

CHAPTER 156

THE ANIMAL DISEASES ACT

[PRINCIPAL LEGISLATION]

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CHAPTER 156

THE ANIMAL DISEASES ACT

An Act relating to diseases of animals.

[1st August, 1940]

Ords. Nos.

22 of 1939

9 of 1940

6 of 1952

30 of 1959

Act No.

41 of 1969

PART I

PRELIMINARY PROVISIONS (ss 1-4)

[PCh156s1]1. Short title

This Act may be cited as the Animal Diseases Act.

[PCh156s2]2. Interpretation

In this Act, unless the context otherwise requires—

"animals" means cattle, sheep, goats, and all other ruminating domestic animals, or birds, horses, mules, asses, swine, dogs, cats, monkeys, rabbits, captive wild mammals and ostriches; poultry, comprising domestic fowls, ducks, geese, pigeons, guinea-fowls and turkeys, parrots and any other animal or words which the Minister may, by order, declare to be included in this definition;

"Assistant Livestock Officer" means a person so appointed by the Minister;

"carcass" means the meat, bones, hide, skin, hoofs, horns, wool, offal or other part of an animal;

"cat" includes any animal of the feline species;

"cattle" means bulls, cows, oxen, heifers and calves;

"Director" means the person appointed by the President for the purpose of exercising the powers and performing the duties of the Director under the provisions of this Act;

"disease" means anthrax, blackquarter, cattle plague (rinderpest), contagious bovine pleura-pneumonia, contagious pleura-pneumonia of goats, dourine, east coast fever, epizootic lymphangitis, foot-and-mouth disease, fowl typhoid, African horse sickness, glanders, haemorrhagia septicaemia, malignant catarrh, mange (including scab), pox, rabies, swine erysipelas, swine fever, trypanosomiasis, tuberculosis, ulcerative lymphangitis, undulant fever in goats, cysticercosis, pseudo-urticaria of cattle (lumpy skin disease), African swine fever, brucellosis (contagious abortion), epidemic tremor, fowl cholera, infectious bovine cervico-vaginitis and epididymitis ("epivag"), Newcastle disease, psittacosis, trichomoniasis, vibriosis, anaplasmosis (gall sickness), piroplasmosis (tick

fever, redwater, babesiosis), and any other contagious or infectious disease of animals that the Minister may, by order, declare to be included in this definition;

"disposal" includes destruction;

"dog" includes any animal of the canine species;

"fodder" means hay, grain or other substance commonly used for the food of animals;

"infected area" means an area declared as such under the provisions of section 21;

"Inspector" means a Veterinary Officer, a Veterinary Research Officer, an Assistant Livestock Officer, a Stock Inspector, a Veterinary Assistant, a Veterinary Guard and any person appointed to be an Inspector in accordance with section 4;

"litter" means straw or other substance commonly used for bedding or otherwise for or about animals;

"Local Authority" has the meaning ascribed in the Local Government (Urban Authorities) Act *;

"milk" means milk or any milk product which has not been subjected to any process of sterilisation;

"Minister" means the Minister responsible for livestock;

"owner" as applied to animals, includes any person having any right, title or interest in an animal or having an animal in his possession, custody or control;

"rabies area" means any area which has been declared by a Veterinary officer under the provisions of section 21 to be an infected area by reason of his being satisfied that rabies exists therein or is likely to spread thereto;

"stock" means cattle, sheep, goats, horses, mules, donkey, swine and poultry;

"stray" in relation to a dog or cat means any dog or cat which has no owner;

"Veterinary Assistant" means a person appointed by the Director;

"Veterinary Guard" means a person so appointed by the Director;

"Veterinary Officer" means a person appointed by the Minister to be a government veterinary officer or to exercise the powers of a veterinary officer.

[PCh156s3]3. Power to vary definition of disease

The Minister may, by order, remove from the definition of "disease" contained in section 2 the name of any disease appearing therein.

