

STATE OF SABAH

ANIMALS ORDINANCE, 1962 (Sabah No. 16 of 1962)

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<i>Ordinance/ Enactment No.</i>	<i>Sections amended</i>	<i>Effective date of amendment</i>
G.N.S. 87/1965	Long title, 2 (definition of “disease”), 3(1), 6(1), 8(1), 39(1), 41, 54(1), 64, 66, 67(1), 68(1), (2)	16-9-1963
13/1971	33(1)	19-6-1970
Act 160	Throughout the Ordinance “ringgit” substituted for “dollars”.	29-8-1975
10/1978	33(1)	1-1-1979
10/1983	2 (“President”), 17(2), 21(3), 22(1), 33(1)	1-1-1984
7/1998	2 (definitions of “aircraft”, “animal”, “animal products”, “biologic”, “bird”, “bird products”, “cat”, “Director”, “disease”, “dog”, “Minister”, “vehicle”, “Veterinary Authority”, “veterinary biologics”, “veterinary drugs”), 4(2), 5(1), (2), 6(1), (2), (3), (5)(b), 7(1)(a), (b), (c), (2), 8(1), (2), (3), 9(1), 10(1), 11(1), 12(1), (2), (3), (4), 13, 14, 15(1), (2), 16,	

17(1), (2), 18(1), (2), 19(1),
20(1), 21(1), (2), (3), 22(1),
23(1), 24(1), 26, 27, 28(1),
(2), (3), 30(1), 92), 31(1),
32(1), 33(20, (3), (4), 34(1),
35(1), (3), (4)(a), (c), (5),
36(1), (2), (3), (4), 37(1),
(2), 38 (1), (6), (7), (8), (9),
52(a), (b), 53, 54(1), 55, 56,
57, 58(4), 59, 60, 61, 62(1),
63(1),(2), 64, 65(1), 66,
67(1), 68(2), (3)

Sabah LawNet

An Ordinance to amend and consolidate the law for preventing the introduction into and the spreading within Sabah of diseases of animals and birds and for the improvement of animals; and for matters incidental thereto and connected therewith.

[1st January, 1963.]

ENACTED by the Legislature of North Borneo as follows:

PART I
PRELIMINARY

Short title and commencement.

1. This Ordinance may be cited as the Animals Ordinance, 1962, and shall come into operation on such date* as the Governor may, by notice in the *Gazette*, appoint.

Interpretation.

2. In this Ordinance, unless the context otherwise requires –

“aircraft” means any kind of craft which may be used for the conveyance of animals, birds, animal products or bird products by air;

“animal” includes buffalo, cattle, selembu, sheep, goats, horses, swine, dogs, cats, and any four-footed beast kept in captivity or under control of any age and sex;

“animal products” means any product and by-product of animal origin for human consumption, for use in animal feeding or for pharmaceutical or industrial use, and includes meat, milk, blood, semen, embryo or any part of animal carcasses;

“animal quarantine station” means any quarantine station established under section 64 of this Ordinance;

“biologic” includes sera, vaccine, any culture or living preparation of the causative agent of any disease;

“bird” includes chickens, ducks, geese, turkeys, quails, guinea fowls, pigeons and

* In force 1st January, 1963 - see G.N.S. 169/1962.

any other avian species kept in captivity or under control, of any age or sex and the eggs thereof;

“bird products” means any product and by-product of bird origin for human consumption, for use in animal feeding or for pharmaceutical or industrial use, and includes meat, milk, blood, eggs or any part of bird carcasses, but excludes bird’s nests;

“building” includes any house, hut, shed, stable or enclosure, whether roofed or not, used for sheltering or confining any animal or bird and any pen, cage, wall, gate, pillar, post, paling, frame, hoarding, fence, platform, roadway, path, steps, staging, slip, wharf, dock, piles, jetty, landing stage or bridge, or any structure connected with the foregoing;

“carcase” means the dead body of an animal or bird and includes any part thereof and the meat, bones (whether whole, broken or ground), offal, hide, skin, wool, hair, feathers, hoof, horns or other part of an animal or bird, separately or otherwise, or any portion thereof;

“cat” means any cat of any breed or sex, belonging to the feline family;

“cattle” means bulls, cows, oxen, heifers and calves and includes buffaloes of any age or sex;

“contact” means any animal or bird which has by contact, direct or indirect, with a diseased animal or bird been exposed to the risk of contracting a disease;

“Director” means the Director of Veterinary Services and Animal Industry;

“disease” means any disease, infectious, non-infectious or contagious, amongst animals, birds, animal products or bird products and any other disease which the Minister may from time to time, by notification in the *Gazette*, declare to be a disease notifiable within the meaning of this Ordinance;

“dog” means any dog of any breed or sex, belonging to any canine family;

“examine” with its grammatical variations and cognate expressions, includes the carrying out of any tests and post-mortem examination;

“fodder” means substance used for food of animals or birds;

“horse” includes any mare, gelding, pony, foal, colt, filly, ass or mule;

“infected” means infected with any disease;

“litter” means any substance used for bedding or otherwise for or about animals or birds;

