



Tuvalu

IMPORTATION OF ANIMALS ACT

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IMPORTATION OF ANIMALS ACT

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Tuvalu

IMPORTATION OF ANIMALS ACT

AN ACT TO REGULATE THE IMPORTATION OF ANIMALS AND FOR MATTERS INCIDENTAL THERETO¹

Commencement [Part III-17th July 1919 Remainder-3rd June 1964]

PART I - PRELIMINARY

1 Short title

This Act may be cited as the Importation of Animals Act.

2 Interpretation

In this Act, unless the context otherwise requires —

“**animal**” means any animal except the human animal and includes birds, reptiles, fish and the young and eggs of any thereof and the carcase of any animal;

“**carcase**” means the carcase of an animal and includes part of a carcase, and the meat, bones, hide, skin, hooves, offal or other part of an animal, separately or otherwise, or any portion thereof;

“**fodder**” means hay or other substance commonly used for food of animals;

“**imported**” means brought or caused to be brought within Tuvalu;

“**inspector**” means a person for the time being appointed by the Minister to be an inspector for the purposes of this Act;

“**litter**” means straw or other substance commonly used for bedding or otherwise for or about animals;

“**port**” includes any aerodrome specified in an order made or applying under section 49(1) of the Civil Aviation Act,²

“**vessel**” means and includes anything made or used for the conveyance by water of human beings or of property whatsoever and any aircraft of any description.

PART II - GENERAL PROVISIONS

3 Regulations

- (1) The Minister may make regulations —
 - (a) prescribing the ports and parts of ports at which imported animals may be landed;
 - (b) defining parts of ports;
 - (c) prohibiting or regulating the movement of imported animals into, in or out of a defined part of a port;
 - (d) prohibiting or regulating the landing of imported animals, or of any specified kind thereof, or of carcases, fodder, litter, dung or other thing brought from any specified country or from any specified part thereof;
 - (e) prescribing and regulating the inspection and the examination and the mode, time and conditions of slaughter of imported animals in a defined part of a port;
 - (f) prescribing and regulating the seizure, detention, quarantine, isolation or destruction of any imported animal, carcase, fodder, litter or dung;
 - (g) prescribing and regulating the treatment of animals to which this Act or the regulations made under this Act apply;
 - (h) prescribing fees and charges for any services rendered in respect of animals to which this Act or the regulations made under this Act apply.
- (2) If any person without lawful authority or excuse, the proof whereof shall lie on him, commits any breach of any regulations made in exercise of the powers conferred by the preceding subsection, or if he refuses to an inspector or other officer acting in execution of this Act, or of regulations made under it, admission to any place or vessel which the inspector or other officer is entitled to enter or examine, or obstructs or impedes him in so entering or examining, or otherwise in any respect obstructs or impedes an inspector or other officer in the execution of his duty under this Act, or assists in any such obstructing or impeding, he shall be liable to a fine of \$40.

4 Minister may appoint inspectors

The Minister may appoint from time to time so many inspectors as he may think necessary for the purposes of this Act and may assign to them their duties and salaries or allowances.

5 Inspector may enter suspected place or vessel

An inspector may at any time enter any place or vessel in which or in respect whereof he has reasonable grounds for supposing that this Act or a regulation made under this Act has not been or is not being complied with.

6 Vessel may be detained

Where an inspector is satisfied that this Act or a regulation made under this Act has not been or is not being complied with on board a vessel in a port, then upon the representation in writing to that effect of such inspector stating particulars of non-compliance such vessel may be detained by any officer of the customs until the Minister shall otherwise direct.

7 Penalty in case of vessel proceeding after service of order for detention

The officer detaining the vessel shall forthwith serve the master of the vessel with a copy of the representation, and if the vessel after such detention or after service on the master of any notice of or order for such detention proceeds before it is released by competent authority, the master of the vessel, and also the owner and any person who orders the vessel to proceed if such owner or person be party or privy to the offence, shall be liable to a fine of \$200.

8 Penalty in case of vessel so proceeding with officer on board authorised to detain vessel

Where a vessel so proceeding takes, 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 of \$20 for every day until the officer returns or until such time as would enable him after leaving the vessel to return to the port from which he is taken, and such expenses may be recovered in like manner as the fine.

9 Penalties for receiving, etc., certain animals

Any person who knowingly or wilfully receives, purchases or sells any animals landed or unshipped in contravention of this Act or any regulation made thereunder shall be liable to imprisonment for 6 months and to a fine of \$200.

10 Importation from specified country may be prohibited

Notwithstanding anything contained in this Act the Minister may by notice restrict or absolutely prohibit for any specified time the importation of any animals, carcasses or eggs or articles containing any portion of a carcass or egg, whether in raw state or cooked, preserved or otherwise treated or processed, from any other country in which there is reason to believe any infectious or contagious disease in animals exists.

PART III - SPECIAL PROVISIONS RELATING TO DOGS

11 Importation and licence

- (1) No dog shall be imported except by way of one of the appointed ports of entry.
- (2) Any person wishing to import a dog shall apply for a licence to an inspector and shall produce to such inspector a certificate purporting to be signed by a Government veterinary officer of the country from which the dog is being imported bearing date within 2 months immediately prior to the date of intended importation of the dog and certifying that such dog has been examined by him and is free from all disease.
- (3) If the inspector is satisfied that the certificate is in order he shall on payment of the prescribed fee issue a licence authorising the importation of the dog.
- (4) For every such licence there shall be paid to the inspector for the credit of the Consolidated Fund a fee of 50 cents.

12 Minister may prohibit importation from certain places

The Minister may prohibit by notice the importation of dogs from any place mentioned in the notice.

13 Power to order destruction of dogs

An inspector may destroy or cause to be destroyed, without payment of compensation to the owner or importer thereof, any dog which in his opinion is suffering from rabies or from any contagious or infectious disease.

14 Penalty

Any person —

- (1) importing a dog contrary to the provisions of this Part; or

- (2) importing a dog from any place prohibited in the manner provided in section 11; or
- (3) failing to comply with the conditions of any licence issued under this Part; or
- (4) in any way obstructing or interfering with an inspector in the performance of his duties

shall be liable to a fine of \$100 and in default of payment to imprisonment for 6 months.

PART IV - SAVING

15 Saving for other laws

The provisions of this Act shall be in addition to and not in derogation of the provisions of any other laws for the time being in force in Tuvalu relating to or affecting the importation of animals with respect to which this Act applies.

ENDNOTES

¹ 1990 Revised Edition, Cap. 43 – Acts 3 of 1919, 7 of 1954, 10 of 1964, 8 of 1971, 3 of 1972, LN 16/1974

² Cap. 49.20