

Zimbabwe

Animal Health Act

Chapter 19:01

Legislation as at 31 December 2016

FRBR URI: /akn/zw/act/1960/5/eng@2016-12-31

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PDF created on 21 February 2024 at 18:32.

Collection last checked for updates: 31 December 2017.

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Zimbabwe

Animal Health Act Chapter 19:01

Published in Government Gazette

Commenced on 1 January 1961

[This is the version of this document at 31 December 2016 and includes any amendments published up to 31 December 2017.]

[Note: This version of the Act was revised and consolidated by the Law Development Commission of Zimbabwe]

AN ACT to provide for the eradication and prevention of the spread of animal pests and diseases in Zimbabwe, for the prevention of the introduction into Zimbabwe of animal pests and diseases and for incidental matters.

1. Short title

This Act may be cited as the Animal Health Act *[Chapter 19:01]*.

2. This Act binds the State

This Act shall bind the State.

3. Animals, diseases and pests subjected to Act to be specified by Minister

- (1) This Act shall, unless the Minister, in terms of subsection (2) or in the exercise of the power conferred upon him by section *five*, otherwise provides or the context otherwise requires, apply to—
- (a) a member of a class or a class of vertebrate animal, domestic or otherwise; and
 - (b) a disease of a member of a class or a class of animal referred to in paragraph (a); and
 - (c) a pest, being a non-vertebrate organism, including a virus, in the opinion of the Minister—
 - (i) injurious to a member of a class or a class of animal referred to in paragraph (a); or
 - (ii) capable of introducing into or spreading within Zimbabwe a disease referred to in paragraph (b);which is specified by the Minister in a statutory instrument, and in this Act “animal”, “disease” and “pest” shall be construed accordingly.
- (2) The Minister may, in a notice referred to in subsection (1), specify—
- (a) a member of a class or a class of vertebrate animal referred to in paragraph (a) of that subsection as an animal for the purposes of this Act; and
 - (b) a disease referred to in paragraph (b) of that subsection as a disease of a particular member of a class or particular class of animal; and
 - (c) a pest referred to in paragraph (c) of that subsection as a pest in relation to a particular member of a class or particular class of animal or to a particular disease or class of disease.

4. Interpretation

In this Act—

“**authorized person**” means a person authorized in terms of paragraph (b) of subsection (1) of section *twenty* to do anything or perform any act which may be done or performed in terms of this Act;

“**child**” means a person under the age of sixteen years;

“**Director**” means the officer in charge of the Department of Veterinary Services of the Ministry;

“**import**” means import into Zimbabwe;

“**infectious thing**” means anything declared to be an infectious thing in a regulation;

“**land**” includes any building, structure, enclosure, premises, harbour, jetty, wharf or water;

“**land under the control of a local authority**” means—

- (a) an open space; or
- (b) a road or street;

within the limits of a municipality, town or village to which the public has a right of access and includes a commonage and land vested in a local authority;

“**legal representative**”, in relation to a person under a legal disability, means—

- (a) in the case of a company, the judicial manager or liquidator, as the case may be; and
- (b) in the case of an individual, the person authorized by law to administer his estate;

“**Minister**” means the Minister of Agriculture or any other Minister to whom the President may, from time to time, assign the administration of this Act;

“**Ministry**” means the Ministry for which the Minister is responsible;

“**occupier**”, in relation to land, means—

- (a) in the case of land used by the State, the person having charge, control or management of the land; and
- (b) in the case of Communal Land, the person having the use of the land or, if no person has the use of the land, the rural district council within the area of which the land is situated; and
- (c) in the case of land under the control of a local authority, the local authority; and
- (d) in the case of land not referred to in paragraphs (a) to (c), a person resident on the land or, if there is no person resident on the land, the person ordinarily present on the land during the hours of the business for which the land is used who has the charge, control or management of the land or business or, if there is no such person, the person designated as occupier in terms of section *seventeen*;

“**owner**”—

- (a) in relation to land, means—
 - (i) in the case of State land held in accordance with any enactment or an agreement which entitles a person to obtain title thereto on the fulfilment by him of the conditions specified in the enactment or agreement, that person or, if he is under a legal disability, his legal representative; and
 - (ii) in the case of State land held under an agreement of sale, the purchaser under the agreement or, if he is under a legal disability, his legal representative; and
 - (iii) in the case of State land held under a lease, licence or similar agreement, the lessee or licensee or, if he is under a legal disability, his legal representative; and

- (iv) in the case of State land, other than State land referred to in subparagraph (i) or (iii), over which grazing or any other rights whatsoever have been granted, the holder of those rights or, if he is under a legal disability, his legal representative; and
 - (v) in the case of State land which is not land referred to in subparagraphs (i) to (iv), the Minister responsible for lands, natural resources or, local government, as the case may be; and
 - (vi) in the case of Communal Land, the Minister responsible for the administration of the Communal Land Act [*Chapter 20:04*]; and
 - (vii) in the case of land under the control of a local authority, the local authority; and
 - (viii) in the case of land which is not land described in subparagraphs (i) to (vii), the person registered in the office of the Registrar of Deeds as the owner of the land or, if he is under a legal disability, his legal representative; and
- (b) in relation to an animal or infectious or other thing or vehicle, includes the person having for the time being the management, custody or control of the animal or infectious or other thing or vehicle or, if that person is a child, the person having for the time being the care, custody or control of the child;

“**permit**” means a permit issued in terms of this Act;

“**person under a legal disability**” means—

- (a) in the case of a company, a company which is being wound up or is under judicial management; and
- (b) in the case of an individual, a minor, a person of unsound mind, a deceased person, an insolvent, a person who has made an assignment with creditors or a person who is otherwise under a legal disability;

“**prescribed area**” means such area as the Minister may prescribe for the purposes of a regulation;

“**quarantine area**” means land to which an order made in terms of subsection (4) of section *twenty-one* relates;

“**regulation**” means a regulation, order or notice made by the Minister in the exercise of the power conferred upon him by section *five*;

“**this Act**” includes a regulation and an order or direction made or given in terms of this Act or a regulation;

“**vehicle**” includes an aircraft, ship, railway train and tractor and any machine capable of being drawn or driven along a road which is used or intended to be used in connection with the construction of dams, roads or buildings, the installation of cables, pipelines or power lines or the sinking of boreholes or the like or for agricultural, mining or other prescribed purposes;

“**veterinary fixture**” means a cleansing chamber, dipping tank, spray race, crush pen, pen, race, stockade or other structure or thing for use in doing to animals, persons, vehicles or other things of anything required to be done in terms of this Act, together with any necessary accessories and appurtenances.

5. Regulatory powers of Minister

- (1) For the better eradication and prevention of the occurrence or spread within Zimbabwe and for the prevention of the introduction into Zimbabwe of diseases and pests the Minister may, by regulation, order or notice in a statutory instrument, do any or all of the matters or things specified in the Schedule.