“master” means the captain of any ship or aircraft and includes any person for the time being in charge of any ship (other than a pilot) or aircraft;

“Minister” means the Minister charged with the responsibility for animal husbandry and veterinary services;

“officer of customs” has the same meaning as in the Customs Act, 1967 [Act 235.];

“owner” includes any person for the time being in charge of any animal or bird and any person for the time being in occupation of any building;

“port officer” shall have the same meaning as in the Merchant Shipping Ordinance, 1960 [Ord. No. 11/1961];

“President” shall have the same meaning as in the Local Government Ordinance, 1961 [Ord. No 11/1961.];

“quarantine” means the compulsory detention in isolation of any animal, bird or thing;

“quarantine station” means any building or place where quarantine is carried out and includes an examination station or hulk;

“ship” includes every description of vessel or craft, however propelled, which may be used in navigation by water;

“vehicle” means any method of transport by air, land or sea and includes aircraft and ship;

“Veterinary Authority” means the Director of Veterinary Services and Animal Industry or any Government Officer authorised by him in writing to exercise any power under this Ordinance;

“veterinary biologics” means animal or bird vaccines, serum, plasma, toxoids, toxins and antitoxins, antigens and any substance or mixture of substances, live,

killed or attenuated derived from animals, birds, parasites or micro-organisms or parts thereof manufactured, imported, sold, used or presented for use for veterinary purpose;

“veterinary centre” means any veterinary centre established under section 64 of this Ordinance;

“veterinary drugs” means any remedial or therapeutic substance which is manufactured, imported, advertised for sale or is sold, used for the purposes of curing, diagnosing, treating, controlling or preventing any disease in animals or birds, destroying or preventing parasites on or in animals or birds or maintaining or improving the health, productivity condition or appearance of any animal or bird, or for the capturing or immobility of animals or birds and carries the label for veterinary or animal use only or any such label which restricts its use for animal or bird only.

PART II

IMPORTATION AND EXPORTATION OF ANIMALS AND BIRDS

IMPORTATION

Prohibition as to importation.

3. (1) The Yang di-Pertua Negeri* may by order† published in the *Gazette* prohibit, either absolutely or conditionally, the import from any specified country or any specified part of a country of any animal, bird, carcass, semen, fodder, litter, dung or any product of animals or birds or any article or substance that is likely to convey or spread disease.

(2) Any person contravening the provisions of any order made under this section shall be guilty of an offence and liable to imprisonment for one year and a fine of two thousand ringgit.

Licence to import animal, bird, animal product or bird product.

4. (1) No person shall import any animal or bird except in accordance with a licence issued under this section.

* Powers delegated to the Minister for Agriculture and Fisheries - see G.N.S. 171/1963.

† See G.N.S. 83/1967.

(2) Subject to the provisions of section 3 of this Ordinance, the Director or any Veterinary Authority authorised by him may, on application made to him in writing, issue a licence to import any animal, bird, animal product or bird product on such conditions as he may impose.

(3) Any person importing any animal, bird, animal product or bird product in contravention of the provisions of this section shall be guilty of an offence and liable to imprisonment for one year and a fine of two thousand ringgit.

Examination and detention of imported animals, birds, animal products or bird products.

5. (1) Every animal, bird, animal product or bird product imported or about to be imported shall be required to undergo an examination by a Veterinary Authority either at the place of arrival or at such other place as the Veterinary Authority may appoint and if any such animal, bird, animal product or bird product is considered likely to have been exposed to infection with any disease the Veterinary Authority may subject it to such examination, test and treatment, as he may think necessary.

(2) Any such animal, bird, animal product or bird product may on importation be detained by a Veterinary Authority for observation, examination, test or treatment for such period and at such place as in the circumstances of the case he thinks proper.

Arrival of animals, birds, animal products or bird products to be reported.

6. (1) The master of any ship or aircraft on board of which there is any animal, bird, animal product or bird product whether such animal, bird, animal product or bird product is intended to be landed in Sabah or not, shall forthwith on the first arrival of the ship or aircraft in Sabah report the fact to the Port Officer or the officer in charge of the airfield as the case may be, or a police officer and in every such case such officer shall without delay inform the nearest Veterinary Authority.

(2) A Veterinary Authority may board any ship or aircraft for the purpose of examining such animal, bird, animal product or bird product.

(3) The master of any ship or aircraft shall not permit any animal, bird, animal product or bird product to be landed from the ship or removed from the aircraft until he is satisfied that the Veterinary Authority has granted a permit for the landing or removal of such animal, bird, animal product or bird product.

(4) The provisions of subsection (3) of this section shall apply notwithstanding that a licence has been granted under section 4 of this Ordinance.

(5) Any person –

(a) failing to make a report as required by subsection (1) of this section shall be guilty of an offence and liable to a fine of one hundred ringgit;

(b) permitting any animal, bird, animal product or bird product to be landed or removed contrary to the provisions of subsection (3) of this section shall be guilty of an offence and liable to a fine of one thousand ringgit.

Importation of diseased animal, bird, animal product or bird product.

