

[L.S.]

EYRE HUTSON,

Acting High Commissioner.



No. X of 1915.

KING'S REGULATION

TO PREVENT THE INTRODUCTION INTO OR THE SPREADING WITHIN THE BRITISH SOLOMON ISLANDS PROTECTORATE OF CONTAGIOUS OR INFECTIOUS DISEASES OF ANIMALS.

Made by His Britannic Majesty's Acting High Commissioner for the Western Pacific in accordance with the provisions of the Pacific Order in Council, 1893.

In the name of His Majesty, George the Fifth, by the Grace of God of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas King, Defender of the Faith, Emperor of India.

1. This Regulation may be cited as the Solomons Diseases of Short title. Animals Regulation 1915.

2.—(1) In this Regulation or in any order or rule made hereunder, Interpretation. unless the context otherwise requires—

“Protectorate” means and includes the islands of the British Solomon Islands Protectorate and the waters of the said islands for three miles seaward from low-water mark of any part thereof ;

“High Commissioner” means His Britannic Majesty's High Commissioner for the Western Pacific ;

“Resident Commissioner” means the Resident Commissioner in the Protectorate and includes any person duly acting as such ;

“Inspector” means any person appointed by the High Commissioner or the Resident Commissioner to be an inspector under this Regulation ;

“Master” means any person (except a pilot) having for the time being command or charge of any vessel ;

“Vessel” means anything made or used to carry by water or to have hold or contain on water any human being, or any animal, or anything whatever ;

“Foreign” applied to a country means any country out of the Protectorate, and applied to any animal or thing means brought, or coming from a foreign country ;

“Animals” means cattle, horses, asses, mules, sheep, pigs, goats, dogs, or other animals ;

- “ Carcase ” means the carcase of any animal, or the whole or any part of the flesh, wool, skin, hide, hair, bones, horns, hoofs, offal, or other portion of a carcase ;
- “ Fittings ” means any pen, stall, cattle-box, horse-box, or other receptacle, or any gear, furniture, or utensils used by or for animals, and includes any materials or things used for enclosing or confining animals or in the care or control thereof which shall have been brought in contact with diseased animals ;
- “ Fodder ” means any substance used for the food or litter of animals, or any other substance found with or about animals, and includes the manure of animals ;
- “ Disease ” means rinderpest (that is to say, the disease commonly called cattle plague), contagious pleuro-pneumonia of cattle, tuberculosis of cattle, red-water fever, foot-and-mouth disease, anthrax, glanders, pseudo-farcy, surra, dourine, sheep-pox, sheep-scab, swine-fever (that is to say, the disease known as typhoid fever of swine, soldier-purples, red-disease, hog-cholera or swine-plague) or rabies, and includes any contagious or infectious disease of animals which the High Commissioner may from time to time by order under his hand and the seal of the Western Pacific High Commission declare to be a disease for the purposes of this Regulation ;
- “ Diseased ” means suffering from or affected with disease ;
- “ Infected animal ” means any animal not being diseased which is or has within three months previous been in contact with diseased animals ;
- “ Infected area ” or “ infected place ” means any area or place, as the case may be, which has been duly declared to be an infected area or place ;
- “ Place ” means any building, structure, field, yard, garden, enclosure, dock, quay, wharf, or other place and includes a vessel ;
- “ Owner ” includes a consignee and the agent of an owner.

(2) In the computation of time for purposes of this Regulation, a period reckoned by days from the happening of an event or the doing of an act or thing shall be deemed to be exclusive of the day on which the event happens or the act or thing is done.

High Commissioner may prohibit importation of foreign animals, &c.

3. Notwithstanding anything hereinafter contained in this Regulation the High Commissioner may, whenever he may deem it expedient so to do for the purpose of preventing the introduction of disease, make, vary or rescind orders or rules under his hand and the seal of the Western Pacific High Commission for prohibiting the importation of animals, carcasses, fittings, fodder, or other things, or any specified kind thereof, brought or coming from any specified foreign country, or any specified part thereof, and he shall prohibit the importation of such animals whenever he is not satisfied with respect to any such country or any specified part thereof that, having regard to the sanitary condition of the animals therein or exported therefrom, to the laws made by such country for the regulation of the importation and exportation of animals, and for the prevention of the introduction or spreading of disease, and to the administration of such laws, the circumstances are such as to afford reasonable security against the importation therefrom of diseased animals.

Certificate of cleanness to be produced for all animals imported.