- (2) Nothing in this Act shall be construed as precluding the Minister, in the exercise of the power conferred upon him by subsection (1), from making provision for the eradication and prevention of the occurrence or spread amongst human beings of—
- (a) a disease common to human beings and animals; or
 - (b) a pest injurious to both human beings and animals or capable of introducing or spreading amongst both human beings and animals a disease referred to in paragraph (a).

6. Duties of owners of vehicles entering Zimbabwe

Upon the arrival of a vehicle in Zimbabwe from a place outside Zimbabwe the owner of the vehicle shall, if required by an authorized person—

- (a) forthwith report in writing to the authorized person particulars of the animals, if any, used for drawing the vehicle and of the animals or infectious things, if any, which are in or upon the vehicle, whether or not the animals and infectious things or any of them—
 - (i) form part of the cargo, load, equipment or stores of the vehicle; or
 - (ii) are the property or in the custody of a passenger on or in or a member of the crew or staff of the vehicle; or
 - (iii) are consigned to a place in Zimbabwe or are to be landed in Zimbabwe; and
- (b) specify in the report referred to in paragraph (a)—
 - (i) the names of the places visited by the vehicle in the course of its journey to Zimbabwe; and
 - (ii) the animals and infectious things carried by the vehicle between the places referred to in subparagraph (i) and the contact which the animals and infectious things brought into Zimbabwe had with them; and
 - (iii) the temporary haltings or landings on the way of the animals and infectious things brought by the vehicle into Zimbabwe; and
 - (iv) the cases of sickness and death among the animals used for drawing the vehicle or in or upon the vehicle during the journey to Zimbabwe; and
 - (v) the measures taken during the journey for the disinfection of the vehicle and of the animals and infectious things in or upon or carried by the vehicle; and
 - (vi) such other particulars as the Minister may prescribe; and
- (c) confine and keep in secure confinement in or upon or about the vehicle the animals referred to in paragraph (a) and prevent their escape or removal until the authorized person has authorized their removal, release or disposal; and
- (d) forthwith report in writing to the authorized person the death of an animal whilst confined in terms of paragraph (c) and the unauthorized disappearance of an animal from confinement; and
- (e) retain an infectious thing which is in or upon the vehicle and prevent its removal therefrom until the authorized person has authorized its removal, release or disposal.

7. Disposal of animals and things infected, contaminated or infested with disease or pest

- (1) If, at the time an animal or thing is imported or is exported from Zimbabwe, it appears to an authorized person that—
- (a) the animal or thing is or may be infected, contaminated or infested with a disease or pest; and

- (b) the animal or thing is likely to spread the disease or pest;

he may either exercise the powers conferred upon him by paragraph (f) of subsection (1) of section *twenty-one* or, pending orders given by the Director in terms of subsection (3), seize and detain the animal or thing in isolation, together with any other animal or thing which by reason of its close association therewith in time and place is in his opinion also likely to spread the disease or pest.

- (2) If, at any time and place within Zimbabwe, it appears to an authorized person that—

- (a) an animal or thing is or may be infected, contaminated or infested with a disease or pest; and
(b) the animal or thing is likely to spread the disease or pest within Zimbabwe;

he may either exercise the powers conferred upon him by paragraph (f) of subsection (1) of section *twenty-one* or, pending orders given by the Director in terms of subsection (3), seize and detain the animal or thing in isolation, together with any other animal or thing which by reason of its close association therewith in time and place is in his opinion also likely to spread the disease or pest.

- (3) The Director may, in respect of an animal or thing seized and detained in terms of subsection (1) or (2)—

- (a) order it to be destroyed; or
(b) in the case of an animal or thing seized at the time of its import—
(i) order its removal from Zimbabwe within such time and in such manner and by such route as he may specify; or
(ii) if the animal or thing is seized in Zimbabwe, grant permission for it to be kept in Zimbabwe subject to such conditions as he may specify; or
(c) in the case of an animal or thing seized at the time of its export from Zimbabwe, order it to be exported or removed from Zimbabwe, subject to such conditions as he may specify; or
(d) give such orders for the cleansing, disinfection, treatment and further isolation of the animal or thing as he may deem necessary; or
(e) give such other order as may be appropriate in the circumstances.

- (4) The powers in connexion with an animal or thing conferred upon an authorized person and the Director by this section may be exercised notwithstanding that—

- (a) the animal is not a member of a class of vertebrate animal specified in terms of section *three*; or
(b) the thing is not an infectious thing; or
(c) the disease or pest with which the animal or thing is infected, contaminated or infested or suspected to be infected, contaminated or infested is not a disease or pest specified in terms of section *three*; or
(d) no regulation is in force which—
(i) provides for the seizure, detention, cleansing, disinfection, treatment, isolation or disposal of the animal or thing; or
(ii) prohibits, restricts or controls the import or the export from Zimbabwe or the movement within Zimbabwe or any area of Zimbabwe of the animal or thing.

8. Disposal of animals and infectious things unlawfully imported

- (1) If an authorized person knows or suspects on reasonable grounds that an animal or infectious thing was imported otherwise than in accordance with this Act or the conditions of a permit, he may seize

and detain the animal or infectious thing, pending orders for its disposal given by the Director in terms of subsection (2).

- (2) If an animal or infectious thing seized and detained in terms of subsection (1) was imported otherwise than in accordance with this Act or the conditions of a permit, the Director may give an order for its disposal such as he is authorized in terms of paragraph (a) or (e) of subsection (3) of section *seven* to give in respect of an animal or thing referred to in that section or for its confiscation.

9. Disposal of animals straying into Zimbabwe

- (1) An occupier or owner of land who finds on his land or an owner of animals who finds with his animals an animal which he knows or suspects on reasonable grounds has strayed from a place outside Zimbabwe shall, notwithstanding anything to the contrary contained in any enactment relating to pounds, immediately—
 - (a) seize and detain the animal in isolation, pending orders for its disposal given by the Director in terms of subsection (3); and
 - (b) report the finding of the animal in the manner prescribed,
- (2) Notwithstanding anything to the contrary contained in any enactment relating to pounds, an authorized person who knows or suspects on reasonable grounds that an animal has strayed into Zimbabwe from a place outside Zimbabwe—
 - (a) may—
 - (i) seize and detain the animal in isolation; or
 - (ii) require the occupier of the land on to which the animal has strayed to seize and detain the animal in isolation; or
 - (iii) if the animal has strayed on to a public road or place, require an occupier of land in the vicinity to seize and detain the animal in isolation;pending orders for its disposal given by the Director in terms of subsection (3); and
 - (b) shall report the finding of the animal in the manner prescribed.
- (3) The Director, with the approval of the Minister, may order an animal seized and detained in terms of subsection (1) or (2) to be destroyed or confiscated or make such other order for its disposal as may be appropriate in the circumstances.

10. Impounding of animals infected with disease

- (1) No person shall impound an animal which he knows or suspects on reasonable grounds to be infected with a disease.
- (2) An occupier of land may destroy an animal found trespassing on the land without payment of compensation if authorized to do so by an authorized person or, in the absence of an authorized person, if two independent persons who have examined the animal decide that the animal is infected with a disease prescribed for the purposes of this subsection.

