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SENATE

**BILL**

AN ACT to amend the Animals (Diseases and Importation)  
Act, Chap. 67:02

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THE ANIMAL (DISEASES AND IMPORTATION)  
(AMENDMENT) BILL, 2019

**Explanatory Notes**

(These notes form no part of the Bill but are intended only to indicate its general purport)

This Bill seeks to amend the Animals (Diseases and Importation) Act, Chap. 67:02.

The purpose of the Animal (Diseases and Importation) Amendment Bill, 2019 is to protect and promote animal health and to prevent the introduction and spread of animal diseases within Trinidad and Tobago and from other countries; to facilitate and regulate trade in animals, carcasses, animal products and animal-related items; to establish standards for animal welfare, and for other connected purposes.

Clause 1 of the Bill would provide the short title of the Bill.

Clause 2 of the Bill would provide for the coming into force of the proposed Act on the date fixed by the President by Proclamation.

Clause 3 of the Bill would provide for the interpretation of the words “the Act” to mean the Animals (Diseases and Importation) Act.

Clause 4 of the Bill seeks to amend the long title of the Act.

Clause 5 of the Bill would seek to amend the short title of the Act.

Clause 6 of the Bill would seek to amend section 2 of the Animals (Diseases and Importation) Act by amending several existing definitions as well as inserting in the appropriate alphabetical sequence new definitions.

Clause 7 of the Bill is amended by repealing section 3 and substituting a new section 3 which provides that the Inspector for the purposes of the Act is the person holding or acting in the Office of Technical Officer (Animal Health) and this includes the Chief Veterinary Officer.

Clause 8 of the Bill seeks to amend the Act by inserting after section 3, new sections 3A to 3F which would provide for the administration of the Act, functions of the Inspector, delegation of functions, establishment of an Advisory Committee on Animal Health and Welfare, official and approved laboratories and animal health measures.

Clause 9 of the Bill seeks to amend section 4 of the Act by deleting the word “infested” and substituting the words “suspected of being diseased”. It also repeals paragraph (b) and substitutes a new paragraph which gives a time period to give notice to the nearest veterinary surgeon or officer of an animal which is suspected of being diseased.

Further, subsection (2) is repealed and a new subsection is substituted which provides that the person to whom notice is given under subsection (1)(b) shall without delay inform the Inspector.

Clause 10 of the Bill is amended by repealing section 5 and substituting a new section which seeks to provide for the declaration of an infected zone.

Clause 11 of the Bill seeks to amend the Act by inserting after section 5, new sections 5A to 5I which would provide for an animal disease surveillance system, revocation of a declaration of an infected zone, animal disease emergency plan, contingency plans for response to emergencies affecting animal health, declaration of animal disease emergency, declaration of free zones, containment zones, etc., movement restrictions, animal identification and traceability and registration of veterinary medicinal products.

Clause 12 of the Bill seeks to repeal section 6 of the Act and a new section 6 is substituted which sets out the protocol to be followed when a finding of an infected zone is confirmed by the Inspector.

Clause 13 of the Bill seeks to amend section 7 of the Act by deleting the words “an infected or infested place or an infected or infested area” and substituting the words “an infected zone” in order to update the Act to the new terminology used in the Bill.

Clause 14 of the Bill seeks to amend section 8 of the Act by deleting the reference to “an infected or infested place or an infected or infested area” and substituting the words “an infected zone” in order to update the Act to the terminology used in the Bill.

Clause 15 of the Bill seeks amend the Act by inserting a new section 8A which provides for proper control measures to be implemented for the purposes of controlling or eradicating animal diseases.

Clause 16 of the Bill seeks to amend section 10 of the Act by deleting the words “an infected or infested area” and substituting the words “infected zone” in order to update the terminology as used in the Bill.

Clause 17 of the Bill seeks to amend section 12 of the Act to provide that the Minister by Order, on the recommendation of the Inspector amend the notifiable diseases listed in Schedule 1.

Clause 18 of the Bill seeks to amend section 13 of the Act in subsection (2) by—

- (i) repealing paragraph (c) and substituting a new paragraph to allow for the notification of infected zones etc. to be made public;
- (ii) deleting references to “infected or infested place or an infected or infested area” and substituting the words “infected zone”;
- (iii) inserting after paragraph (j), new paragraphs (k) to (ab) which expands the scope for which the Minister may make Regulations.