[PCh156s4]4. Appointment of Inspectors

The Minister may appoint fit and proper persons, with or without remuneration, to exercise all or any of the powers, or perform all or any of the duties, of an Inspector and every such appointment shall be notified in the Gazette.

PART II

MEASURES FOR CHECKING DISEASE (ss 5-11)

[PCh156s5]5. Diseased animals to be separated

The owner of any animal affected or suspected of being affected with disease shall keep such animal separate from animals not so affected or suspected.

[PCh156s6]6. Duty to report disease or death of animal in certain cases

(1) If any animal is affected or suspected of being affected or dies of a notifiable disease or from any cause, other than disease, which is not obviously apparent, the owner of the animal shall, as soon as reasonably possible, report the death to the nearest local authority, Administrative Officer, Veterinary officer or other Inspector.

(2) The burden of proof that an animal did not die of a notifiable disease or that the cause of death was obviously apparent shall be on the person alleging the same.

(3) The carcass of any animal dead from a notifiable disease shall not be cut in any way without the consent of an Inspector, and, whenever it is not reasonably possible for the report of the death of an animal to be received by an Inspector within twenty-four hours of such death, the owner shall cause the intact carcass to be wholly burnt or buried at a depth of not less than four feet below the surface of the grounds:

Provided that nothing in this subsection shall prevent the owner of a dead animal from taking a blood smear from an ear of the animal prior to its being burnt or buried.

(4) For the purposes of this section "notifiable disease" means any disease which the Director, by notice, may declare to be notifiable either throughout the country or in any area therein.

[PCh156s7]7. Procedure on notification of disease

(1) Any local authority which receives a report that any animal is affected or suspected of being affected with disease or has died from disease or from any cause, other than disease, which is not obviously apparent, shall forthwith notify the nearest Administrative Officer, Veterinary Officer or other Inspector.

(2) Any Administrative Officer or Inspector other than a Veterinary Officer, who receives a report that any animal is affected or suspected of being affected with disease or has died from disease or from any cause, other than disease, which is not obviously apparent, shall forthwith notify the nearest Veterinary officer who shall take such steps as may be necessary to investigate the report and, if he considers that the animal died from disease, shall forthwith inform the Director and Administrative Officer in charge of the District from which the animal came.

[PCh156s8]8. Administrative Officer to notify owners of stock of outbreak

An Administrative Officer shall, on receipt of a report from a Veterinary Officer of the existence of a disease within his District, forthwith cause the local authority and the owners or occupiers of farms and owners of stock in the neighbourhood of the place in which such disease exists to be notified of the outbreak.

[PCh156s9]9. Slaughter of affected animals

(1) A Veterinary Officer may, with the consent of the owner, cause to be slaughtered any animal affected or suspected of being affected with any disease or which has been in contact with a diseased animal or has been otherwise exposed to the infection or contagion of the disease.

(2) If the consent of the owner of an animal to its slaughter under the authority of subsection (1) is not forthcoming, the Regional Commissioner or District Officer may authorise its slaughter.

[PCh156s10]10. Disposal of carcasses of slaughtered animals

Where an animal has been slaughtered under the authority of section 9, or destroyed under any other provision of this Act, the carcass shall belong to the Government and shall be disposed of in such manner as a Veterinary Officer may direct.

[PCh156s11]11. Illegal use of veterinary department brands

(1) The following brands or marks may be used by Veterinary Officers or other Inspectors acting under the general or special directions of the Director of Veterinary Services—

P, R, S, and the two letters VD together, which shall have such significance as may be prescribed.

(2) No person other than an Inspector acting in accordance with the directions aforesaid shall brand or mark any animal with any of the brands or marks aforesaid or with any brand or mark calculated to cause it to be believed that the animal has been branded or marked by an Inspector in accordance with the provisions of this Act.

(3) No person shall, except by the direction of a Veterinary Officer, wilfully blotch, deface, render illegible or alter any brand or mark which has been impressed on any animal in accordance with the provisions of this Act.