11. Disposal of animals and things confiscated and of carcasses of animals destroyed in terms of this Act

- (1) An animal or thing confiscated in terms of this Act and the carcass of an animal destroyed in terms of this Act shall be the property of the State and may be disposed of as the Director, with the approval of the Minister, may direct.

- (2) Subject to subsection (3), the Minister shall, out of moneys appropriated for the purpose by Act of Parliament, reimburse a person expenses necessarily incurred by him in carrying out a duty imposed upon him by or in terms of this Act in connection with an animal or thing.
- (3) The owner of an animal or thing referred to in subsection (2) shall not be entitled to expenses necessarily incurred in carrying out a duty referred to in that subsection in connection with the animal or thing, and the Minister may recover from the owner expenses reimbursed in terms of subsection (2) or necessarily incurred in terms of this Act by the State in connection with the animal or thing.

12. Construction of veterinary fixtures

- (1) The Minister may cause a veterinary fixture to be constructed on any land and, subject to subsection (2), the cost of its construction to be defrayed from moneys appropriated for the purpose by Act of Parliament:

Provided that the Minister shall not cause a veterinary fixture to be constructed on State land on which no person is resident without consulting the owner.

- (2) The Minister may order the owner of land on which a veterinary fixture is constructed in terms of subsection (1) to contribute an amount fixed by the Minister towards the cost of its construction.
- (3) The Minister may either generally or specially order an owner of land on which there are animals to which anything entailing the use of a veterinary fixture is required to be done in terms of this Act to construct, maintain, repair or improve a veterinary fixture on the land at the owner's expense within a time fixed and in accordance with plans and specifications approved by the Minister
- (4) The Minister may in an order to an owner of land to construct a veterinary fixture in terms of this section direct the owner to construct the veterinary fixture upon a site specified in the order or upon a site selected by an authorized person named in the order.
- (5) No person shall, without the written consent of the Minister, demolish, dismantle, remove or impair the efficacy of a veterinary fixture constructed in terms of this section.

13. Veterinary fixtures constructed on land leased or subject to usufruct or servitude

- (1) If—
 - (a) an owner of land has—
 - (i) in pursuance of an order made in terms of subsection (2) of section *twelve*, contributed towards the cost of the construction of a veterinary fixture on his land; or
 - (ii) in pursuance of an order made in terms of subsection (3) of section *twelve*, constructed or improved a veterinary fixture on his land; and
 - (b) the land is—
 - (i) leased to another person; or
 - (ii) subject to a usufruct or servitude;

the owner thereby being divested, on the date he was ordered to contribute towards the cost of the construction of the veterinary fixture or, as the case may be, to construct or improve the veterinary fixture, of his right to occupy the land;

the owner of the land may, subject to such terms as to payment as the Minister may specify, charge the lessee or, as the case may be, the usufructuary or person having the servitude such an amount in respect of the veterinary fixture as the Minister may fix.
- (2) An owner of land referred to in this section shall, for the purposes of this section, be treated as having been divested, on the date referred to in paragraph (b) of subsection (1), of his right to

occupy his land if on that date he had agreed to lease the land to another person and the land is subsequently occupied by that other person in terms of the agreement.

- (3) This section shall apply, *mutatis mutandis*, in relation to land which, on the date referred to in paragraph (b) of subsection (1), was the subject of an agreement of sale.

14. Minister may order use of veterinary fixtures

- (1) Subject to subsection (5), the Minister may order an occupier of land on which there is a veterinary fixture to use the veterinary fixture or allow it to be used for the doing to an animal kept or depastured on the land of anything required in terms of this Act to be done to the animal and to furnish the materials and facilities necessary for the purpose.
- (2) Subject to subsection (5), the Minister may, with the consent of an occupier of land on which there is a veterinary fixture, order the owner of an animal kept or depastured on land on which there is no veterinary fixture of the same type to make use of the veterinary fixture for the doing to the animal of anything required in terms of this Act to be done to the animal.
- (3) If a veterinary fixture is used as in subsection (1) or (2) is provided in connection with an animal of which the occupier of the land is not the owner, the occupier may, subject to subsection (4), charge the owner of the animal such fee for the use of the veterinary fixture as the Minister may either generally or specially fix.
- (4) If a veterinary fixture referred to in subsection (3) was constructed in terms of subsection (1) of section *twelve* and the cost of its construction was wholly defrayed from moneys appropriated for the purpose by Act of Parliament, the Minister may order the owner of the animal referred to in subsection (3) to pay to the State or the occupier or both the State and the occupier such fee or fees for the use of the veterinary fixture as the Minister may either generally or specially fix.
- (5) This section shall not, except in so far as they authorize the Minister to order occupiers of land on which there are veterinary fixtures to use the veterinary fixtures for the doing to animals kept or depastured on the land of anything required in terms of this Act to be done to the animals, apply to occupiers of Communal Land.

15. Minister may order destruction of wild animals

If, in the opinion of the Minister, it is necessary for the control of a disease or pest in any area, he may, after consulting the Minister responsible for wildlife, order the destruction in the area by authorized persons of wild animals by which the disease or pest may be spread.

16. Construction of fences

- (1) If, in the opinion of the Minister, it is necessary for the control of a disease or pest at any place in Zimbabwe or for preventing the introduction into or the spread within Zimbabwe of a disease or pest, he may—
 - (a) cause a fence, together with gates and grids, to be erected and maintained along or across any road, whether public or private, or upon or across or along the boundary of any land; or
 - (b) order an owner of land to erect, maintain, repair or improve a fence, together with gates and grids, upon or across or along the boundary of his land within a time fixed by the Minister and in accordance with plans and specifications approved by the Minister.
- (2) The cost of the erection, maintenance, repair or improvement of a fence, gates and grids referred to in subsection (1) shall be defrayed from moneys appropriated for the purpose by Act of Parliament:

Provided that if the Minister is of the opinion that the erection, maintenance, repair or improvement of a fence, gate or grid in terms of subsection (1) will benefit the owner of the land upon or across which or the owners of the land on the boundary of which the fence, gate or grid is erected, the Minister may order the owner or, as the case may be, the owners of the land to make,

on such conditions as the Minister may fix, such contribution, not exceeding one-half, in labour, money or materials towards the erection, maintenance, repair or improvement of the whole or any part of the fence, gate or grid specified by the Minister, as the Minister and the owner or the owners of the land may agree or, failing agreement, as may be determined by arbitration in terms of the Arbitration Act [Chapter 7:02].

- (3) If, in the opinion of the Minister, a fence, gate or grid erected in terms of subsection (1) is no longer required for the purpose for which it was erected, the Minister may cause it or any part of it to be removed or to be sold or to be disposed of in such other manner as he may determine:

Provided that if the Minister does not sell or dispose of a fence, gate or grid erected upon or across or along a boundary of land the owner or owners of which have made a contribution referred to in the proviso to subsection (2) to the owner or owners, the Minister shall, at the time the fence, gate or grid is removed, sold or disposed of, refund the money or, as the case may be, pay to the owner or owners an amount equal to the cost of the labour or materials contributed by the owner or owners towards the erection, maintenance, repair or improvement of the fence, gate or grid.