4. The master of any vessel in which foreign animals may be imported shall immediately upon his arrival in the Protectorate deliver to an officer of the Customs a certificate in the form contained in the schedule hereto or in such other form as the Resident Commissioner may permit to be adopted, and if such officer of Customs so directs shall detain all such animals on board until they have been duly

inspected and examined and a written permit shall have been granted by an inspector for the unshipping and landing thereof. Detention on board vessel.

5.—(1) No foreign animals shall be landed except at a part of a port duly defined for that purpose, to be called a foreign animals quarantine station. Animals to be landed at foreign animals quarantine station.

(2) The animals shall be landed in such manner and subject to such supervision and control as the Resident Commissioner may generally or specially direct in respect of the animals or of the vessel from which they are landed.

(3) When landed the animals shall be placed in proper receptacles prepared by the Protectorate Government or, if otherwise prepared, approved by the Resident Commissioner.

(4) The animals shall not be moved or allowed to be moved within or out of the quarantine station except on conditions prescribed by the Resident Commissioner.

(5) The Resident Commissioner may in any special case if he think fit permit foreign animals to be landed otherwise than in accordance with the provision of this section.

(6) Notwithstanding anything contained in this Regulation a duly defined part of a port, or any part thereof, shall not be declared to be an infected place or be made part of an infected place otherwise than by the Resident Commissioner.

6. If any person shall import, unship, or land, or attempt, or assist to import, unship or land any animal or thing in contravention of this Regulation or of any order or rule made by the High Commissioner thereunder, or shall knowingly receive or dispose of any animal or thing so imported, unshipped, or landed, he shall be guilty of an offence against this Regulation. Person unlawfully importing or landing animals, &c., guilty of an offence.

7. Any animal or thing unlawfully imported, unshipped, or landed, or attempted to be unlawfully imported, unshipped or landed, shall be liable to seizure without warrant by any inspector, constable, or officer of the Customs and to forfeiture to the Crown. Unlawfully imported animals, &c., may be forfeited.

8. Where any officer of the Customs is satisfied that this Regulation or any order or rule made thereunder has not been or is not being complied with or is about to be contravened on board any vessel or by the owner or master of any vessel such officer may detain such vessel until the Resident Commissioner otherwise directs. Officer of Customs may detain vessel not complying with Regulation, &c.

9. The officer detaining any vessel as aforesaid shall forthwith serve the master thereof with a notice in writing stating the grounds of detention, and if the vessel after such detention or after service on the master of a notice as aforesaid, proceeds or attempts to proceed to sea, or leaves or attempts to leave the place of its detention, the master of the vessel and also any person who is party or privy to the offence shall be guilty of an offence against this Regulation. Penalty where vessel proceeds to sea after service of notice of detention.

10. Where a vessel proceeding to sea or leaving the place of its detention as aforesaid takes with it when on board thereof in the execution of his duty any officer authorised to detain the vessel the owner and master of the vessel shall each be liable to pay all expenses of and incidental to the officer being so taken and also to a fine not exceeding ten pounds for every day until the officer returns, or until such time as would enable him after leaving the vessel to return to the place from which he is taken, and such expenses may be recovered in like manner as the fine. Penalty where such vessel takes to sea officer authorised to detain it.

11.—(1) An inspector and his assistants shall have power at any time to enter upon or into any place for the purpose of inspecting animals or places or for the purposes of this Regulation. General powers and privileges of an inspector.

(2) An inspector and his assistants while engaged in the execution of their duties shall have for the purposes of this Regulation all the powers and privileges which an officer of Customs, health officer, or constable has under any law for the time being in force.

General provisions
as to declaring
places and areas to
be infected.

12.—(1) Where it appears to an inspector that a disease exists, or has existed within a period mentioned in respect of that disease in any order or rule made under this Regulation, in any place, he shall forthwith make and sign a declaration thereof stating particulars.

(2) The inspector shall serve a notice, signed by him, of the declaration on the occupier of that place and also if he thinks it expedient on the occupier of any place contiguous thereto.

(3) Thereupon every such place shall become and be a place infected with the disease specified in the inspector's declaration subject to the determination and declaration of the Resident Commissioner.

(4) The inspector shall with all practicable speed send his declaration and a copy of his notice to the Resident Commissioner, who shall forthwith enquire into the correctness of the inspector's declaration.

(5) If the Resident Commissioner is satisfied as to the correctness of the inspector's declaration as regards the existence or past-existence of disease he shall by order determine and declare accordingly, and prescribe the limits of the infected place, and may, if he thinks fit, include within those limits any place adjoining or near to the infected place.