PART III

POWERS OF OFFICERS (ss 12-18)

[PCh156s12]12. Disposal of carcasses, etc., of diseased animals

Where an animal dies of disease any Veterinary Officer or other Inspector may give directions with reference to the burial, destruction or disposal of the carcass, and any litter, dung or fodder associated with the carcass.

[PCh156s13]13. Power of examination, inoculation, disinfection, etc.

(1) In order to prevent the spread of disease, a Veterinary Officer or any person acting under his instructions may examine, quarantine, inoculate, spray, dip, ash or otherwise disinfect any animal or, in the case of any animal infected or suspected of being infected with rabies, destroy such animal, or deal with it in such other manner as he may deem necessary or direct that the owner of such animal shall treat or deal with the animal as aforesaid.

(2) In order that any animal may be dealt with as provided for in subsection (1) of this section, the owner of such animal may be ordered by an Administrative Officer or a Veterinary Officer or any person acting under the instructions of a Veterinary Officer or where that owner lives within the area of jurisdiction of a local authority to bring such animal to any place, for the purpose of dipping in an area which is a compulsory dipping area under the provisions of this Act or regulations made under this Act not being a place outside a radius of six miles, and for any of the other purposes mentioned in subsection (1) of this section to any place not being a place outside a radius of fifteen miles, from the place where the animal is normally kept.

[PCh156s14]14. Power to carry out tests

Any Veterinary Officer or other Inspector may, for the purpose of detecting or diagnosing disease, take or cause to be taken from any animal blood smears, or apply such other tests as he may consider necessary.

[PCh156s15]15. Power to prohibit exhibitions, restrict slaughter, etc.

(1) Any Veterinary Officer may, for the purpose of preventing the spread of disease, prohibit in any place the holding of any exhibition of stock or the sale of stock in open markets or in private sale yards, or prohibit in any place the slaughter of cattle for food and the sale of meat or carcasses.

(2) A Veterinary Officer who exercises the power of prohibition created by this section shall forthwith inform the Director.

[PCh156s16]16. Power to enter and examine

(1) Any Veterinary Officer or other Inspector may enter any land, building, shed, place or vehicle containing or suspected of containing any animal, carcass, litter, dung or fodder and may examine the same for the purpose of ascertaining whether any animal therein is suffering from any disease, or whether any such animal, carcass, litter, dung or fodder is capable of transmitting disease, and may take or cause to be taken from any building, shed or dipping place any dipping fluid or material to carry out such tests as he may consider necessary.

(2) Any Administrative Officer, Police Officer, Veterinary Officer or other Inspector may enter any lands, building, shed, place or vehicle for the purpose of ascertaining whether any regulations, orders or directions made or given under this Act have been properly carried out.

[PCh156s17]17. Power to inspect

The owner of any animal, carcass, litter, dung or fodder shall produce the same for inspection when called upon to do so by an Administrative Officer, Veterinary Officer or other Inspector.

[PCh156s18]18. Power to carry out requirements

If any person is required by this Act or by any regulation, order or direction made or given thereunder to do any act or thing but fails to comply with that requirement, any Administrative Officer, Veterinary Officer, or Assistant Livestock Officer may cause the same to be done at the expense of that person.

PART IV

COMPENSATION (ss 19-20)

[PCh156s19]19. Compensation to be paid for slaughter

Except as hereinafter provided, no compensation shall be payable to any person for any act done under this Act unless the Minister otherwise directs, provided that, subject to section 20, compensation for animals slaughtered in accordance with section 9 shall be paid to the owner as follows—

(a) where the animal is affected with disease, one-half of its value immediately before it became so affected, but so that the compensation shall not exceed in the case of horses and cattle one thousand shillings, in the case of sheep and pigs four hundred shillings, and in the case of other animals one hundred shillings; and

(b) where the animal was not so affected but was suspected of being so affected, the value of the animal immediately before it was slaughtered, but so that the compensation shall not exceed in the case of horses and cattle two thousand shillings, in the case of sheep and pigs eight hundred shillings, and in the case of other animals two hundred shillings.