- (4) Section *thirteen* shall apply, *mutatis mutandis*, in relation to a fence erected, maintained, repaired or improved in terms of subsection (1).
- (5) No person shall, without the written consent of the Minister, remove or impair the efficacy of a fence, gate or grid erected, maintained, repaired or improved in terms of subsection (1).
- (6) For the purposes of this section—

“boundary”, in relation to an owner of land, includes a stream or river which lies immediately between or constitutes the boundary of his land and the land of some other owner.

17. Designation of occupiers of land

- (1) The Minister may in a notice to an owner of land of which there is no occupier require the owner to —
- (a) designate, within sixty days of the date of the notice, a person approved by the Minister to be the occupier of the land for the purposes of this Act; and
 - (b) furnish for the approval of the Minister, within the period referred to in paragraph (a), an agreement in writing between the owner and the person designated in terms of that paragraph stating in detail the terms upon which the person has been designated as occupier of the land.
- (2) The parties to an agreement referred to in paragraph (b) of subsection (1) the terms of which have been approved by the Minister shall not cancel or alter the agreement without the written consent of the Minister.
- (3) If an owner of land referred to in subsection (1) to whom notice has been given in terms of that subsection—
- (a) fails to designate a person as occupier of the land as in paragraph (a) of that subsection is provided; or
 - (b) fails to furnish for the approval of the Minister an agreement in terms of paragraph (b) of that subsection; or
 - (c) furnishes an agreement in terms of paragraph (b) of that subsection the terms of which are not approved by the Minister;

the Minister may designate as occupier of the land, for the purposes of this Act, any person who is willing to be designated upon terms agreed to by him and the Minister.

- (4) A person designated as an occupier of land in terms of this section may enter upon the land and do there anything which the occupier is, in terms of this Act, authorized or required to do.

- (5) The Minister may recover in a competent court from an owner of land referred to in subsection (3) any expenditure incurred by the State in pursuance of an agreement entered into by virtue of that subsection.

18. Powers of Minister if owner or occupier in default or matter urgent

- (1) If—
 - (a) an owner or occupier of land or an owner of an animal, vehicle or thing fails or refuses to do anything which he is required in terms of this Act to do; or
 - (b) in any case in which notice is required to be given in terms of this Act for the doing of anything, the Minister is satisfied that the thing must be done without delay;the Minister may, without further notice or, as the case may be, any notice, cause the thing to be done.
- (2) The cost to the State of anything which the Minister has caused to be done in terms of subsection (1) shall, on completion of the thing done, be due and payable on demand and shall be recoverable by the Minister in a competent court from the owner of the land or from the occupier of the land or from the owner of the animal, vehicle or thing, as the case may be.

19. Payment for work done by Minister in connection with veterinary fixtures and fences

- (1) If anything caused to be done by the Minister in terms of subsection (1) of section *eighteen* is a thing for the doing of which provision is made in subsection (3) of section *twelve* or paragraph (b) of subsection (1) of section *sixteen*, nothing in subsection (2) of section *eighteen* contained shall preclude the Minister from permitting an owner of land to pay the cost of the thing done in such instalments and subject to such conditions as the Minister may fix.
- (2) An owner of land may at any time pay the balance of the debt still unpaid together with the interest then due.

20. Powers of Director

- (1) The Director may—
 - (a) with the approval of the Minister, delegate to a person any power conferred upon him by this Act in relation to a particular matter or class of matters or otherwise; and
 - (b) with the approval of the Minister, authorize a person or class of persons to do anything or perform any act which may be done or performed in terms of this Act; and
 - (c) with the approval of the Minister, establish or cause to be established at any place quarantine stations for animals liable to be detained or isolated in terms of this Act or the conditions of a permit; and
 - (d) reserve for observation or treatment an animal liable to be destroyed in terms of this Act: and
 - (e) establish and maintain a cordon on any land or along a boundary of any land whenever it is, in his opinion, necessary for the purposes of this Act; and
 - (f) set aside at any time an order made by an authorized person in terms of paragraph (f) of subsection (1) or subsection (4) of section *twenty-one*; and
 - (g) temporarily relieve an owner of animals of his obligations to do to his animals anything required to be done to them in terms of this Act.
- (2) A person to whom a power has been delegated in terms of paragraph (a) of subsection (1) shall exercise the power subject to the orders of the Director.

- (3) The delegation of a power in terms of paragraph (a) of subsection (1) shall not preclude the exercise of the power by the Director himself.
- (4) The Director may, at any time, revoke a delegation or authority made or given in terms of this section.
- (5) If an authorized person is not a member of the Public Service, the Minister may, out of moneys appropriated for the purpose by Act of Parliament, pay for the services of the person such amount as may be agreed with him or, as the case may be, his employer.

21. Powers of authorized persons

- (1) An authorized person may, in the performance of his duties under this Act, enter any land or vehicle and take with him such persons, animals, vehicles, appliances, instruments, tools, drugs and other things as he may consider necessary for the performance of his duties and there—
 - (a) do anything which he is authorized or required to do in terms of this Act; and
 - (b) supervise and inspect the doing of anything which any other person is required to do in terms of this Act; and
 - (c) search for and require the owner, occupier or any other person for the time being in charge to produce to him on reasonable notice any animal or infectious or other thing which may be there and to which a provision of this Act applies; and
 - (d) check, count, inspect and establish the identity of any animals or infectious or other things; and
 - (e) ascertain whether any animal or infectious or other thing is infected, contaminated or infested with a disease or pest; and
 - (f) order the owner, occupier or any other person for the time being in charge to cleanse, disinfect and treat in the manner ordered by the authorized person and isolate for such period as the authorized person may require any animal which the authorized person knows or suspects on reasonable grounds to be infected with a disease or any animal or infectious or other thing which the authorized person knows or suspects on reasonable grounds to be infested with a pest and any animal or thing with which it has been in contact or himself cause such animal or infectious or other thing to be cleansed, disinfected, treated and isolated; and
 - (g) ascertain whether anything required to be done in terms of this Act has been or is being done; and
 - (h) seize and detain, pending orders given by the Director, an animal or infectious or other thing in respect of which he knows or suspects on reasonable grounds that a provision of this Act has been contravened; and
 - (i) occupy so much of the land as he may consider necessary for the performance of his duties and do thereon any or all of the following things—
 - (i) establish a camp; and
 - (ii) construct roads; and
 - (iii) remove vegetation; and
 - (iv) erect, alter or remove any fence, gate or grid; and
 - (v) make use of grazing, fuel and water.