Section 13 is further amended in subsection (3) by raising the penalty for contravening any Regulations made under this section to fifty thousand dollars.

Clause 19 of the Bill seeks to repeal section 14 of the Act and a new section 14 is substituted which would *inter alia* provide for import requirements to be established by the Inspector for the prevention of animal diseases and zoonoses into Trinidad and Tobago.

Clause 20 of the Bill seeks to amend section 15 of the Act by inserting a new paragraph (e) which extends the scope of Regulations made under this section.

Clause 21 of the Bill seeks to amend the Act by inserting a new section 15A, which provides that the owner or operator of an international transport facility which is designated as an approved import entry point or export exit point shall where required in writing by the Minister provide and maintain buildings, accommodations, equipment, etc. in order to facilitate inspection or for any other purpose under this Act or Regulations.

Clause 22 of the Bill seeks to repeal section 16 of the Act and a new section 16 is substituted which make provisions for persons intending to import animals or animal related products into Trinidad and Tobago etc., to apply for an import permit which the Inspector has to approve and which he may review, modify, suspend or revoke at any time with written notice.

Clause 23 of the Bill seeks to amend the Act by inserting after section 16, new sections 16A to 16F which would provide for restrictions on the importation of animals, animal related products etc., zoological collection and exhibitions, arrival notification, inspection of imports, in transit permits and export requirements.

Clause 24 of the Bill seeks to repeal section 17 of the Act and a new section 17 is substituted which make provision for the designation of quarantine stations as the Inspector thinks fit.

Clause 25 of the Bill seeks to repeal section 18 of the Act and a new section 18 is substituted which make provision for imported animals to be quarantined.

Clause 26 of the Bill seeks to amend the Act by inserting after section 18, new sections 18A to 18L which would provide generally for the welfare of animals and strays. More specifically, prohibition of maltreatment of animals, situations where a working animal is unfit for work, compensation for damage done by cruelty to animals, making it an offence for any person who engages in bull-baiting, cock-fighting and similar offences, detention of animals for treatment, exemption from liability for persons treating detained animals except in cases of gross negligence, ability to sell or destroy animals, power of the court to order destruction of animal, welfare of animals, duty of owner of animals, disposal of infected or contaminated animal and to address the issue of stray and feral animals, that is implement measures to control the populations of said animals including developing programmes and strategies to control animals which may pose a risk to public health.

Clause 27 of the Bill seeks to amend the Act by inserting after section 20, new sections 20A and 20B which would provide for the storage and removal of an animal, carcass, animal product or animal related item which was seized or detained by a veterinary officer as well as provision that no person shall remove, alter or interfere with any animal, carcass, animal product or animal related item which has been seized or detained under this Act unless authorized in writing by the Inspector.

Clause 28 of the Bill seeks to repeal section 21 and substitute a new section 21 which sets out the offences which may be committed by any person who contravenes the provisions of this Act.

Clause 29 of the Bill seeks to amend the Act by inserting after section 21, new sections 21A to 21H.

These new sections would provide for offences which may be committed by Officials from the Ministry responsible for animal health, offences which may be committed by Customs Officers as it relates to this Act, offences which may be committed by a body corporate, suspension and revocation of permits, where upon the conviction of a person for any offence under this Act, the Court may in addition to any sentence imposed, forfeit any proceeds obtained from commission of the offence and may dispose of same at its discretion, a duty on all local authorities, Customs, port, airport, police, etc. to assist and cooperate with veterinary officers with their functions as the Inspector may request, a right of appeal to

the Inspector, for any person aggrieved by an action or decision of a veterinary officer under this Act and a defence of good faith for any veterinary officer, official or any government entity in respect of anything done in good faith in the performance of their duties.

Clause 30 of the Bill seeks to amend section 22 of the Act by raising the penalty imposed on any person who commits an offence under this Act (except where otherwise expressly provided) from five thousand dollars to fifty thousand dollars.

Clause 31 of the Bill seeks to amend the Bill by inserting after section 23, a new section 23A which would allow the Minister by Order to amend the Schedules.