[PCh156s20]20. Cases where compensation may be withheld

(1) Compensation shall not be paid in respect of any dog or cat seized, detained or destroyed under any provision in this Act contained.

(2) Compensation for any animal slaughtered in accordance with section 9 may be wholly or partially withheld where it appears that an offence under this Act has been committed in respect of that animal, and no compensation shall be paid in respect of any animal slaughtered if the animal was affected with disease when imported into the country, or became affected with disease before it was passed by the Inspector at the port or place of entry into the country in breach of this Act or of any rule, regulation, order or direction made or given thereunder.

PART V

INFECTED AREAS (ss 21-23)

[PCh156s21]21. Declaration of infected areas

(1) Any Veterinary Officer, when satisfied that a disease exists within, or in the case of rabies, is likely to spread to any area, may declare by notice, that such area is infected, the notice shall be freely exhibited and shall state the situation and limits of the infected area and the disease in respect of which it is declared to be infected.

(2) An area in respect of which a declaration of infection has been made shall not be considered to be free from disease until a declaration to that effect and published in a similar manner has been made.

[PCh156s22]22. Restrictions applicable in infected areas

(1) In the absence of other provisions made by regulations under this Act in relation to infected areas—

(a) no stock, carcass, milk, fodder, litter or dung shall be moved into or from any such area without the written permission of a Veterinary Officer or Assistant Livestock Officer, and an Inspector may seize, destroy, bury or otherwise deal with any carcass, milk, fodder, litter or dung which shall have been moved contrary to the provisions of this paragraph;

(b) no stock in such area may be herded within two hundred yards of a public highway unless there is a fence between the stock and the public highway;

(c) a Veterinary Officer or Assistant Livestock Officer may require the owner of any animal within such area to isolate the animal from other animals, or to remove such animal within a stated period from one place within the area to another place within the same area, or from the area to such other place as he may direct, or in any other way regulate the movements of animals within the area;

(d) a Veterinary Officer or Assistant Livestock Officer may regulate the disposal of carcasses, milk, fodder, litter, utensils, dung or other things associated with disease within the infected area;

(e) a Veterinary Officer or assistant Livestock Officer may cause any animal therein to be branded with such mark as he may think fit;

(f) a Veterinary Officer or Assistant Livestock Officer may erect and maintain therein any fence, notice board or beacon, and may remove any fence, notice board or beacon so erected;

(g) the carcasses of animals dying from disease shall forthwith be buried at a depth of not less than four feet below the surface of the ground, or otherwise dealt with to the satisfaction of a Veterinary Officer or Assistant Livestock Officer; and

(h) no owner of any animal infected or liable to be infected with the disease shall leave the area without having complied with such directions for preventing the spread of disease as may be given by a Veterinary Officer or Assistant Livestock Officer:

Provided that the provisions of paragraphs (a) and (b) shall not apply in an area which has been declared to be an infected area by reason only of the existence of rabies therein or the likelihood of rabies spreading thereto.

(2) Notwithstanding any other provision in this Act, in addition to those contained in paragraphs (c) to (h) (both inclusive) of subsection (1), in relation to a rabies area—

(a) no dog or cat shall be moved into or from such area except in accordance with the written permission of a Veterinary Officer or an Assistant Livestock Officer, which permission may be given subject to such conditions as that officer may see fit to impose;

(b) no dog or cat shall be moved from any place within such area to any other place within such area in contravention of any order issued by a Veterinary Officer under subsection (3);

(c) every dog and cat in such area shall be kept under control by the owner in accordance with any order issued by a Veterinary Officer under subsection (3);

(d) every owner of a dog or cat suspected of being infected with rabies shall forthwith cause the same to be destroyed or to be securely tied or otherwise confined in

accordance with any order issued by a Veterinary Officer under subsection (3), and shall give immediate notice thereof to a Veterinary Officer;

(e) every Veterinary Officer, Assistant Livestock Officer, Administrative Officer and every person authorised in writing in that behalf by the Director may seize, detain or destroy any dog or cat where—

(i) such officer or person is satisfied that any of the provisions of this Act or any order or regulation made thereunder, relating to such dog or cat, has not been complied with; or

(ii) such dog or cat is infected with, or suspected of being infected with, rabies; or

(iii) such officer or person is satisfied that such dog or cat is a stray.