7. (1) If any animal, bird, animal product or bird product which has been or is about to be imported is, in the opinion of a Veterinary Authority, infected with any disease the Veterinary Authority may in his discretion either-

(a) refuse to permit such animal, bird, animal product or bird product or any contact thereof to be landed or removed; or

(b) cause such animal, bird, animal product or bird product and any contact thereof to be destroyed at once and the carcass to be disposed of in such manner as he may direct; or

(c) cause such animal, bird, animal product or bird product and any contact thereof to be detained in quarantine for such period as he may consider necessary.

(2) No compensation shall be payable in respect of any animal, bird, animal product or bird product destroyed under this section.

Dogs and cats on board ship.

8. (1) Any dog or cat imported by sea and intended to be landed in Sabah shall, unless a Veterinary Authority has authorised its landing, at all times while on board the ship in any port be confined in an enclosed part of the ship or in a cage or kennel.

(2) If any dog or cat dies or is lost from a ship in any port the master of the ship

shall immediately notify the Veterinary Authority of such death or loss.

(3) The master of any ship on board of which any contravention of subsection (1) of this section occurs or who fails without reasonable excuse to comply with the provisions of subsection (2) of this section shall be guilty of an offence and liable to a fine of one thousand ringgit.

Destruction of injured animals or birds.

9. (1) If any animal or bird examined by a Veterinary Authority for the purposes of importation is found to be suffering from injury which in the opinion of the Veterinary Authority cannot be relieved, the Veterinary Authority may cause such animal or bird to be destroyed at once and its carcass to be disposed of in such manner as he may direct.

(2) If any animal or bird is destroyed under the provisions of this section the expenses of disposing of the carcass thereof shall be payable by the owner thereof.

(3) No compensation shall be payable in respect of any animal or bird destroyed under this section.

Landing of carcass.

10. (1) Subject to the provisions of section 3 of this Ordinance, a Veterinary Authority may give such directions as he may consider necessary as to the landing or removal of the carcass of any animal or bird from any ship or aircraft or as to the manner of the disposal of the carcass.

(2) Any person who fails to comply with any directions given under the provisions of this section shall be guilty of an offence.

Destruction or disinfection of certain imported articles.

11. (1) Whenever it appears to a Veterinary Authority that any bedding, litter, fodder or other material imported by land, sea or air may convey or spread disease, he may seize and detain the same and at his discretion may order the destruction or disinfection thereof.

(2) No compensation shall be payable in respect of any destruction or disinfection under this section.

EXPORTATION

Exportation of animal, bird, animal product, bird product or carcase.

12. (1) No person shall export any animal, bird, animal product or bird product except in accordance with a licence issued under this section.

(2) A Veterinary Authority may, on application made to him in writing, issue a licence to export any animal or bird on such conditions as he may consider necessary.

(3) A Veterinary Authority may give such directions as he may consider necessary as to the exportation of any animal, bird, animal product, bird product or carcase.

(4) Any person exporting any animal, bird, animal product or bird product in contravention of the provisions of this section shall be guilty of an offence and liable to imprisonment for six months or a fine of one thousand ringgit or both.

Examination before exportation.

13. Every animal, bird, animal product or bird product which is about to be exported may be required to undergo an examination by a Veterinary Authority at such place as the Veterinary Authority may appoint.

Exportation of diseased animal, bird, animal product or bird product.

14. If any animal, bird, animal product or bird product which is about to be exported is in the opinion of the Veterinary Authority infected with any disease the Veterinary Authority may refuse to permit such animal, bird, animal product or bird product or any contact thereof to be exported.

PART III

PREVENTION OF THE SPREAD OF DISEASE

GENERAL

Examination of animals, birds, animal product or bird product suspected of disease.

15. (1) If a Veterinary Authority has reason to believe that any animal, bird, animal

product or bird product may be infected with any disease, he may subject such animal, bird, animal product or bird product to such examination, test and treatment as he may consider necessary, and for the purposes of such examination may take blood, milk, urine or any other substance from such animal, bird, animal product or bird product.

(2) For the purpose of carrying out any examination under this section the Veterinary Authority may order that the animal, bird, animal product or bird product be delivered to him at a specified place and time, and no such animal, bird, animal product or bird product shall be removed from such place without the permission of the Veterinary Authority:

Provided that no person, except in the case of an infected area, shall be required to deliver any animal, bird, animal product or bird product at any place more than three miles from the place at which such animal is kept.

(3) Any person failing without lawful excuse to comply with any order made under this section shall be guilty of an offence.

Destruction of diseased animal, bird, animal product or bird product.

16. A Veterinary Authority may order the immediate isolation or destruction of any animal, bird, animal product or bird product found or reasonably believed to be infected with disease.

Compensation for animal or bird destroyed.

17. (1) No compensation shall be payable in respect of any animal, bird, animal product or bird product infected with disease and destroyed by order of any Veterinary Authority.

(2) There shall be payable as compensation to the owner in respect of any animal or bird reasonably believed to be infected with disease which has been destroyed by order of any Veterinary Authority and found not to be so infected such sum as not exceeding one-half of its value as assessed by the Veterinary Authority subject to the approval of the Minister.

Post-mortem examination.