Clause 32 of the Bill seeks to amend section 24 of the Act by deleting references to “an infected or infested place or an infected or infested area” and substituting the words “an infected zone” in order to bring it in line with the new terminology used in the Bill.

Clause 33 of the Bill seeks to modernize the spelling of the word “carcase” as it is currently spelt in the Act and provide a sweeper changing “infested area” and “infested place” wherever they appear in the Act to “infected zone”.

Clause 34 of the Bill seeks to repeal the current schedule and replace it with “Schedule 1 Notifiable diseases within the meaning of this Act”.

Clause 35 of the Bill seeks to insert a new Schedule 2 after Schedule 1.

Clause 36 of the Bill Bill seeks to amend the Animals (Importation) Control Regulations by revoking the Third Schedule and substituting a revised Third Schedule with an updated listing of countries.

Clause 37 of the Bill would make consequential amendments to the Summary Offences Act, Chap. 11:02.

THE ANIMAL (DISEASES AND IMPORTATION)  
(AMENDMENT) BILL, 2018

**Arrangement of Clauses**

*Clause*

1. Short title
2. Commencement
3. Interpretation
4. Long title amended
5. Section 1 amended
6. Section 2 amended
7. Section 3 amended
8. New sections 3A, 3B, 3C, 3D, 3E and 3F inserted
9. Section 4 amended
10. Section 5 amended
11. New sections 5A, 5B, 5C, 5D, 5E, 5F, 5G, 5H, 5I and 5J inserted
12. Section 6 amended
13. Section 7 amended
14. Section 8 amended
15. New section 8A inserted
16. Section 10 amended
17. Section 12 amended
18. Section 13 amended
19. Section 14 amended
20. Section 15 amended
21. New section 15A inserted
22. Section 16 amended
23. New sections 16A, 16B, 16C, 16D, 16E and 16F inserted
24. Section 17 amended
25. Section 18 amended

26. New sections 18A, 18B, 18C, 18D, 18E, 18F, 18G, 18H, 18I, 18J, 18K and 18L inserted
27. New sections 20A and 20B inserted
28. Section 21 amended
29. New sections 21A, 21B, 21C, 21D, 21E, 21F, 21G, and 21H inserted
30. Section 22 amended
31. New section 23A inserted
32. Section 24 amended
33. Chap. 67:02 amended
34. Schedule amended
35. New Schedule 2 inserted
36. Regulations amended Chap. 67:02
37. Consequential amendments Chap. 11:02 amended

# **BILL**

AN ACT to amend the Animals (Diseases and  
Importation) Act, Chap. 67:02

*[ , 2019]*

ENACTED by the Parliament of Trinidad and Tobago as Enactment  
follows:

1. This Act may be cited as the Animals (Diseases and Short title  
Importation) (Amendment) Act, 2019.

- Commencement           **2.** This Act comes into operation on such date as is fixed by the President by Proclamation.
- Interpretation  
Chap. 67:02           **3.** In this Act, “the Act” means the Animals (Diseases and Importation) Act.
- Long title amended   **4.** The long title to the Act is amended by inserting after the words “any disease,” the words “to protect and promote animal health, to establish standards for animal welfare”.
- Section 1 amended     **5.** Section 1 of the Act is amended by deleting the words “Animals (Diseases and Importation) Act” and substituting the words “Animal (Diseases, Importation, Health and Welfare) Act.”.
- Section 2 amended   **6.** Section 2 of the Act is amended—
- (a) by deleting the definition of “animal” and substituting the following definition:
- “ “animal” includes any mammal, birds, fish, reptiles and amphibians, all other animals of whatever kind, vertebrate or invertebrate, domestic or wild, terrestrial or aquatic and eggs and embryos of any kind of animal;”;
- (b) by deleting the definition of “carcase” and substituting the following definition:
- “ “carcass” means the commercially prepared or dressed body of an animal or such of its offal as are intended for human or animal consumption;”;
- (c) by deleting the definition of “defined port” and substituting the following definition:
- “ “defined port” means the ports of Port-of-Spain, Chaguaramas, Point Lisas and Scarborough or any aerodrome including the

Piarco Airport and the A.N.R. Robinson International Airport or any port or aerodrome prescribed by Regulations made under section 15”;