(3) (a) A Veterinary Officer may issue written orders providing for the keeping of dogs or cats or both under control in any rabies area, for prohibiting or regulating the movement of dogs or cats or both to, from or within a rabies area, for the inoculation of dogs or cats or both, and for any matter incidental thereto.

(b) Any order made under paragraph (a) may be expressed to apply to the whole of a rabies area or to such part or parts thereof as may be specified and, if so expressed, shall have effect accordingly.

(c) Every such order shall be posted up in such place or places or otherwise publicized in such manner as will, in the opinion of the Veterinary Officer issuing the same, give effective publicity thereto.

[PCh156s23]23. Negligently allowing escape from infected areas

Any person negligently allowing an animal to escape from an infected area shall be deemed to have moved the animal from that area.

PART VI

COMPULSORY DIPPING AREAS (ss 24-30)

[PCh156s24]24. Declaration of compulsory dipping areas

The Minister may, by order, declare any area within the country to be a compulsory dipping area for the purposes of this Part.

[PCh156s25]25. Regulations for compulsory dipping areas

(1) The Minister may, by regulation prescribe—

(a) the measures to be taken by owners of cattle within a compulsory dipping area; and

(b) the measures to be taken by owners of cattle outside a compulsory dipping area in order to prevent the spread of disease within such area.

(2) Regulations may be made under subsection (1) either generally in respect of all compulsory dipping areas or specially in respect of a particular compulsory dipping area.

[PCh156s26]26. Loans

The Minister may authorise the grant of loans out of public funds to owners of cattle within a compulsory dipping area for the purpose of defraying the cost of building cattle dipping tanks and such loans to be of such amounts and upon such conditions including conditions as to interest (if any) and repayment, as he shall think fit.

[PCh156s27]27. Application for loan

Whenever the owner of any immovable property, which expression includes a right of occupancy, is required by any order or regulation made in pursuance of the provisions of this Part to build a cattle dipping tank he may apply to the Prime Minister for a loan not exceeding four thousand shillings for defraying the cost and every such loan shall be secured by a charge upon the said property as hereinafter provided.

[PCh156s28]28. Particulars to be submitted to the Registrar

(1) Before any loan is granted to any person in pursuance of the provisions of section 26 the Prime Minister shall transmit to the Registrar of Titles or, in the case of a loan to be secured on un-registered land, to the Registrar of Documents—

(a) a statement in duplicate showing the name and address of the person to whom the loan is granted, the amount of the loan, and the conditions upon which it is granted; and

(b) a copy of the title deeds of the property upon which the loan is to be secured or a sufficient description thereof.

(2) Upon receipt of the particulars set out in section 27 the Registrar shall forthwith without fee cause a note to be made thereof in such manner as he thinks fit, and shall return the duplicate statement endorsed with a certificate of registration to the Prime Minister, who shall forward it to the Accountant-General.

(3) The making of such note in the Registry shall create a charge on the property for the repayment of the said loan and all interest due or to become due thereon.

(4) Every charge created under the provisions of this section shall, notwithstanding the provisions of any other law for the time being in force, be a first charge upon the

property, and shall take priority over all other mortgages, charges or encumbrances of any kind whatsoever whether existing at the time or created subsequently.

(5) The Registrar shall cancel any charge created under this section upon receiving from the Accountant-General a request in writing so to do.