18. (1) A Veterinary Authority may conduct a post-mortem examination of the

carcase of any animal or bird and may remove such portions of the carcase as he may deem necessary for laboratory examination, and for the purposes of such examination may order that the carcase be delivered to him at such place and time as he shall specify.

(2) A Veterinary Authority may order the carcase of any animal or bird which has been buried to be exhumed for the purposes of such post-mortem examination.

(3) Any person failing without lawful excuse to comply with any order given under this section shall be guilty of an offence.

Infected animals and birds.

19. (1) If a Veterinary Authority considers that any animal or bird has been exposed to infection with any disease he may order that such animal or bird be subjected to such treatment as he may think necessary.

(2) Any person failing without lawful excuse to comply with any order given under this section shall be guilty of an offence.

Disinfection of stables, etc.

20. (1) A Veterinary Authority may order any stable, shed, pen, cage or other place in which an infected animal or bird has been found or kept to be disinfected and may by order prohibit the further use of such stable, shed, pen, cage or place for the keeping of any animal or bird until disinfection has been completed.

(2) Any person failing without lawful excuse to comply with any order made under this section shall be guilty of an offence.

Destruction of stables, etc.

21. (1) If a Veterinary Authority is of the opinion that any stable, shed, pen, cage or other place which has been occupied by an infected animal or bird cannot be effectively disinfected, he may order the owner or occupier thereof within a time specified in such order to destroy such stable, shed, pen, cage or place and to burn the materials thereof.

(2) If an order made under this section is not complied with within the specified time, the Veterinary Authority may cause such stable, shed, pen, cage or place to be destroyed and the materials to be burned.

(3) The Veterinary Authority shall make a report to the District Officer or the President of the area upon every order made under this section and the District Officer or the President may in his discretion give or withhold compensation for any stable, shed, pen, cage or place so destroyed.

(4) Any person failing without lawful excuse to comply with any order made under this section shall be guilty of an offence.

Disinfection or destruction of articles.

22. (1) A Veterinary Authority may order the disinfection or destruction of any bedding, clothing, harness, fittings, buckets, pails or utensils whatsoever used in connection with any infected animal or bird, and compensation to be assessed by the District Officer or the President of the area shall be payable for any article so destroyed.

(2) Any person failing without lawful excuse to comply with any order made under this section shall be guilty of an offence.

Disinfection of person and clothing.

23. (1) A Veterinary Authority may order the disinfection of the body and clothing of any person who has been in contact with, in charge of, or attendant upon any animal or bird infected with or reasonably believed to be infected with disease.

(2) Any person failing without lawful excuse to comply with any order made under this section shall be guilty of an offence.

Disinfection of vehicle.

24. (1) A Veterinary Authority may order the disinfection of any vehicle or conveyance entering or leaving an area declared to be an infected area under section 33 of this Ordinance, or which has been used in the transport of any animal, bird, animal product or bird product infected with or reasonably believed to be infected with disease.

(2) Any person failing without lawful excuse to comply with any order made under this section shall be guilty of an offence.

Disposal of infected animal, bird or carcass.

25. (1) No person shall knowingly cast or cause or permit to be cast into any drain,

ditch, water channel, street or open space, or otherwise expose, any animal or bird or the carcase of any animal or bird which is or has been infected with disease or any fodder, litter, dung or thing which has been used in connection with any infected animal or bird.

(2) Any person contravening any of the provisions of this section shall be guilty of an offence.

Licence to treat diseased animals or birds.

26. (1) The Director may issue a licence permitting the holder of such a licence to possess and to administer or inoculate veterinary biologics or veterinary drugs on animals or birds owned by him or under his care.

(2) Any person contravening any of the provisions of this section shall be guilty of an offence and liable to imprisonment for three months or a fine of one thousand ringgit or both.

Licence to import, export, manufacture, sell, use or to possess veterinary biologics or drugs.

27. (1) No person other than a Veterinary Authority or registered veterinary surgeon as defined under the Veterinary Surgeons Act 1974 [Act 147] for the *bona fide* purpose of his profession shall import, export, manufacture, sell, use or have in his possession any veterinary biologic or veterinary drug unless licensed in that behalf.

(2) Notwithstanding subsection (1), the existing provisions for registered pharmacists, dentists or medical practitioners under the Poisons Act 1952 [Act 366] shall continue to apply.

(3) Any person importing, exporting, manufacturing, selling, using or having in his possession any veterinary biologic or veterinary drug contrary to the provisions of this section shall be guilty of an offence and liable to a fine not exceeding five thousand ringgit or to imprisonment for a term not exceeding six months or both.

Owner of diseased or dead animal or bird to report.

28. (1) Every owner of any animal or bird infected with or reasonably suspected to be infected with disease shall immediately make a report to a Veterinary Authority or to the nearest police station or headman and shall at once cause such animal or bird and all

other animals and birds which have been in contact with it to be confined and isolated until the arrival of a Veterinary Authority.

(2) Every owner of any animal or bird reasonably suspected to have died of disease shall immediately report such death to a Veterinary Authority or the nearest police station or headman and, in the case of an animal, the carcass shall not be moved without permission from a Veterinary Authority or officer in charge of such police station:

Provided that the carcass of such animal may be buried if no instructions have been received within twenty-four hours of making such report or where through distance, difficulty of terrain or of communications the report cannot be made within twenty-four hours.

