



Tuvalu

LIVESTOCK DISEASES ACT

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Tuvalu

LIVESTOCK DISEASES ACT

AN ACT TO CONTROL THE SPREAD OF DISEASE AMONG LIVESTOCK AND TO EMPOWER THE ISOLATION OF INFECTED AREAS AND THE DESTRUCTION, WITH COMPENSATION, OF INFECTED ANIMALS¹

PART I - GENERAL

1 Short title

This Act may be cited as the Livestock Diseases Act.

2 Purpose of this Act

- (1) The risk of disease spreading among animals and poultry of Tuvalu and infecting newly established commercial ventures is high.
- (2) Powers are required to enable agricultural officers to regularly inspect all animals and poultry to isolate outbreaks of disease and to order destruction of diseased animals.
- (3) This Act will enable these functions to be carried out and will authorize the payment of compensation to the owners of animals destroyed by agricultural officers.

3 Interpretation

In this Act unless the context otherwise requires —

“**carcase**” means the carcase of an animal or bird and includes part of a carcase; and the meat, bones, hide, feathers, skins, hooves, claws, offal or other part of livestock, separately or otherwise;

“**disease**” includes cattle plague, pneumo-encephalitis, fowl cholera, contagious bronchitis, infectious laryngotracheitis, bacillary white diarrhoea, fowl typhoid, fowl pox and fowl paralysis and any other diseases which affect animals and poultry, and including varroa disease, acarini disease, European brood disease, chalk brood disease, amoeba disease and other diseases which affect bees;

“**diseased**” means infected with disease;

“**inspector**” means an officer authorized under section 6;

“**litter**” means straw or other substances commonly used for bedding or otherwise about livestock;

“**livestock**” means animals and poultry, including cattle, goats, pigs, sheep, domestic fowls, turkeys, geese, and ducks, and includes bees;

“**suspected**” means suspected of being diseased.

4 General Power of the Minister to make regulations

- (1) The Minister may make such regulations as he thinks fit for the implementation of this Act, including regulations:
 - (a) to prevent the spreading of disease; including placing restrictions on the movement anywhere within Tuvalu of livestock whether suspected or not and persons who have been in contact with diseased or suspected livestock;
 - (b) for prescribing methods of disinfection;
 - (c) for prescribing the seizure, detention, and disposal of diseased or suspected livestock, exposed, kept or otherwise dealt with in contravention of an order of the Minister;
 - (d) for prescribing the destruction, burial, disposal or treatment of carcasses of livestock dying while diseased or suspected, and of the pen and any litter of such livestock;
 - (e) for prohibiting the digging up of carcasses which have been buried;
 - (f) for prescribing the disinfection of clothes of persons coming in contact with diseased or suspected animals and the use of precautions against spreading of disease by such persons; and
 - (g) for prescribing the payment of compensation, and the recovery of expenses.

5 General Power of Minister to expend money for the eradication of diseases of livestock

The Minister may, with the approval of Cabinet, expend such sums as he thinks fit with the object of eradicating as far as practicable diseases in livestock within Tuvalu.

6 Power to obtain information

- (1) The Minister may authorize any officer appointed for the role as an inspector under the Biosecurity Act² to be an inspector for the purposes of this Act and to inspect livestock and to carry out duties assigned to him.
- (2) Any person so authorized may, for the purpose of any inspection to be carried out by him, at all reasonable times enter on any land or premises and make any tests and take any samples which he considers necessary.
- (3) Any person who obstructs or impedes an inspector shall be guilty of an offence.

PART II - SEPARATION AND TREATMENT OF DISEASED LIVESTOCK

7 Separation of diseased livestock and notice of disease

Every person having in his possession or under his control any livestock affected by a disease which appears abnormally infectious and has or is likely to spread to other livestock shall —

- (a) as far as possible keep that animal or bird separate from livestock not so affected,
- (b) with all practical speed give notice of any livestock being so affected to an agricultural officer or to a police officer.

8 Treatment with serum or vaccine of livestock exposed to infection

For the purpose of preventing the spread of disease, the Minister may cause to be treated with serum or vaccine, or with both serum and vaccine, any livestock which has been in contact with diseased livestock, or which appears to the Minister to be or to have been in any way exposed to the infection of disease.