(d) by deleting the definition of “disease” and substituting the following definition:

“ “disease” means the clinical or pathological manifestation of infection or infestation in any animal, carcass, animal product or animal-related item diagnosed by internationally recognised testing procedures;”;

(e) by deleting the definition of “infestation” and substituting the following definition:

“ “infestation” means the external invasion or colonisation of animals or their immediate surroundings by arthropods, which may cause clinical signs or are potential vectors of pathogenic agents;”;

(f) by deleting the definition of “infested area”;

(g) by deleting the definition of “infested place”;

(h) in the definition of “poultry” by inserting after the words guinea fowls” the words “, quail”;

(i) by inserting in the appropriate alphabetical sequence, the following definitions:

“ “abattoir” means premises used for the slaughter of non-aquatic animals for human consumption or animal feeding and includes slaughter-houses;

“animal disease emergency plan”

means a contingency plan which sets out the emergency procedures to be implemented in the event of an outbreak of a notifiable disease;

“animal feed” means anything that is capable of being used as a nutrient for animals and includes any of the constituent elements of an animal ration;

“animal health para-professional” includes animal health assistants, agricultural assistants or any other persons to carry out designated tasks under the responsibility and direction of a veterinary surgeon;

“animal health status” means the status of a country or a zone within a country with respect to an animal disease;

“animal identification” means the combination of the identification and registration of an animal individually, with a unique identifier, or collectively by its epidemiological unit or group, with a unique group identifier;

“animal parts” means the bones and the bone-meal, untanned hides and skins, flashings, hooves, horns, claws, hair bristles, wool, feathers, fish scales, offal, whether fresh or dehydrated, blood, meat scraps of an animal or any other part of an animal other than the meat or offal intended for human or animal consumption

which has been separated from the carcass;

“animal products” means the derivatives of animals, intended for human or animal consumption or for pharmaceutical, agricultural, industrial or domestic use;

“animal-related items” includes animal carcass, animal genetic material, animal parts, feed, litter and any packaging, container, equipment, or other appliances used on animals, objects or material capable of harbouring or spreading animal diseases;

“animal traceability” means the ability to follow an animal or group of animals during all stages of their lives until destruction, euthanasia or death;

“animal welfare” means taking due diligence to ensure that an animal or group of animals is free from hunger, thirst, malnutrition, thermal and physical discomfort, pain, injury and disease, fear and distress and is free to express normal patterns of behaviour;

“aquatic animal” means all life stages, including eggs and gametes, of fish, molluscs, crustaceans and amphibians originating from aquaculture facilities or removed from the wild, for farming purposes, for release into the aquatic environment or for human consumption;

“authorized officer” means the Inspector or any veterinary officer authorized by him in writing;

“captain” includes the master or person in charge or control of a sea-going vessel or aircraft;

“compartment” means an animal subpopulation contained in one or more establishments under a common biosecurity management system with a distinct health status with respect to a specific disease or specific diseases for which required surveillance, control and biosecurity measures have been applied for the purpose of international trade;

“containment zone” means a defined zone around and including suspected or infected establishments, taking into account the epidemiological factors and results of investigations, where control measures to prevent the spread of the infection are applied;

“country of origin” means the country of manufacture, production, or growth of any animal, carcass, animal product, animal-related item or article of foreign origin entering Trinidad and Tobago;

“disinfection” means the application, after thorough cleansing, of procedures intended to destroy the infectious or parasitic agents of animal diseases, including zoonoses;

“early detection system” means a system under the control of the Inspector for the timely detection and identification of an incursion or emergence of diseases or infections in a country, zone or compartment;

“establishment” means premises where there are animals, carcasses, animal products, animal genetic material and animal-related items;

“export” means to take or cause to be taken out of Trinidad and Tobago;

“feral animal” means an animal living in the wild but descended from domesticated animal species;

“free compartment” means a compartment in which the absence of the animal pathogen causing the disease under consideration is in accordance with the requirements specified in the OIE Code;

“free zone” means a zone in which the absence of the disease under consideration is in accordance with the requirements specified in the OIE Code;

“import” means to bring or cause to be brought within Trinidad and Tobago;