(6) If the Resident Commissioner is not satisfied as to the correctness of the inspector's declaration as regards the existence or past-existence of disease he shall by order determine and declare accordingly and thereupon, as from the time specified in that behalf in the order, the place to which the inspector's declaration relates shall cease to be a place infected with the disease specified in the inspector's declaration.

(7) The Resident Commissioner may at any time, if he think fit, on any evidence satisfactory to him by order—

(a) declare any place with or without any place adjoining or near thereto to be a place infected with a specified disease; and

(b) extend, contract, or otherwise alter the limits of any infected place; or

(c) declare any place which has been duly declared to be an infected place to be free from a specified disease.

(8) The Resident Commissioner may at any time, if he think fit, on any evidence satisfactory to him by order—

(a) declare any area comprising any infected place to be an area infected with a specified disease; and

(b) extend, contract, or otherwise alter the limits of any infected area; or

(c) declare any area which has been duly declared to be infected or any part thereof to be free from a specified disease.

13.—(1) The Resident Commissioner, or an inspector being a qualified veterinary surgeon, may if he think fit, cause to be destroyed any diseased or infected animal or any animal suspected of being diseased.

(2) The owner of any animal destroyed as aforesaid shall be entitled to compensation in the cases, to the extent, and subject to the conditions hereinafter provided.

(3) The compensation shall be based on the fair market value of the animal as fixed in writing immediately prior to the inspection that resulted in its being condemned such compensation to be ascertained in case of dispute by arbitration of two arbitrators, one to be appointed by the condemning authority and one by the owner, with power to the two arbitrators to appoint an umpire, and the decision of such arbitrators or umpire shall be final.

Destruction of
diseased, &c.,
animals.

Compensation.

(4) Such market value shall in no case exceed—

- (a) for horses, mules, or asses, thirty pounds per head ;
- (b) for cattle, eight pounds per head ;
- (c) for sheep, thirty shillings per head.

(5)—(a) In any case where it is shown to the satisfaction of the Resident Commissioner that an animal was not diseased when it was condemned the amount of the compensation shall be a sum equal to the full market value as aforesaid.

(b) In any other case the amount of the compensation shall be a sum equal to one half such market value.

(6) In every case the carcase shall be destroyed or otherwise disposed of as the condemning authority directs, and if sold the net sum received in respect thereof shall be the property of the Crown and shall either be paid into the public revenue of the Protectorate or paid to the owner of the animal and deducted from the amount of the compensation.

(7) No compensation shall be payable in respect of any kind of animals other than horses, mules, asses, cattle, or sheep, and in respect of them no compensation shall be payable in any of the following cases, that is to say :—

- (a) in any case where the owner or person having charge of the animal destroyed has in relation to such animal been found guilty of of an offence against this Regulation ;
- (b) in the case of foreign animals of any kind or of any age, if condemned within six months after importation ;
- (c) in the case of horses, mules, or asses, if less than one year or more than twelve years old when condemned ;
- (d) in the case of cattle, if less than one year or more than eight years old when condemned ;
- (e) in the case of sheep, if less than three months or more than four years old when condemned.

Provided that in every such case the net sum received in respect of the carcase shall be the property of the owner of the animal and shall be payable to him accordingly

(8) All moneys payable by the Government in respect of compensation under this Regulation shall be payable out of the general revenue of the Protectorate.

(9) On or before the thirty-first day of March of each year the Resident Commissioner shall furnish to the High Commissioner a return setting forth in respect of the year—

- (a) the total number of each kind of animal condemned and destroyed ;
- (b) the total amount paid in respect of compensation, showing separately the total amounts based on the full market value and on the half market value ;
- (c) the total sum received in respect of the disposal of the carcasses, showing separately the total amount deducted from the compensation and the total amount paid into the public revenue.

14.—(1) Every person having in his possession or under his charge any diseased or infected animal shall—

- (a) as far as practicable isolate and keep that animal separate from animals not so diseased or infected ;
- (b) with all practicable speed give notice of the fact of the animal being diseased or infected to the nearest inspector, or European constable, or to the civil officer in charge of the district in which the animal is.

Person in charge of diseased animal to separate it and report to authorities.

(2) The officer to whom notice is given shall forthwith give information thereof to such person or authority as the Resident Commissioner by general order directs.

(3) The Resident Commissioner may make such orders as he may think fit for prescribing and regulating the notice to be given to or by any person or authority in case of any particular disease, or in the case of the illness of an animal, and for supplementing or varying for those purposes any of the provisions of this section.