- (2) For the purposes of paragraph (e) of subsection (1), an authorized person may—
- (a) call upon a person concerned in or having a part in the care, control or management of an animal or infectious or other thing to furnish him with such information relating to the animal or infectious or other thing as is within his knowledge and is, in the opinion of the authorized person, necessary for a correct diagnosis or for deciding on the measures which should be taken to control and prevent the spread of a disease or pest; and
 - (b) examine or test an animal or infectious or other thing in such manner as he may consider necessary; and
 - (c) make an examination of a dead animal and, with the approval of the Director, slaughter any other animal, the post-mortem examination of which would, in his opinion, assist in reaching a correct diagnosis; and
 - (d) remove the whole or any part of a dead or slaughtered animal for further examination; and
 - (e) generally, make or cause to be made such investigation as he may consider necessary in the circumstances.
- (3) An authorized person may require the reasonable assistance of—
- (a) an owner of an animal, vehicle or thing in the doing of anything which the authorized person is authorized or required to do in terms of this Act in relation to the animal, vehicle or thing; and
 - (b) an occupier of land in the doing of anything which the authorized person is authorized or required to do in terms of this Act in relation to a matter within the control of the occupier by virtue of his occupation of the land; and
 - (c) an owner of land in the doing of anything which the authorized person is authorized or required to do in terms of this Act in relation to a matter within the control of the owner by virtue of his ownership of the land.
- (4) An authorized person may—
- (a) place in quarantine—
 - (i) any land where there are—
 - A. animals which are or have been or which the authorized person suspects to be or to have been infected with a disease; or
 - B. animals or infectious or other things which are or have been or which the authorized person suspects to be or to have been infested with a pest; and
 - (ii) any land where there have been animals or infectious or other things referred to in subparagraph (i)—
 - A. which is contaminated or which the authorized person suspects to be contaminated with a disease; or
 - B. which is infested or which the authorized person suspects to be infested with a pest; and
 - (iii) any land around or adjacent to land referred to in subparagraph (i) or (ii); and
 - (b) by order prohibit, restrict or control for a period not exceeding twenty-eight days the movement of persons, animals, vehicles or infectious or other things into, within or from land referred to in paragraph (a).
- (5) Information furnished by a person in terms of paragraph (a) of subsection (2) shall not be available as evidence in any prosecution against the person furnishing the information unless the offence

with which he is charged is a contravention of paragraph (e) of subsection (2) of section *twenty-eight*.

22. Issue and production of permits

- (1) Subject to subsection (2), a person authorized to issue permits may issue or refuse to issue a permit and the Director may cancel or instruct an authorized person to cancel a permit.
- (2) If a person authorized to issue a permit refuses to issue a permit or if the Director cancels or causes to be cancelled a permit, an appeal against the refusal or cancellation shall lie to the Minister whose decision shall be final.
- (3) The person in charge of an animal or thing which is being imported or brought into or moved within Zimbabwe under the authority of a permit shall produce the permit for inspection on demand by an authorized person.

23. Limitations of actions in respect of things done in good faith and without negligence

Save as is otherwise provided in this Act, no action shall lie against the State, the Minister, the Director or an authorized person for anything done in good faith and without negligence in terms of this Act.

24. Compensation

- (1) If an animal or infectious or other thing is destroyed in terms of this Act, the Minister shall, subject to the provisions of this section, pay, out of moneys appropriated for the purpose by Act of Parliament, compensation to the owner of the animal or infectious or other thing.
- (2) Compensation shall not, unless the Minister otherwise directs, be payable to the owner of an animal or infectious or other thing which is—
 - (a) referred to in section *eight* or *nine*; or
 - (b) confiscated in terms of this Act.
- (3) The Minister shall deduct from compensation payable in terms of this section any expenses incurred, payable or reimbursed in terms of this Act by the State in connection with the animal or infectious or other thing in respect of which compensation is payable.
- (4) If—
 - (a) an animal has been destroyed in terms of this Act; and
 - (b) the whole or a part of the carcass of the animal has been sold; and
 - (c) compensation is payable in terms of this section in respect of the animal; and
 - (d) the proceeds of the sale of the carcass or the part of the carcass exceed the amount of the compensation payable;the Minister shall, after deducting any expenses incidental to the sale, pay to the owner the amount by which the proceeds of the sale exceed the amount of the compensation payable.
- (5) If—
 - (a) an animal is destroyed in terms of this Act; and
 - (b) compensation is payable in terms of this section in respect of the animal; and

- (c) the whole or a part of the carcass of the animal has a commercial value and can, in the opinion of the Director, be returned to the owner without danger of spreading a disease or pest;

the Director may order that the carcass or the part of the carcass be returned to the owner if the owner is willing to accept it, and the value as assessed by the Director shall be deducted from the amount of the compensation payable.

- (6) If compensation is payable in terms of this section in respect of an animal or infectious or other thing which was insured, the Minister may deduct from the compensation payable in terms of this section a sum equal to the amount, if any, payable by the insurer to the owner of the animal or infectious or other thing on the occurrence of the event by reason of which compensation is payable.
- (7) The Minister may withhold, either wholly or in part, compensation payable in terms of this section in respect of an animal or infectious or other thing if—
 - (a) the owner or person in charge of the animal or infectious or other thing committed an offence in terms of this Act in respect of the animal or infectious or other thing; or
 - (b) in the case of an animal or infectious or other thing which was imported, the animal or infectious or other thing was, in his opinion, infected, contaminated or infested with a disease or pest at the time it was brought into Zimbabwe; or
 - (c) in the case if an animal infected with a disease, there was, in his opinion, no reasonable prospect of the animal recovering from the disease.
- (8) Compensation payable in terms of this section shall, subject to this section, be paid in accordance with the provisions of regulations.

25. Destruction of buildings, etc.

- (1) Whenever an order is made in terms of this Act for the cleansing or disinfection of a building, village or enclosure where there is or has been kept an animal or thing infected, contaminated or infested with a disease or pest or suspected to be infected, contaminated or infested with a disease or pest, the Director may, if he is of the opinion that the cleansing or disinfection cannot properly be carried out in the required manner, order the destruction of the building, village or enclosure and all its fittings and furniture.
- (2) Subsections (1), (3), (5), (6) and (8) of section *twenty-four* shall apply, *mutatis mutandis*, in relation to a building, village, enclosure, fittings or furniture destroyed in terms of subsection (1).

26. Use of land for destruction and disposal of animals

The Minister may direct that—

- (a) any land which, in his opinion, is suitable for the purpose be used for the destruction of any animal liable to be destroyed in terms of this Act and for the disposal of its carcass, whether or not that land is owned or occupied by the owner of the animal; and
- (b) any abattoir, whether public or private, be used for the destruction of any animal liable to be destroyed in terms of this Act on payment, out of moneys appropriated for the purpose by Act of Parliament, of such fees as the Minister may fix.

27. Change of occupation of land when movement of animals is restricted

- (1) If, on the termination of his right of occupation of any land, the owner of an animal on the land is unable to remove the animal by reason of a restriction imposed on the movement of animals by the

provisions of a regulation, the person entitled to the occupation of the land on the termination of the right of occupation of the owner of the animal shall—

- (a) afford the owner of the animal and any person authorized by the owner of the animal such facilities for the feeding, tending and management of the animal or for the sale of the animal as the owner may reasonably require; or
 - (b) if the owner of the animal is unable or unwilling to avail himself of the facilities referred to in paragraph (a), take such steps as are reasonably necessary for the proper feeding, tending or management of the animal.
- (2) Subsection (1) shall apply until the end of a period of seven days beginning on the date the restriction on the movement of animals referred to in that subsection ceases to have effect.
 - (3) The owner of an animal referred to in subsection (1) shall be liable to pay to the person who affords facilities or renders services in accordance with the provisions of that subsection such an amount by way of remuneration or recoupment of expenses as the parties may agree or, failing agreement, as may be determined by arbitration in terms of the Arbitration Act [Chapter 7:02].