[PCh156s29]29. Assignment of property charged

No assignment or transfer of any property charged in manner aforesaid shall be made or registered unless a certificate signed by the Accountant-General is lodged with the Registrar certifying—

- (a) that all instalments and interest due up to date have been paid; and
- (b) the amount still outstanding as a charge upon the property:

Provided that the provisions of this section may be waived with the permission of the Minister.

[PCh156s30]30. Remedies in case of default

If, in the case of any advance of money under the provisions of this Act—

- (a) default is made in the full and punctual payment of any instalment of interest or principal;
- (b) default is made in the faithful observance of any covenant or condition contained or implied in any agreement entered into in respect of such advance;
- (c) in the opinion of the Accountant-General, any such advance has not been applied for the purposes for which it was made or has not been carefully and economically expended;

(d) the debtor become insolvent, or is sentenced to imprisonment without the option of a fine, or assign his estate for the benefit of his creditors or, the debtor being deceased, his estate is about to be administered; or

(e) the advance is not applied within such time as the Accountant-General may consider reasonable to the purpose for which it was made,

the Accountant-General may in addition to any rights may exercise under the agreement for the loan call up and compel payment of all principal, interest and other moneys for the time being owing to the Accountant-General in respect of such advance, and for such purpose may take over the control and management of the property upon which the advance is secured, or may sell or dispose of the same in such manner as he may deem fit.

PART VII

REGULATIONS (s 31)

[PCh156s31]31. Regulations

(1) The Minister may make regulations for carrying out the purposes and provisions of this Act and in particular for all or any of the following purposes—

- (a) preventing the introduction and spread of disease in the country;
- (b) prohibiting or regulating the movement of animals, carcasses, milk, litter, dung or fodder into, from and within the country;
- (c) prohibiting or regulating the digging up of carcasses which have been buried;

(d) prescribing the cleansing and disinfection of buildings and places where animals have been or are stalled or kept, and of public markets, private sale yards or vehicles where any animal shall have been placed, kept or carried;

(e) prescribing the disinfection of persons and their clothing and personal effects coming into contact with or employed with animals suffering or suspected to be suffering with a disease or being in an infected area;

(f) prescribing fees and charges for the examination, inoculation, testing, dipping, disinfection or slaughter of animals or for testing the strength of dipping fluids, or for any certificate, licence, permit or other document issued or done under this Act or any regulation made thereunder and for the feeding and stabling of animals detained in quarantine and the examination and disinfection of hides or other animal parts;

(g) prohibiting or regulating the importation into, or the manufacture within, the country of any veterinary vaccine or serum of the virus of cattle plague or of any other disease;

(h) prescribing and regulating the inspection of animals to be slaughtered for food and the carcasses thereof, and the construction and management of slaughter houses and animal markets;

(i) prescribing and regulating the muzzling of dogs and the keeping of dogs under control, and the seizure, detention and disposal of stray dogs, dogs not muzzled and dogs not kept under control;

(j) prohibiting or regulating the movement of dogs or cats or both to, from or within a rabies area, providing for the keeping of dogs or cats or both under control by the owner, and providing for the inoculation of dogs or cats or both;

(k) prescribing and regulating the seizure, detention and disposal of any animal in relation to which a breach of provisions under this Act or of any regulation, order or direction made or given thereunder has been committed;

(l) regulating the treatment and disinfection of animals proceeding along prescribed routes and prescribing the fees to be paid for dipping at any public dipping tanks on such routes;

(m) prescribing the duties under this Act of township authorities, the authorities of minor settlements and local authorities; and

(n) generally, for giving effect to the purposes of this Act.

(2) The power to make regulations under subsection (1) of this section shall include power to make different regulations in respect of different parts of the country.

PART VIII

LEGAL PROCEEDINGS AND PENALTIES (ss 32-37)

[PCh156s32]32. No action to lie for act done under authority in good faith

No action shall lie against the Government or any officer thereof or any person exercising with proper authority the duties of an officer for any act done in good faith under the provisions of this Act.