Carcase of diseased animal not to be thrown into river, &c.

15. No person shall throw, or place, or cause to be thrown or placed into or in any river, stream, pool, pond, spring, well, or reservoir, or into or in the sea within three miles of the shore, the carcase of any animal which has died of disease or been slaughtered as diseased or suspected.

Power of owner to exclude unauthorised persons in case of infection.

16. A person owning or having charge of any animals in an infected place or area may affix, at or near the entrance to any building or inclosure in which the animals are, a notice forbidding persons to enter therein without the permission mentioned in the notice and thereupon it shall not be lawful for any person not having by law a right of entry or way into, on, or over that building or inclosure, to enter or go into, on, or over the same without that permission.

Duties and powers of constabulary.

17.—(1) The constabulary shall execute and enforce this Regulation and every order made thereunder.

Apprehension without warrant.

(2) Where any person is seen or found committing, or is reasonably suspected of being engaged in committing, or of having committed an offence against this Regulation any constable may without warrant stop and detain him; and if his name and address are not known to the constable and he does not give them to the satisfaction of the constable, the constable may without warrant apprehend him; and the constable may, whether so stopping or detaining or apprehending the person or not, stop, detain and examine any animal or thing to which the offence or suspected offence relates, and require the same to be forthwith taken back to or into any place or district wherefrom or whereout it was unlawfully removed and execute and enforce that requisition.

(3) If any person obstructs or impedes or assists to obstruct or impede a constable or other officer in the execution of this Regulation, or of any order or rule made thereunder, the constable or officer may without warrant apprehend the offender.

(4) The foregoing provisions of this section respecting a constable or other officer shall extend and apply to any person called by the constable or other officer to his assistance.

Movement of animals into, within, or out of infected place or area.

18. No animal shall be moved, or allowed to be moved, or to stray into, within, or out of an infected place or area without the written authority of an inspector and except on such conditions as may be prescribed by him.

Removal from infected place or area of carcasses, fittings, &c.

19. No person shall remove or allow to be removed from any infected place or area any carcase, fittings, fodder or other thing, or any soil, sand or other material upon or about which any diseased or infected animal is or has been kept, or any dairy produce of any diseased or infected animal, without the written authority of an inspector and except on such conditions as may be prescribed by the inspector.

Diseased or infected animal not belonging to a place found therein by occupier to be detained. Occupier to report finding.

20.—(1) The occupier of any place, not being the owner or a person having charge of the animal, who finds therein or thereon any diseased or infected animal shall forthwith give written notice thereof with particulars to the authority to whom the notice provided for by section fourteen hereof is required to be given, and shall detain and keep in isolation that animal until an inspector otherwise directs.

(2) An occupier as aforesaid complying with the provisions of this section shall be entitled to recover the reasonable cost and expense of or incidental to his so complying from the owner of the animal or from any person whose act or omission led to the animal being found as aforesaid.

21.—(1) Any constable who finds any animal apparently lost or straying may detain that animal pending its recovery by the owner or person having charge thereof. Detention of lost animal by constable.

(2) The person recovering any animal so detained shall be liable for the cost and expense of or incidental to its detention.

22.—(1) No person shall without the written authority of an inspector and except on such conditions as the inspector may prescribe, sell, or otherwise dispose of, or enter into any contract for the sale or other disposal of, or expose for sale, or attempt to sell or otherwise dispose of, any diseased animal or carcase, or any animal, carcase, fodder, fittings, or other thing infected with disease. Diseased animal, &c., not to be sold, &c., without authority.

(2) No contract for the unauthorised sale or other disposal of any animal, carcase, fodder, fittings or other thing shall bind any party thereto.

23. Any animal or thing in relation to which any offence against this Regulation is committed may be seized by any constable and detained at the cost and expense of the person committing the offence until an inspector otherwise directs. Detention of animal or thing in respect whereof an offence is committed.

24. If any person, without lawful authority or cause, proof whereof shall lie on him, does any of the following things, he shall be guilty of an offence against this Regulation, and for every such offence he shall be liable to a fine not exceeding one hundred pounds : Penalty for offence against Regulation.

(a) if he does anything in contravention of this Regulation or of any order or rule made thereunder ; or

(b) if he omits to do anything required to be done by any order or rule made under this Regulation ; or

(c) if he obstructs or impedes any officer acting in the execution of his duty or assists in any such obstructing or impeding.

25. When the owner or person in charge of an animal is charged with an offence against this Regulation relative to any disease of the animal he shall be presumed to have known of the existence of the disease unless and until he shows to the satisfaction of the court that he had no knowledge thereof and could not with reasonable diligence have obtained that knowledge. Burden of proof.