28. Offences and penalties

- (1) Subject to section *thirty-three*, a person who, with intent to spread a disease—
 - (a) introduces into Zimbabwe the virus or micro-organism of the disease or a pest or any other thing whatsoever capable of producing or transmitting the disease; or
 - (b) collects pests or any other things, whether animate or inanimate, which are capable of producing or transmitting the disease; or
 - (c) moves or uses an animal or infectious or other thing infected or contaminated with the disease or an infectious or other thing infested with a pest capable of producing or transmitting the disease; or
 - (d) possesses a pest or any other thing whatsoever capable of producing or transmitting the disease;

shall be guilty of an offence and liable to a fine not exceeding level ten or to imprisonment for a period not exceeding five years or to both such fine and such imprisonment.

[subsection as amended by section 4 of Act No. 22 of 2001]

- (2) Subject to section *thirty-three*, any person who wilfully—
 - (a) spreads a disease; or
 - (b) infects with a disease an animal belonging to another person;

shall be guilty of an offence and liable to a fine not exceeding level ten or to imprisonment for a period not exceeding five years or to both such fine and such imprisonment.

[subsection as amended by section 4 of Act No. 22 of 2001]

- (3) Subject to section *thirty-three*, any person who, except in terms of this Act or in accordance with the terms and conditions of a permit, dispatches by vehicle from the place where it is kept or moves or uses on a public road or other place which is not the place where it is kept—
 - (a) an animal which he knows is infected with a disease or which he has reasonable grounds for suspecting is infected with a disease; or

- (b) an infectious or other thing which he knows will spread or which he has reasonable grounds for suspecting will spread a disease;

shall be guilty of an offence and liable to a fine not exceeding level six or to imprisonment for a period not exceeding one year or to both such fine and such imprisonment.

[subsection as amended by section 4 of Act No. 22 of 2001]

(4) A person who—

- (a) is found in possession of an animal or infectious thing which was imported otherwise than in terms of this Act or in accordance with the conditions of a permit; or
- (b) for the purpose of obtaining whether for himself or any other person the issue of a permit, makes a declaration or statement which he knows to be false in any particular or does not know or believe to be true or knowingly makes use of a declaration, statement or document containing the same; or
- (c) uses any altered or forged permit or certificate with intent to evade this Act; or
- (d) having obtained a permit, does any act contrary to the conditions of the permit; or
- (e) being concerned in or having a part in the care, control or management of an animal or infectious or other thing, refuses to give information such as is referred to in paragraph (a) of subsection (2) of section *twenty-one* or knowingly gives false information when called upon by an authorized person in terms of that paragraph to furnish him with information such as is referred to in that paragraph; or
- (f) refuses or fails, without lawful excuse the proof of which shall lie upon him, to comply with a requirement made by an authorized person in terms of subparagraph (ii) or (iii) of paragraph (a) of subsection (2) of section *nine* or paragraph (c) of subsection (1) or subsection (3) of section *twenty-one*; or
- (g) fails or refuses to furnish a report in the manner and in the time required in terms of this Act or furnishes a false or incomplete report or supplies false or incomplete information; or
- (h) being the owner of an animal, leaves or causes the carcass of the animal to be left on or near any road or public place; or
- (i) sells or offers or exposes for sale or barter an animal which is infected with a disease or which he suspects is infected with a disease; or
- (j) obstructs or hinders an authorized person or person designated in terms of subsection (3) of section *seventeen* in the exercise of his powers or the performance of his duties in terms of this Act; or
- (k) injures, damages, impedes the efficacy of or removes without authority an animal, vehicle, appliance, instrument, tool, drug, veterinary fixture or other thing which is in the custody or control or is used under the supervision of an authorized person for the purposes of this Act; or
- (l) destroys, damages or removes without authority any record or register kept under this Act; or
- (m) obtains, by means of fraud, a false representation or the concealment of a material fact, compensation payable in terms of this Act; or
- (n) contravenes or fails to comply with a provision of this Act with which it is his duty to comply;

shall be guilty of an offence and liable to a fine not exceeding level six or to imprisonment for a period not exceeding one year or to both such fine and such imprisonment.

[subsection as amended by section 4 of Act No. 22 of 2001]

- (5) It shall be a sufficient defence to a charge in a prosecution for an offence in terms of paragraph (a) of subsection (2) if the accused proves to the satisfaction of the court that—
- (a) he was lawfully detaining the animal to which the charge relates in terms of section *nine*; or
 - (b) having acquired possession of the animal or infectious thing to which the charge relates outside Zimbabwe, he imported it lawfully into Zimbabwe; or
 - (c) he acquired possession of the animal or infectious thing to which the charge relates within Zimbabwe—
 - (i) by purchase at a public sale; or
 - (ii) in circumstances disclosing no reasonable grounds for suspecting that the animal or infectious thing was imported or, as the case may be, was brought into Zimbabwe otherwise than in terms of this Act or the conditions of a permit; or
 - (iii) at a time after the Minister had decided not to confiscate or destroy the animal or infectious thing.

29. Presumptions

If in a prosecution for an offence in terms of this Act it is necessary, in order to establish the charge, to prove that—

- (a) the accused is the owner of an animal which is branded in pursuance of any enactment in force in Zimbabwe relating to brands, it shall be presumed, if he is the proprietor of the brand with which the animal is branded, that he is the owner of the animal unless he proves the contrary to the satisfaction of the court; or
- (b) the accused had knowledge of a fact, matter or thing or had a particular intent, it shall be presumed that he had knowledge of the fact, matter or thing or, as the case may be, the particular intent unless he proves to the satisfaction of the court that he had no knowledge of the fact, matter or thing or that he did not have that particular intent; or
- (c) the accused suspected or had reasonable grounds to suspect the existence of a fact, it shall be presumed that he did so suspect or, as the case may be, had reasonable grounds so to suspect unless he proves the contrary to the satisfaction of the court; or
- (d) the accused was not at the time of the commission of the alleged offence the holder of a permit, written consent or other authority empowering him to do the act which he is alleged to have done, it shall be presumed that at the time he was not the holder of the permit, consent or authority unless he proves the contrary to the satisfaction of the court; or
- (e) the accused moved or permitted to be moved certain animals to or from any land and it is proved that at a time relevant to the charge he had upon the land a certain number of animals of the kind alleged to have been moved and that subsequently, at a time relevant to the charge, he had a greater or, as the case may be, a smaller number of animals of the kind alleged upon the land, it shall—
 - (i) not be necessary to prove that he moved or permitted to be moved any particular animal; and
 - (ii) be presumed that he moved or permitted to be moved during the period in question to or, as the case may be, from the land a number of animals of the kind alleged equal to the difference between the numbers upon the land at the beginning and at the end of that period unless he proves to the satisfaction of the court that he did not move the animals or any of them and that he took reasonable measures to prevent them from straying or being moved; or
- (f) the accused allowed or failed to prevent the occurrence of anything and it is proved that the thing occurred, it shall be presumed that he allowed or, as the case may be, failed to prevent its

occurrence unless he proves to the satisfaction of the court that he used reasonable diligence and took reasonable precautions but could not prevent its occurrence; or

- (g) an animal strayed and it is proved that the animal was found on land where, in terms of this Act, it should not have been and, when so found, was untended by any person or was being driven off by or on behalf of its owner, it shall be presumed that the animal strayed on to the land unless the accused proves the contrary to the satisfaction of the court; or
- (h) a notice fixing the time or interval of doing anything required to be done regularly at a fixed time or interval in terms of this Act was served upon a person and it is proved that he did the thing on three consecutive occasions at the time or interval, it shall be presumed that the notice was duly served upon him unless he proves the contrary to the satisfaction of the court.