(3) The officer in charge of a police station or a headman receiving a report made under subsection (1) or (2) of this section shall immediately forward, by telephone or telegram where possible, any such report to the nearest Veterinary Authority.

(4) Any person contravening the provisions of subsection (1) or (2) of this section shall be guilty of an offence.

SPECIAL PROVISIONS RELATING TO ANIMALS
(OTHER THAN DOGS AND CATS) AND BIRDS

Application.

29. The provisions of sections 30 to 34 inclusive of this Ordinance shall not apply to dogs and cats.

Disposal of dead animal and bird.

30. (1) Without prejudice to the provisions of section 31 of this Ordinance the owner of any animal or bird that has died from disease or has been destroyed by order of a Veterinary Authority shall burn or otherwise dispose of the carcass thereof as the Veterinary Authority may direct.

(2) Any person failing without reasonable excuse to comply with any directions given by a Veterinary Authority under subsection (1) of this section shall be guilty of an offence.

Moving or disposal of diseased or suspected animals.

31. (1) No person shall without reasonable excuse move or dispose of any animal or bird diseased or reasonably suspected of being diseased or of being a contact, or of the carcase of such animal or bird, or of the milk or dung of such animal, except under and in accordance with the written permission of a Veterinary Authority.

(2) Any person contravening the provisions of this section shall be guilty of an offence.

Removal of articles from infected premises.

32. (1) A Veterinary Authority may by order prohibit the removal of milk, manure, fodder, litter or other articles likely to carry or convey infection from premises on which there is or recently has been an animal or bird infected with disease.

(2) Any person failing without reasonable excuse to comply with any order made under this section shall be guilty of an offence.

Infected area.

33. (1) Whenever there is reasonable cause to believe that any disease exists amongst any animals or birds in any district the District Officer or the President may issue an order declaring such district or any part thereof to be an infected area and may in such order prohibit either absolutely or conditionally the removal into or out of such area of any animals or birds or specified kinds of animals or birds.

(2) When an area has been thus declared to be an infected area the Director or a Veterinary Authority authorised by him may issue such orders to regulate the tying-up, isolation, segregation, movement or slaughter of animals or birds within the area as he may deem necessary to control and check the spread of the disease.

(3) In the event of any owner or person in charge of any animal or bird failing to comply with such order the Veterinary Authority may take such steps as are necessary effectively to isolate or segregate such animal or bird.

(4) Any animal or bird found straying within an infected area in contravention of an order issued under subsection (2) of this section may be destroyed forthwith by a Veterinary Authority and no compensation shall be payable in respect of any animal or bird so destroyed or seized.

(5) Every order made under subsection (1) or (2) of this section shall come into operation immediately upon the making of the order and shall be published in the *Gazette*.

(6) Any person failing without reasonable excuse to comply with any order made under the provisions of this section shall be guilty of an offence.

Permits.

34. Subject to the provisions of section 33 of this Ordinance a Veterinary Authority may grant a permit to the owner of any animal or bird for the removal of such animal or bird into or out of any infected area and may subject such removal to such conditions as he may impose.

SPECIAL PROVISIONS RELATING TO DOGS AND
CATS IN CONNECTION WITH RABIES

Rabies-infected area.

35. (1) The Director may at any time as a precaution against rabies by order declare any area specified in such order to be a rabies-infected area.

(2) Every order made under subsection (1) of this section shall come into operation immediately upon the making of the order and shall be published in the *Gazette*.

(3) No person shall take any dog or cat out of a rabies-infected area or out of any district of which any part is a rabies-infected area except in accordance with a written permit issued by a Veterinary Authority.

(4) The owner of any dog or cat within a rabies-infected area shall cause such dog or cat to be kept under effective control –

- (a) by confining it within an enclosed area from which it is impossible for the dog or cat to escape; or
- (b) by tying it up securely; or
- (c) by leading it by a chain or lead of strong cord or leather properly

secured to a collar or harness worn by the dog or cat:

Provided that a Veterinary Authority if he is satisfied that any dog or cat, whether by reason of prophylactic treatment or otherwise, is immune from infection by rabies, may exempt such dogs or cats from the requirements of this subsection subject to such conditions as he may impose.

(5) Any dog or cat found within a rabies-infected area which is not under effective control in accordance with the provisions of subsection (4) of this section may be destroyed by a Veterinary Authority or any officer in charge of police station or by any person authorised in writing in that behalf by any such officer.

(6) Any person contravening the provisions of subsection (3) or (4) of this section shall be guilty of an offence and liable to imprisonment for six months and a fine of one thousand ringgit.

Destruction or detention of animal suspected to be infected with rabies.

36. (1) Whenever a Veterinary Authority reasonably suspects that any animal may be infected with rabies or has been exposed to rabies infection he may in his discretion either cause the animal to be destroyed forthwith or may order the owner of such animal to take it forthwith to an animal quarantine station for detention and observation.

(2) If the owner or person in charge of any such animal fails to comply with such order, a Veterinary Authority may forthwith either cause the animal to be destroyed or take possession of the animal and remove it to an animal quarantine station.