[PCh156s33]33. Detention and arrest

(1) When a person is seen or found committing or suspected of being engaged in committing, an offence under this Act or any regulation made thereunder any Administrative Officer, Police Officer, Veterinary Officer or other Inspector may, without warrant, stop and detain him; and if his name and address or other indications of identity are not known to such officer or Inspector and he fails to give them to the satisfaction of the officer or Inspector, the Officer or Inspector may, without warrant, arrest him:

Provided that, where the officer or Inspector arresting is not a police officer, he shall, without unnecessary delay, hand over the offender to a police officer or, in the absence of a police officer, take the offender, or cause him to be taken, to the nearest police station.

(2) Any Administrative Officer, Police Officer, Veterinary Officer or other Inspector may seize and examine any animal, carcass, vehicle, vessel or thing with regard to which he suspects that an offence under the provisions of this Act has been or is being committed and may order the same to be taken back to any area or place wherefrom it may be suspected to have been unlawfully removed or may remove it to any place and detain it there subject to the orders of a magistrate and any seizure and detention so made shall be reported forthwith by the officer or Inspector to a magistrate having jurisdiction in the District within which the seizure has been made.

(3) Whenever it shall be reported to a magistrate that any animal or thing has been seized and detained under subsection (2) but that the person who is alleged to have committed an offence in respect thereof is unknown or, if known, has not been found, the

magistrate may, if satisfied that there is reason to believe that such offence has been committed, order the animal or thing to be forfeited:

Provided, however, that, if the owner be known but cannot immediately be found, no order shall be made against him until he shall have had an opportunity of appearing before the magistrate to show cause why such order should not be made.

(4) The magistrate may order that the owner of any animal or thing seized and detained under this section shall pay such sum as he may consider reasonable to cover the expenses connected with the removal of such animal or thing to the place of detention, and in the case of an animal, the cost of its maintenance during such detention, and that, unless such sum be paid within a time to be specified in the order, the animal or thing shall be forfeited.

[PCh156s34]34. Penalties

(1) Any person who—

(a) acts in contravention of, or fails to comply with, any of the provisions of section 5, 6(1), 6(3), 11 (2), 11 (3), 12, 13, 15(1), 17, 22 and 33(2) or any order, direction or prohibition lawfully given or made thereunder; or

(b) obstructs a Veterinary Officer or other Inspector or any other person in the lawful exercise of his powers or the lawful performance of his duties under this Act, commits an offence and is liable upon conviction to a fine of three thousand shillings or to imprisonment for a term of three months or to both such fine and imprisonment:

Provided that where any owner of a dog or cat is ordered, under the provisions of this Act, to inoculate any dog or cat against rabies or to bring such dog or cat to any place

for inoculation against rabies, he shall not be committed of an offence under this act by reason only of non-compliance with such order, if he destroys or causes to be destroyed such dog or cat as soon as he becomes aware of such order as is reasonably possible.

(2) Whenever any person shall have been convicted of an offence as under subsection (1), the court convicting such person may, in addition to or in lieu of imposing any other punishment, order that the animals or things or any of them in respect of which such offence has been committed shall be forfeited.

[PCh156s35]35. Award of part of fine to informers

Where a fine is inflicted the magistrate may award any portion thereof, not exceeding one-half, to the person, not being a public officer or an Inspector appointed under section 4, upon whose information the conviction has been obtained.

[PCh156s36]36. Report by Veterinary Officer to be evidence

In a prosecution for an offence under this Act a report signed by a Veterinary Officer as to the presence of disease in any animal or thing examined by him may be accepted as evidence unless the court considers his attendance necessary or the accused person desires that the officer shall attend as a witness and the court considers his attendance necessary.

[PCh156s37]37. Burden of proof

When the owner of any animal suffering from disease is charged with an offence under this Act or of any regulation made thereunder, he shall be presumed to have known of the existence of such disease in the animal unless he satisfies the court that he had no such knowledge and could not, with reasonable diligence, have obtained such knowledge.