“importer” means anyone who, whether as owner, consignor, consignee, agent, broker or otherwise, is in possession of or in any way entitled to the custody of

any animal, carcass, animal product or animal-related item landed or likely to be landed in Trinidad and Tobago from another country;

“import permit” means a permit granted under section 33;

“infected zone” means a zone in which a disease has been identified;

“international transportation facility” means—

(a) an airport that receives any aircraft operating on an international flight that transports persons, animals, carcasses, animal products or animal-related items internationally;

(b) a port that receives any vessel sailing on an international voyage;

(c) a warehouse or other facility that receives any packages for international transportation by air or sea;  
or

(d) a container that transports persons, animals or other items internationally;

“invasive alien animal species” means an animal that has been introduced and subsequently becomes established and spread outside its native distribution area and causes harm to the environment, human or animal health, or the economy;

“Minister” means the Minister responsible for animal health and “Ministry” shall be construed accordingly;

“notifiable disease” means a disease specified in Schedule 1;

“occupier”, in relation to any land or building, means the person in actual occupation thereof or if there is no person in actual possession, the owner of the land or building;

“official control programme” means a programme which is approved, and managed or supervised, by the Inspector for the purpose of controlling a vector, pathogen or disease by specific measures applied throughout Trinidad and Tobago, or within a zone or compartment of Trinidad and Tobago;

“official or approved laboratory” means a laboratory designated as such under section 3E;

“official veterinary health certificate” means an official certificate issued by the Inspector for animal health in the exporting country;

“OIE” means the World Organisation for Animal Health;

“owner” in relation to anything, includes any person having for the time being the possession, custody or control thereof;

“package” means any container, box, covering wrapper or any other

item whatsoever in which animals, carcasses, animal products, or animal-related items are, or have been, or are capable of being, imported, kept or conveyed from one point to another;

“premises” includes any building, tent or other structure, permanent or otherwise, together with the land on which the same is situated and any adjoining land employed in connection therewith, used for activities carried out in relation to animals, carcasses, animal products or animal-related items;

“prescribed” means prescribed by this Act or Regulations made under this Act;

“private veterinary surgeon” means a veterinary surgeon who is not employed by the State;

“public place” means any street, road or other place (whether or not enclosed) to which the public has or is permitted to have access whether for payment or otherwise;

“quarantine station” means an establishment under the control of the Inspector where animals are maintained in isolation with no direct or indirect contact with other animals, to prevent the transmission of a specified disease or pathogen outside the establishment while the animals are undergoing observation for a specified length of time and, if appropriate, testing and treatment;

“risk analysis” means a process composed of hazard identification, risk assessment, risk management and risk communication in accordance with internationally accepted procedures and standards;

“risk assessment” means the processes of identifying and estimating the risks associated with the importation of an animal, carcass, animal product or animal-related item and evaluating the biological and economic consequences of those risks;

“sanitary measures” means any action taken or ordered to be taken in accordance with this Act to protect animal or human health from risks arising from the entry, establishment or spread of a disease or hazard;

“sell” includes to offer, advertise, keep, store, display, transmit, consign, convey or deliver for sale, or to exchange or to dispose of to any person in any manner whether for a consideration or otherwise, and “sold”, “selling” and “sale” shall have corresponding meanings;

“stamping out programme” means a programme carried out under the direction of the Inspector, on confirmation of a disease, to destroy animals which are affected and those suspected of being affected in the epidemiological unit and, where appropriate, in other epidemiological units which

have been exposed to infection by direct animal-to-animal contact, or by indirect contact of a kind likely to cause the transmission of the causal pathogen, and includes cleansing and disinfection procedures;

“stray animal” means any domestic animal not under the direct control or ownership by a person, or not prevented from roaming;

“surveillance” means the investigation of a given population or sub-population to detect the presence of a disease and includes ante-mortem and post-mortem inspections;

“vehicle” means any aircraft, train, vessel, motor vehicle, cart, container, conveyance or other thing used to transport animals, carcasses, animal products or animal-related items from one place to another;

“veterinary biological” includes hormones, vaccines, sera, toxins, antitoxins, antigens, micro-organisms living or dead, any other biological substance which is intended solely for use in the practice of veterinary medicine and germplasm of animals for use in artificial insemination or embryo transfer;

“veterinary medicinal product” means any product with a claim to having a prophylactic, therapeutic or diagnostic effect or to alter

physiological functions when administered or applied to an animal;

“veterinary officer” means a veterinary surgeon employed in the Ministry;

“veterinary surgeon” means a duly qualified person registered under the Veterinary Surgeons (Registration) Act;

“zoonosis” means any disease or infection which is naturally transmissible between animals and humans and *vice versa*.”.