26.—(1) In any proceeding under this Regulation no proof shall be required of the appointment or handwriting of an inspector or other officer. Evidence and form and service of instruments.

(2) Every notice under this Regulation or under any order or rule made thereunder must be in writing.

(3) Any notice or other instrument under this Regulation or under any order or rule made thereunder may be served on the person to be affected thereby either by the delivery thereof to him personally, or by the leaving thereof for him at his last known place of abode or address, or by the sending thereof through the post in a letter addressed to him there.

(4) A notice or other instrument to be served on the occupier of any place may, except when sent by post, be addressed to him by the designation of the occupier of that place without naming or further describing him ; and where it is to be served on the several occupiers of several places may, except when sent by post, be addressed to them collectively by the designation of the occupiers of those several places without naming or further describing them, but separate copies thereof being served on them severally.

27. A certificate of an inspector being a qualified veterinary surgeon to the effect that an animal is or was affected with a disease specified in the certificate shall for the purposes of this Regulation be deemed conclusive evidence of the matter certified. Effect of certificate of inspector being a veterinary surgeon.

Who to bear expenses of isolation, &c.

28. Whenever any animals, carcases, fittings, fodder, or other things, or any places, are placed under or are subjected to restrictions for the purposes of this Regulation, or any remedial measures are in relation thereto taken for the purposes of this Regulation, the cost and expense thereof, incidental thereto, or thereby incurred, shall, subject to the other provisions of this Regulation, be borne by the owner or person having charge of the animal, thing, or place dealt with, unless it is shown to the satisfaction of the Resident Commissioner that in relation to the animal, thing, or place dealt with no disease exists or had existed.

Provision of places for landing, &c., foreign animals and charge therefor.

29. The Protectorate Government may provide, fit up, and maintain places for the landing, reception, keeping, and disposal of foreign animals, carcases, fittings, fodder, or other things, and may charge for the use of such places such sums as it may with the approval of the High Commissioner prescribe.

High Commissioner may make orders and rules under Regulation.

30. The High Commissioner may from time to time make, vary, or rescind under his hand and the seal of the Western Pacific High Commission such orders or rules as he may deem expedient for any or all of the following purposes:—

- (1) for prescribing and defining the ports and parts of ports and the conditions at or under which alone foreign animals, carcases, fittings, fodder, or other things may be landed;
- (2) for prescribing and regulating the inspection and examination of animals, carcases, fittings, fodder, or anything by which disease may be introduced or spread;
- (3) for prescribing and regulating the seizure, detention, isolation, cleansing, disinfection, and destruction of any animal or thing by which disease may be introduced or spread;
- (4) for prescribing and regulating the cleansing, draining, and disinfection of any place used for accommodating animals and its maintenance in sanitary condition;
- (5) for prescribing and regulating the cleansing, draining, and disinfection of infected places and areas;
- (6) for regulating the movement or carriage within the Protectorate of animals, carcases, fodder, fittings, or other things;
- (7) for prohibiting the exhumation of carcases that have been buried;
- (8) for prescribing and regulating the marking of animals;
- (9) generally for taking such steps as may be deemed expedient to prevent the introduction of disease, and to prevent the spreading of, and to eradicate, any disease which may be found to exist within the Protectorate, and for carrying out the objects and purposes of this Regulation in all matters of detail whatsoever.

Commencement of Regulation.

31. This Regulation shall come into operation on such date as the High Commissioner by proclamation in the *Western Pacific High Commission Gazette* shall direct or appoint.

SCHEDULE.

BRITISH SOLOMON ISLANDS PROTECTORATE.
THE SOLOMONS DISEASES OF ANIMALS REGULATION 1915.

Certificate of Cleanness.

I, the undersigned Government Inspector of Stock (or holder of any like Government office), at the port of _____ in _____ having examined the stock hereinafter described certify that they are free from disease, and I further certify that such stock are at the date of this certificate on board the vessel _____ whereof _____ is master and that their destination is the British Solomon Islands Protectorate.

Description of Stock.	Brands or Marks.	Name and Address of Shipper.	From what District and Run.

(Date)

(Signature)

(Official description)

Published and exhibited in the Public Office of the High Commissioner for the Western Pacific this second day of September, one thousand nine hundred and fifteen.

By Command,

A. L. AYTON,

Acting Secretary to His Britannic Majesty's Acting High
Commissioner for the Western Pacific.

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