Act, the Court in addition to any other sentence imposed can order that the animal, carcass or animal related product/item or other object relating to the offence committed or used in connection with the offence or any proceeds derived would be forfeited to the State and disposed of as directed by the Court.

### Duty to assist, cooperate and collaborate

114. **Section 21F** establishes that customs officers, police officers and all officials employed in the port, airport, airline, postal services, shipping companies, and local authorities are required



to assist veterinary officers in performance of their functions under this Act by providing such facilities and assistance as requested by the Inspector.

115. Moreover, the Inspector can also collaborate with the Ministries of health, Environment, Trade, Office of Disaster Preparedness and Response Management, law enforcement and any other public authorities responsible for emergency response.

### Right of appeal

116. **Section 21G** establishes a right of appeal to the Inspector within seven (7) days for any person aggrieved by an action or decision of a veterinary officer under this Act, for a review of any action or decision and the Inspector would inform such person of the decision within fourteen (14) days of receiving such request. Additionally, any person aggrieved by a decision of the Inspector can appeal to the High Court.

### Good faith defence

117. **Section 21H** provides immunity from liability and prosecution for any veterinary officer, Ministry responsible for animal health or other person/entity for anything done in good faith in the performance of their official functions under this Act.

### Penalty

118. **Clause 30** of the Bill seeks to amend the existing Section 22 of the Act by increasing the penalty upon summary conviction from five thousand dollars (\$5,000.00) to **fifty thousand dollars (\$50,000.00)** for the commission of each offence under this Act, otherwise expressly provided for.

### Minister may amend Schedules

119. **Clause 31** of the Bill seeks to amend the Act by inserting after the existing Section 23, the new **Section 23A** to allow for the Minister to amend the Schedules in the Act.

### Schedule amended

120. **Clause 34** of the Bill seeks to amend the Act by repealing the existing Schedule contained in the Act and inserting the new:-



#### **SCHEDULE 1 - NOTIFIABLE DISEASES WITHIN THE MEANING OF THIS ACT**

- Multiple species diseases, infections and infestations
- Cattle diseases and infections
- Sheep and goat diseases and infections
- Equine diseases and infections
- Swine diseases and infections

- Avian diseases and infections
- Lagomorph diseases and infections
- Other diseases and infections
- Amphibians

### Schedule 2 Inserted

121. **Clause 35** of the Bill seeks to amend the Act by inserting the new **Schedule 2** after the new **Schedule 1** as amended:-



#### **SCHEDULE 2 - IMPORTATION OF POULTRY AND NON-POULTRY PRODUCTS PERMIT NOTICE**

### Regulations amended

122. **Clause 36** of the Bill seeks to amend the Act by amending the **Animals (Importation) Control Regulations** to revoke the existing Third Schedule and substitute it with the new **Third, Fourth, Fifth, Sixth, Seventh, Eighth, Ninth and Tenth Schedule**.

### Consequential amendments to the Summary Offences Act

123. **Clause 37** of the Bill seeks to make consequential amendments to the **Summary Offences Act**<sup>8</sup> by:-



Repealing Sections 78 – 90 which addresses Cruelty to Animals, Detention of Animals for Treatment and Destruction of Animals;



Revoking the Detention of Animals – Scale of Charges.

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<sup>8</sup> Chap 11:02: [http://rgd.legalaffairs.gov.tt/Laws2/Alphabetical\\_List/lawspdfs/11.02.pdf](http://rgd.legalaffairs.gov.tt/Laws2/Alphabetical_List/lawspdfs/11.02.pdf)

## REFERENCES

## KEY LEGISLATION



**The Animals (Diseases and Importation) (Amendment) Bill, 2019**

<http://www.ttparliament.org/legislations/b2019s07g.pdf>



**The Animal Diseases and Importation Act Chap. 67:02**

[http://rgd.legalaffairs.gov.tt/Laws2/Alphabetical\\_List/lawspdfs/67.02.pdf](http://rgd.legalaffairs.gov.tt/Laws2/Alphabetical_List/lawspdfs/67.02.pdf)



**The Food and Drugs Act Chap. 30:01**

[http://rgd.legalaffairs.gov.tt/Laws2/Alphabetical\\_List/lawspdfs/30.01.pdf](http://rgd.legalaffairs.gov.tt/Laws2/Alphabetical_List/lawspdfs/30.01.pdf)



**The Customs Act Chap. 78:01**

[http://rgd.legalaffairs.gov.tt/Laws2/Alphabetical\\_List/lawspdfs/78.01.pdf](http://rgd.legalaffairs.gov.tt/Laws2/Alphabetical_List/lawspdfs/78.01.pdf)



**The Territorial Sea Act Chap. 1:51**

[http://rgd.legalaffairs.gov.tt/Laws2/Alphabetical\\_List/lawspdfs/1.51.pdf](http://rgd.legalaffairs.gov.tt/Laws2/Alphabetical_List/lawspdfs/1.51.pdf)



**The Summary Offences Act Chap. 11:02**

[http://rgd.legalaffairs.gov.tt/Laws2/Alphabetical\\_List/lawspdfs/11.02.pdf](http://rgd.legalaffairs.gov.tt/Laws2/Alphabetical_List/lawspdfs/11.02.pdf)



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