(3) A Veterinary Authority may either destroy any such animal in the animal quarantine station or may detain it until he is satisfied that it is free from disease.

(4) A Veterinary Authority may take possession of the body of any animal that has died or has been destroyed and which is reasonably suspected to have been infected with rabies and may dispose of it in such manner as he may think fit.

(5) No compensation shall be payable to any person in respect of the destruction of any animal under the provisions of this section.

(6) Any person failing without reasonable excuse to comply with the provisions of subsection (1) of this section shall be guilty of an offence.

Detention of any dog or cat that has bitten a person.

37. (1) A Veterinary Authority or any officer in charge of police station may order the owner of any dog or cat that has or is reasonably believed to have bitten any person to produce the dog or cat to him for examination, and he may detain the dog or cat at such place and for such time as he may deem advisable. If the owner or person in charge of such dog or cat fails to comply with such order, the Veterinary Authority or police officer may forthwith take possession of the dog or cat and remove it to an animal quarantine station.

(2) Any person failing without lawful excuse to comply with any order made under this section shall be guilty of an offence and liable to a fine of five hundred ringgit.

Anti-rabies vaccination of dogs or cats.

38. (1) The Director, whenever it appears to him to be expedient, may make an order (in this section referred to as an 'Anti-Rabies Vaccination Order') that all dogs or cats within any area specified in such order, or any part thereof specified in such order, shall be submitted to anti-rabies vaccination, and may at any time cancel any such order.

(2) Every Anti-Rabies Vaccination Order and the cancellation thereof shall be published in the *Gazette*.

(3) Every Anti-Rabies Vaccination Order shall remain in force until the thirty-first day of December of the year in which it is made or until the cancellation thereof, which ever date is the earlier, but without prejudice to the making of a further Anti-Rabies Vaccination Order to take effect upon the expiry of the said period.

(4) Whenever an Anti-Rabies Vaccination Order has been made a Veterinary Authority may give directions as to the periods of time within which, and the places at which dogs, or groups of dogs, shall be produced for the purposes of such vaccination.

(5) Such direction shall be published in such manner as the Veterinary Authority may consider necessary.

(6) The Director may by notice in the *Gazette* require that every dog or cat which has been vaccinated in accordance with an Anti-Rabies Vaccination Order shall, after such date as may be specified in such notice, at all times during the continuance in force of the said Order and within the area to which the said Order applies, carry upon it a serially numbered metal badge or mark, tag or other evidence of vaccination, and any

dog or cat found within such area after the date specified in the notice, whether at large or not, which does not carry the proper evidence of vaccination may be destroyed.

(7) A Veterinary Authority, District Officer, President or officer in charge of police station may authorise in writing, persons to destroy dogs or cats in accordance with the provisions of subsection (6) of this section.

(8) If any owner of a dog or cat fails to comply with any direction given under subsection (4) of this section a Veterinary Authority may forthwith destroy such dog or cat.

(9) Any owner of a dog or cat who fails without reasonable excuse to comply with any direction given under subsection (4) of this section shall be guilty of an offence and liable to imprisonment for six months or a fine of one thousand ringgit or both.

PART IV CONSERVATION OF LIVESTOCK

Movement or slaughter of cattle, etc., may be prohibited.

39. (1) The Yang di-Pertua Negeri* may by order published in the *Gazette* –
- (a) prohibit for such period as may be specified in the order the movement of any species of animal or any specified class thereof within or between any areas specified in such order except under licence;
 - (b) prohibit during such period or periods as may be specified in the order the slaughter in any area of any cattle, sheep, goats, swine or poultry of any specified class thereof except under licence.
- (2) Any order issued under this section may specify the person who may issue a licence as to movement or slaughter and such licence may be issued subject to such conditions as such person may impose.
- (3) Any person contravening the provisions of this section shall be guilty of an offence.

* Powers delegated to the Minister for Agriculture and Fisheries-see G.N.S. 171/1963.

PART V
IMPROVEMENT OF LIVESTOCK

40. - 51. (Deleted).

PART VI
ENTRY, SEARCH, SEIZURE AND ARREST

Power of entry and search for diseased animals or birds.

52. For the purpose of ascertaining whether any animal or bird is suffering from disease or for the purpose of ascertaining whether any offence against this Ordinance has been or is being committed -

- (a) any Veterinary Authority with as many assistants as he may require may enter and examine any land, building or premises on or in which he suspects any animal or bird is being kept for the purpose of examining such animal, bird, land, building or premises, and the owner of such land, building, premises, animal or bird shall render such Veterinary Authority all necessary assistance and furnish such information as may be required of him;
- (b) any Veterinary Authority, police officer or officer of customs may stop, enter and examine any conveyance used for carrying animals and any person owning or being in charge of any such conveyance refusing to stop when required shall be guilty of an offence and liable to a fine of two hundred ringgit.

Seizure of animal, bird, animal products, bird products, carcase or article.