30. Records to be evidence

- (1) In a prosecution for an offence in terms of this Act, a record kept by an authorized person in the course of his duty shall be *prima facie* proof of the facts therein recorded upon its production by the authorized person or by the person in whose custody it is.
- (2) No person, other than an authorized person, shall, without the Minister's consent, be given access to a record kept in terms of and for the purposes of this Act, and no such record shall be used without the Minister's consent in connection with civil proceedings.

31. Service of notices generally

- (1) Service of a notice or order or other document referred to in this Act may be effected on a person—
 - (a) by delivering a copy personally; or
 - (b) by leaving a copy at his usual or last known place of residence or business; or
 - (c) by sending a copy by registered post to his usual or last known place of residence or business; or
 - (d) in the case of a notice or order for the doing of anything in terms of this Act to an owner of land whose whereabouts are unknown, by the publication of the notice or order in the *Gazette*; or
 - (e) in such other manner, verbally or otherwise, as the Minister may specially or generally direct.
- (2) If land is owned jointly by two or more persons, a notice or order or other document which is in terms of this Act served upon any one of them as owner of the land shall be deemed to have been served upon them all.
- (3) In a prosecution for an offence in terms of this Act a document purporting to be an affidavit made by a person who therein alleges that, acting upon authority conferred upon him in terms of this Act, he effected service of a notice, order or other document upon the accused in accordance with subsection (1) shall, if it sets forth the particulars of the notice, order or other document and the time, place and manner of service, upon its mere production be *prima facie* proof that the notice, order or other document was duly served upon the accused and received by him.
- (4) In a prosecution for an offence in terms of this Act it shall be no defence that the accused did not, in fact, receive a notice, order or other document, if it is proved that he refused to accept the notice, order or other document when it was tendered to him either personally or by registered post or that he refused or failed to do any act required of him by a manner of service directed by the Minister in terms of paragraph (e) of subsection (1), unless he proves to the satisfaction of the court that his failure was not due to any lack of diligence on his part.

32. Service of notices in special circumstances

- (1) If, in the opinion of the Director, it is not practicable to serve in any area a notice, order or other document referred to in this Act in accordance with subsection (1) of section *thirty-one* on every owner of animals or occupier or owner of land in the area by reason of the number of such owners or occupiers in the area or the lack of postal or other facilities or other sufficient cause, service of the notice, order or other document may be effected by an authorized person delivering a copy personally or in such other manner, verbally or otherwise, as the Minister may specially or generally direct to a member of a class of persons who, in the opinion of the Director, are recognized as heads of communities in the area.
- (2) A member of a class of persons referred to in subsection (1) shall forthwith take all reasonable steps to communicate the contents of the notice, order or other document referred to in this Act to every owner of animals or occupier or, as the case may be, owner of land belonging to the community of which he is the head.
- (3) Every owner of animals or occupier or owner of land belonging to a community to whose head the contents of a notice order or other document referred to in this Act have been notified in terms of subsection (1) shall be treated as having been served with the notice, order or other document unless he proves that the contents of the notice, order or other document were not communicated to him.
- (4) Subsections (3) and (4) of section *thirty-one* shall apply, *mutatis mutandis*, in relation to the service of a notice, order or other document in terms of this section.

33. Exemption for research

Nothing in this Act contained shall be construed as prohibiting any act or omission of an authorized person which—

- (a) is done or made in conducting, with the approval of the Minister, an investigation, experiment or research in connection with a disease or pest in so far as it is in furtherance of the investigation, experiment or research; or
- (b) has the effect of spreading a disease, if the act or omission is done or made in accordance with the directions of the Director, for the better control of the disease.

34. Limitation of actions against common carriers

No action shall lie against a common carrier because of—

- (a) his refusal to transport an animal or thing for the reason that—
 - (i) the removal of the animal or thing was prohibited in terms of this Act; or
 - (ii) for the removal of the animal or thing a permit was required in terms of this Act and the consignor failed to produce the permit; or
- (b) his detention or disposal of an animal or thing in accordance with an order issued by the Director or authorized person in terms of this Act.

Schedule (Section 5)

Powers of Minister

1. To declare that—
 - (a) any or all of the provisions of this Act shall not apply; or

- (b) the operation in Zimbabwe or any area of Zimbabwe of any provision of this Act shall be suspended, either in whole or in part;
- indefinitely or for stipulated periods in respect of such animals, diseases, pests, infectious things, land or persons as the Minister may determine.
2. To declare anything whatsoever likely to introduce into or spread within Zimbabwe a disease or pest to be an infectious thing.
 3. To provide for the designation, control, regulation and use of quarantine stations and other places for the detention and isolation of animals and infectious and other things which are imported or are to be exported from Zimbabwe or which are seized and detained in terms of this Act and for the management of animals and infectious and other things detained there.
 4. To prohibit or to restrict or control under permit or otherwise—
 - (a) the import of animals, pests or infectious things; and
 - (b) the export from Zimbabwe of animals, pests or infectious things.
 5. To order or prohibit or to restrict or control under permit or otherwise the movement of persons, animals, vehicles or infectious things into, within or from a prescribed area or a quarantine station or other place referred to in paragraph 3.
 6. To order and prescribe measures to be taken in connection with—
 - (a) the mustering, checking, counting, securing, branding, marking, muzzling, clipping, shearing, testing, cleansing, examination, inspection, inoculation, immunization, isolation, destruction, seizure, disposal, confinement, control, disinfection and treatment of animals which are kept on or are brought on to or are removed from or which stray on to or from land in a prescribed area, quarantine area, quarantine station or other place referred to in paragraph 3 or which are suffering or are suspected to be suffering from a disease or which are infested or are suspected to be infested with a pest; and
 - (b) the checking, counting, marking, testing, cleansing, examination, inspection, isolation, destruction, seizure, disposal, control, disinfection and treatment of infectious things which are kept on or are brought on to or are removed from land in a prescribed area, quarantine area, quarantine station or other place referred to in paragraph 3 or which are contaminated or infested or are suspected to be contaminated or infested with a disease or pest; and
 - (c) the burial or exhumation of an animal referred to in subparagraph (a) which dies or is destroyed and the disposal of its carcass or a portion thereof otherwise than by burial; and
 - (d) the production to an authorized person of an animal referred to in subparagraph (a) or of a carcass or portion of a carcass of an animal referred to in that subparagraph which has died or has been destroyed; and
 - (e) the inspection, cleansing and disinfection, including the clearing and burning of vegetation, of land—
 - (i) in a prescribed area, quarantine area, quarantine station or other place referred to in paragraph 3; or
 - (ii) on which—
 - A. animals or infectious things which are imported or removed from a prescribed area, quarantine area, quarantine station or other place referred to in paragraph 3, whether in accordance with the conditions of a permit or otherwise; or
 - B. animals suffering or suspected to be suffering from a disease or infested or suspected to be infested with a pest; or