9 General provisions as to infected places and areas

- (1) The Minister may make such orders as he thinks fit for declaring areas to be infected by disease and the authority by which declared areas may be isolated

and measures taken to control, destroy and dispose of livestock within such an area, and to disinfect and eradicate any disease.

- (2) The Minister may, if he thinks fit, order any livestock to be destroyed and the carcase disposed of in an approved manner.
- (3) The Minister may pay compensation for livestock slaughtered under this section at rates determined in accordance with scales prescribed by order of the Minister.

10 Quarantine

Nothing in this Act shall affect the powers and duties of the Minister, Agricultural Officer or inspector provided for in the Quarantine Act³, or the Biosecurity Act⁴.

11 Duties and authorities of Police Officers

- (1) The Chief of Police shall ensure that all orders given by the Minister under this Act are enforced.
- (2) Where a person is seen or found committing, or is reasonably suspected of being engaged in committing an offence against this Act, a police officer may without warrant stop and detain him, and may search any vehicle, boat or thing to which the offence or suspected offence relates, and require the same to be immediately taken back to or into any place from where it was unlawfully removed.
- (3) Any person who obstructs or impedes or assists to obstruct or impede a police officer in the execution of this Act or of an order of the Minister, commits an offence and may be apprehended without warrant.

11A General Powers of Inspectors

- (1) An inspector shall, for the purposes of this Act, have all the powers which a police officer has under this Act.
- (2) An inspector may at any time enter any land or shed to which this Act applies, or other building, place, vehicle, boat or pen if he has reasonable grounds for supposing therein:
 - (a) that a disease exists or has existed; or
 - (b) that the carcase of diseased or suspected livestock is or has been kept, or has been buried, destroyed or otherwise disposed of; or
 - (c) that this Act or an order of the Minister has not been or is not being complied with.
- (3) A certificate of a suitably qualified agricultural officer, veterinary officer or medical officer that an animal is or was affected with a disease specified in

that certificate shall, for the purposes of this Act, be conclusive evidence in all courts of the matter certified.

12 Offences against this Act

If any person without lawful authority or excuse, proof of which shall lie on him, does any of the following things, he shall be guilty of an offence: —

- (a) if he does anything in contravention of this Act, or of an Order of the Minister; or
- (b) if where required by this Act or by an order of the Minister to keep livestock separate, or to give notice of disease with all practicable speed, he fails to do so; or
- (c) if he fails to give, produce, observe or do any notice or thing which by this Act or by an order of the Minister he is required to give, produce, observe or do; or
- (d) if he refuses an inspector or police officer acting in execution of this Act or an order of the Minister, admission to any land, building, place, pen, vessel, or boat which that officer is entitled to enter or examine or obstructs or impedes him in the execution of his duty, or assists in any such obstructing or impeding; or
- (e) if he throws or places or causes to be thrown or placed into any lagoon, or open sea within three miles of shore, the carcase of any livestock which has died of disease or been slaughtered as diseased or suspected.

13 Penalties for offences against this Act

- (1) Any person convicted of an offence against this Act shall for every such offence be liable to imprisonment for a period of 1 year or to a fine of \$200.00 or to such imprisonment and fine.
- (2) All offences under this Act or orders and regulations made thereunder, may be tried summarily.

ENDNOTES

¹ 1990 Revised Edition, Cap. 43A – Act 1 of 1985

² Cap. 30.02; this section previously had reference to “Section 4 of the Importation of Animals Act”, and in this revised edition this cross reference has been changed, according to section 109 of the Biosecurity Act (Act 24 of 2017) which says -

109 Consequential amendments

(2) A reference in another Act to a [quarantine officer, plant protection officer or animal health officer] is, to the extent possible, to be read as a reference to the Director or a biosecurity officer exercising equivalent functions under this Act.

³ Cap. 28.44

⁴ Cap. 30.02; previously the references were to the Plants Act and Importation of Animals Act, which were repealed by the Biosecurity Act – see endnote above