53. (1) When any Veterinary Authority or police officer has reason to believe that any offence against this Ordinance has been or is being committed or when any officer of the customs has reason to believe that an offence against any of the provisions of this Ordinance relating to importation or exportation has been or is being committed, such Veterinary Authority, officer of customs or police officer may seize any animal, bird, animal product, bird product, vehicle, conveyance, carcase or article, the subject matter of such offence, and may remove and detain such animal, bird, animal product, bird product, vehicle, conveyance, carcase or article to any pound, enclosure or other places selected by a Veterinary Authority.

(2) Whenever any animal, bird, animal product, bird product, vehicle, conveyance, carcase or article has been seized and detained under the provisions of subsection (1), the Veterinary Authority, officer of customs or police officer shall report the same to a Magistrate and the Magistrate may make such order for the further detention, destruction, disposal, or release of the animal, bird, animal product, bird product, vehicle, conveyance, carcase or article as he may think fit.

(3) Notwithstanding any other provisions of this Ordinance, where a Magistrate is not immediately available and the carcase, animal product, bird product or article seized is subject to speedy and natural decay, the Veterinary Authority, or officer of customs or police officer under the supervision of the Veterinary Authority, may destroy, sell or otherwise dispose of the thing seized as he may think fit.

(4) When any thing seized is disposed of or sold under the provisions of subsection (3) the proceeds thereof, if any, shall be dealt with in the same manner as such thing would have been dealt with if it had not been disposed of or sold.

(5) The owner of such animal, bird, animal product, bird product, vehicle, conveyance, carcase or article shall pay such sum as the Magistrate may consider reasonable to cover the expenses connected with its removal to a place of detention and unless such sum be paid within a specified time such animal, bird, animal product, bird product, vehicle, conveyance, carcase or article shall be forfeited.

Power of arrest.

54. (1) Any Veterinary Authority, police officer or officer of customs may arrest without warrant any person whom he sees or finds committing or attempting to commit or whom he reasonably suspects of being engaged in committing or attempting to commit any offence against this Ordinance, if such person refuses to furnish his name and address or furnishes an address out of Sabah or there are reasonable grounds for believing that he has furnished a false name or address or that he is likely to abscond.

(2) Every person so arrested shall be taken to a police station and shall thereafter be dealt with as if he had been arrested under the provisions of the Criminal Procedure Code [Act 324].

PART VII
SUPPLEMENTAL

Obstructing officers in the execution of their duties.

55. Any person who without lawful excuse obstructs or impedes or assists in obstructing or impeding any Veterinary Authority, police officer or officer of customs in the exercise of his duty under this Ordinance shall be guilty of an offence and liable to imprisonment for six months or a fine of two thousand ringgit or both.

Altering licence.

56. Any person who without lawful authority alters any licence or permit issued under this Ordinance or knowingly makes use of any licence or permit so altered shall be guilty of an offence and liable to imprisonment for six months or a fine of two thousand ringgit or both.

General penalty.

57. Any person guilty of an offence against this Ordinance shall, where no other penalty is specified, be liable to imprisonment for one month or a fine of five hundred ringgit or both.

Forfeiture.

58. (1) Whenever any person shall have been convicted of an offence against this Ordinance the Court convicting such person may, in addition to or in lieu of imposing any other punishment, order that any animal, bird, animal product, bird product, carcase or article in respect of which such offence has been committed shall be forfeited.

(2) When any animal, bird, animal product, bird product, carcase or article has been seized under the provisions of section 53 of this Ordinance but the person who is alleged to have committed the offence is unknown or cannot be found, the Magistrate may, if it is proved to his satisfaction that an offence has been committed in respect of such animal, bird, animal product, bird product, carcase or article, order that such animal, bird, animal product, bird product, carcase or article be forfeited.

(3) No order shall be made under this section unless the owner, if his name and place of residence be known, shall have had an opportunity of appearing to show cause

why such order should not be made.

(4) Any animal, bird, animal product, bird product, carcase or article forfeited under this section or under section 53 of this Ordinance shall be disposed of in accordance with the directions of the Magistrate.

Presumption.

59. Where there is any doubt regarding the ownership of any animal, bird, animal product or bird product, the person found in possession of such animal, bird, animal product or bird product or the occupier of the premises frequented by it may be presumed to be the owner thereof until the contrary is proved.

Conduct of prosecution.

60. Any prosecution in respect of an offence against this Ordinance may be conducted by a Veterinary Authority or by any other officer of the Government authorised in writing in that behalf by the Public Prosecutor.

Expenses.

61. Any expenses incurred by a Veterinary Authority or other officer in the exercise of the powers conferred on him by this Ordinance in respect of the capture, removal, transfer, treatment, detention, destruction and disposal of any animal, bird, animal product, bird product, carcase, article, building or conveyance shall be a charge to the owner, consignor, consignee, exporter or importer as the case may be, and may be recovered as a civil debt.

Action to be at risk and expense of owner.

62. (1) Any action taken under the provisions of this Ordinance in respect of any animal, bird, animal product, bird product, carcase, article, building or conveyance shall be at the risk of the owner thereof.

(2) No liability shall attach to the Government or to any officer thereof in respect of any expense, loss, damage or delay arising in or from the lawful exercise of the powers conferred by this Ordinance.

Brands or other identification marks may be applied to animals.