- C. infectious things contaminated or infested or suspected to be contaminated or infested with a disease or pest;
are kept or are brought or are found; and
- (f) the inspection, cleansing and disinfection of—
- (i) vehicles in which animals or infectious things are carried or whereby a disease or pest may be introduced into or spread within Zimbabwe; and
 - (ii) the clothing, baggage, equipment and bodies of persons leaving or moving within a prescribed area, quarantine area, quarantine station or other place referred to in paragraph 3.
7. To require and regulate—
- (a) the reporting of a disease or suspected disease and the death of any animal from any cause whatsoever, including slaughter; and
 - (b) the furnishing of smears, specimens and the whole or any part of an animal which is infected or suspected to be infected with a disease or which is infested or suspected to be infested with a pest or which dies from any cause whatsoever, including slaughter.
8. To prohibit, after consulting the Minister responsible for wildlife, the hunting in a prescribed area of wild animals by which a disease or pest may be spread.
9. To prescribe the circumstances in which an animal or infectious thing or a group of animals or infectious things shall be treated as infested with a pest and in which an animal or infectious thing or group of animals or infectious things on which there are pests shall be treated as free of pests.
10. To prescribe penalties for the owners of animals and infectious things which are infested with a pest or which are not free of pests.
- Provided that no such penalty shall exceed a fine of level five or imprisonment for a period of six months or both such fine and such imprisonment.
- [proviso inserted by section 4 of Act 22 of 2001]*
11. To prescribe—
- (a) the rates at which compensation shall be payable in respect of an animal or infectious or other thing destroyed in terms of this Act; and
 - (b) the manner and form in which an application for compensation shall be made; and
 - (c) the particulars to be furnished in a form referred to in subparagraph (b).
12. To prescribe—
- (a) the forms of certificates, permits and other documents referred to in this Act; and
 - (b) the persons by whom certificates, permits and other documents referred to in this Act may be issued; and
 - (c) the particulars to be furnished in an application for or in connection with a certificate, permit or other document referred to in this Act.
13. To provide for—
- (a) the registration of—
 - (i) artificial insemination centres; and
 - (ii) sale-yards, show grounds, circuses, menageries, zoological gardens, pet shops, kennels, animal hospitals, animal clinics, animal homes, race courses and abattoirs; and

- (iii) places other than those referred to in subparagraphs (i) and (ii) to which animals are brought or at which animals are assembled for sale, exhibition, sport, performance, lodging, cleansing, treatment or slaughter; and
 - (b) the reports to be submitted to the Director by persons in charge of places referred to in subparagraph (a); and
 - (c) the precautions to be taken at places referred to in subparagraph (a) against the spread of disease.
- 14. To prohibit or to restrict or control under permit or otherwise the bringing to and assembling at places referred to in subparagraph (a) of paragraph 13 of animals and infectious things.
- 15. To prohibit or to restrict or control under permit or otherwise the sale, either privately or by public auction, of any animal or infectious thing in a prescribed area.
- 16. To prescribe—
 - (a) the records and registers to be kept by persons and the information to be furnished by persons to the Director and authorized persons concerning any matter to which this Act applies; and
 - (b) the circumstances in which persons may be exempted from keeping records and registers or furnishing information referred to in subparagraph (a); and
 - (c) the officers by whom persons referred to in subparagraph (b) may be exempted; and
 - (d) the circumstances in which and the persons by whom records and registers kept in terms of this Act may be examined, seized, destroyed or disposed of and extracts from records and registers kept in terms of this Act taken.
- 17. Without derogation from the provisions of the Fertilizers, Farm Feeds and Remedies Act [*Chapter 18:12*]—
 - (a) to prohibit or to restrict or control under permit or otherwise the import, manufacture, advertising, sale, issue, distribution, use and disposal in Zimbabwe of—
 - (i) any vaccine, serum, toxin, anti-toxin, antigen or other product whatsoever which is used or is intended to be used in or for the testing, treatment or immunization of an animal for or against a disease; or
 - (ii) animal semen; or
 - (iii) bone-meal, swill or other substance wholly or partly of animal origin intended or offered for the feeding of animals; and
 - (b) to provide for, control and regulate the unit of standardization, standard of potency, purity, quality, packing, labelling, storing, inspection, detention, testing, seizure, confiscation and destruction of any vaccine, serum, toxin, anti-toxin, antigen or other product referred to in subparagraph (i) of subparagraph (a) or of any animal semen or bone-meal, swill or other substance referred to in subparagraph (iii) of that subparagraph; and
 - (c) to provide for the taking and analysis of samples of any vaccine, serum, toxin, anti-toxin, antigen or other product referred to in subparagraph (i) of subparagraph (a) or of any animal semen or bone-meal, swill or other substance referred to in subparagraph (iii) of that subparagraph.
- 18. Without derogation from the provisions of the Fertilizers, Farm Feeds and Remedies Act [*Chapter 18:12*]—
 - (a) to prohibit or to restrict or control under permit or otherwise the import, manufacture, advertising, sale, issue, distribution, use and disposal of any pest-destroying agent, disinfectant or other substance which is used or is intended to be used in connection or in conjunction with a veterinary fixture; and
 - (b) to provide for, control and regulate the unit of standardization, purity, quality, packing, labelling, storing, inspection, detention, testing, seizure, confiscation, destruction and standard of potency, including the standard of potency when mixed or prepared ready for use or used in connection with

- a veterinary fixture of any pest-destroying agent, disinfectant or other substance referred to in subparagraph (a); and
- (c) to provide for the taking and analysis of samples of any pest-destroying agent, disinfectant or other substance referred to in subparagraph (a), whether mixed or prepared ready for use or in use in connection with a veterinary fixture, and of anything sold or supplied for use in testing the purity, quality or potency of any pest-destroying agent, disinfectant or other substance referred to in subparagraph (a).
19. To prescribe, after consulting the Minister responsible for finance, the fees and charges to be paid for anything done by or on behalf of the State in terms of this Act.
20. To prescribe anything which in terms of this Act may or is to be prescribed.
21. To provide for any matter, whether referred to in paragraphs 1 to 20 or not, for which the Minister considers it necessary or expedient to provide for the purpose of giving force or effect to the provisions of this Act or for eradicating or preventing the occurrence or spread within Zimbabwe or the introduction into Zimbabwe of a disease or pest.