63. (1) A Veterinary Authority, may, if he deems it necessary for purposes of identification, brand, label or otherwise mark either permanently or temporarily any animal.

(2) Any person who counterfeits, copies, alters, defaces or erases any brand or mark applied by a Veterinary Authority shall be guilty of an offence and liable to a fine of two thousand ringgit.

Animal quarantine stations and veterinary centres.

64. (1) Animal quarantine stations and veterinary centres shall be established and maintained by the Government at suitable places in Sabah.

(2) The Director may appoint suitable places or premises to be temporary or emergency quarantine stations for animals or birds.

Management of animal quarantine stations.

65. (1) The Director may give such directions as he thinks fit for regulating the management and maintenance of animals and birds, quarantine stations and veterinary centres.

(2) Any charges incurred on account of transport of an animal or bird to or from an animal quarantine station or veterinary centre shall be paid by the owner of the animal or bird.

Certificates of freedom of Sabah from disease.

66. A Veterinary Authority may on payment of a prescribed fee issue to the exporter of any animal, bird, animal product or bird product a certificate certifying that Sabah is free from the disease or diseases specified therein.

Importation of noxious insects or pests.

67. (1) No person shall knowingly import into Sabah or shall have in his possession any living disease bearing insect or any living disease pathogen or virus or any bacterial culture, of a nature harmful or dangerous to animals or birds without the previous written permission of the Director.

(2) Any person contravening the provisions of this section shall be guilty of an offence.

Power to make rules.

68. (1) The Yang di-Pertua Negeri may make rules* for the better carrying out and giving effect to the provisions of this Ordinance.

(2) Without prejudice to the generality of the provision of subsection (1) of this section the Yang di-Pertua Negeri may by rules provide for -

- (a) placing vessels carrying animals or birds in quarantine;
- (b) regulating the landing of animals or birds from vessels;
- (c) regulating the importation or exportation of animals or birds by land, sea or air;
- (d) prescribing the examination of animals or birds on importation, the tests to be applied and the measures to be taken;
- (e) regulating the movement of animals or birds within the State of Sabah;
- (f) the cleansing or disinfection of buildings, sheds, places or conveyance in which diseased animals or birds have been kept or carried;
- (g) the cleansing or disinfection of markets, sale yards, railway premises and railway vans or trucks wherein any animals or birds have been kept or carried;
- (h) the disinfection of contacts or animals or birds which have been in an infected area;
- (i) the disinfection of persons and the clothing of persons who have been in contact with or employed about diseased or suspected animals or birds or contacts;
- (j) the seizure, disinfection and, if expedient, the destruction, with or

* See Animals (Fees) Rules, 1962.

Pets and Sporting Animals Laboratory Test Fees Rules, 1987.

- without compensation, of litter, fodder or other articles which have been in contact with any diseased animal or bird, or which are reasonably suspected of being a vehicle for spreading disease;
- (k) prescribing the fees to be paid for the maintenance and treatment of animals and birds detained in animal quarantine stations and veterinary centres and for the destruction and burial of the carcase of any animals and birds detained therein;
 - (l) the payment of fees for anything to be done under this Ordinance and fixing the amount of such fees;
 - (m) improvement of livestock;
 - (n) the regulating and licensing of birds, meat, eggs and dairy processing plants, packing, canning and storage plants, tanneries and rendering plants;
 - (o) the licensing and control of abattoirs and slaughterhouses and meat processing plants;
 - (p) regulating procedures for veterinary inspection of meat, milk and animal products and hygiene in processing plants and slaughterhouses;
 - (q) regulating the management of any establishment or processing plant waste, and waste water originating from animals or birds;
 - (r) the licensing, control, supervision and inspection of all livestock farms, breeding centres, poultry hatcheries, poultry farms and places in which animals or birds are kept in captivity for sale, export, exhibition or other purposes;
 - (s) the improvement of disease control measures;
 - (t) regulating the importation, manufacture, sale and use of veterinary biologics and drugs;
 - (u) regulating the importation, manufacture, formulation, sale and use of feed additives in animal feeds;

- (v) the licensing, control and supervision of the establishment of animal artificial breeding centres.

(3) Any such rules may provide that the contravention of any rule is an offence and provide a penalty for any such offence of imprisonment not exceeding three months or fine not exceeding two thousand ringgit or both.

Amendment of Ordinances.

69. The Ordinances specified in the first column of the Schedule hereto are amended to the extent shown in the second column.

**SCHEDULE
(Section 69)**

ORDINANCE

EXTENT OF AMENDMENT

Quarantine Ordinance
(Cap. 114)

Section 2:

In the definition of "disease",
delete the commas and words "
whether of man or animal,".

In the definition of "quarantine station",
delete the commas and words "
persons, or animals" and substitute
the words "or persons".

Section 4:

Delete the words "any animals or thing"
and "such animal or thing" and
substitute the words "any thing" and
"such thing" respectively.

Section 5:

Delete the words "animals and".

Section 7:

Delete the words "or animal".

Local Government

Ordinance, 1961

(Ordinance No. 11 of 1961)

Section 49(1):

Delete paragraph (16).

Sabah LawNet