7. Section 3 of the Act is amended—

Section 3 amended

(a) by repealing subsection (1) and substituting the following subsection:

“(1) The Inspector, for the purposes of this Act, is the person holding or acting in the office of Technical Officer (Animal Health) and includes the Chief Veterinary Officer in the Ministry or, in his absence, a veterinary officer authorised by him in writing.”.

(b) in subsection (2), by deleting the words “all Senior Agricultural Assistants, Agricultural Assistants and Field Assistants attached to the Animal Health Division of the Ministry of Agriculture, Industry and Commerce” and substituting the words “animal health para-professionals attached to the Animal Health Division of the Ministry”;

(c) by repealing subsection (3).

8. The Act is amended by inserting after section 3, the following new sections:

New sections 3A, 3B, 3C, 3D, 3E and 3F inserted

“Administration  
of Act

3A. The Inspector shall have primary responsibility for the administration of this Act.

Functions of  
Inspector

3B. The functions of the Inspector are to—

- (a) enforce this Act or any subsidiary legislation made thereunder and to advise the Minister on all matters related to animal health;
- (b) implement measures to prevent and control the introduction, establishment, or spread of notifiable diseases within Trinidad and Tobago;
- (c) develop and update the list of notifiable diseases for Trinidad and Tobago;
- (d) distribute technical information regarding notifiable animal diseases and the means of their prevention and control in the event of a disease outbreak;
- (e) issue official veterinary health certificates relating to the health or to any period of quarantine of any animal in Trinidad and Tobago, and provide any information as is required by any country importing an animal, carcass, animal product, or animal-related item from Trinidad and Tobago;

- (f) designate, monitor and evaluate free zones, free compartments, infected zones, provisional infected zones, containment zones and areas with low prevalence for animal diseases;
- (g) develop a system of health requirements and controls for animals, carcasses, animal products and animal-related items locally produced, imported, distributed and sold in Trinidad and Tobago;
- (h) notify the OIE of outbreaks of notifiable diseases and comply with reporting requirements of other regional and international bodies;
- (i) inform and collaborate with the Ministry responsible for human health, or any other relevant agency, on any actions needed to manage risks to human health arising from an animal disease, pathogen, toxic substance or other hazard;
- (j) conduct risk analyses with respect to trade in animals and animal products;
- (k) evaluate the equivalence of sanitary measures taken by trading partners;

- (l) recommend to the Minister the imposition of quarantine stations at any place, as may be deemed necessary;
- (m) provide information regarding import and export regulations in force, and technical requirements for animals, carcasses, animal products and animal-related items on request from any interested domestic, international or regional organization or country, and comply with any reporting requirements;
- (n) participate in the work of the OIE and its subsidiary bodies and other international, regional and non-governmental bodies dealing with animal health;
- (o) establish guidelines for animal welfare standards;
- (p) where appropriate, conduct risk assessments on animal feed ingredients;
- (q) advise the Minister on the making of Regulations under this Act and any other written law which appear to be necessary for the carrying out of the functions of this Act; and
- (r) carry out any other matters in connection with or reasonably incidental to the foregoing.

“Delegation of functions

3C. (1) The Minister may, upon the written recommendation of the Inspector and subject to subsection (3), delegate to a suitably qualified person any of the functions of the Inspector under this Act.

(2) The delegation under subsection (1) shall be in writing and shall detail the terms and conditions of such delegation, including, at least, the following:

- (a) the scope of any delegated function to be performed, including the duration and the geographic area to be covered by such services;
- (b) remuneration arrangements;
- (c) the means of supervision by the Inspector;
- (d) the minimum qualifications required to perform the delegated function; and
- (e) the conditions of withdrawals of delegations.

(3) The following functions shall not be delegated:

- (a) official liaison duties with other Ministries, or foreign authorities or any notification responsibilities;
- (b) approval of standards, requirements, rules or sanitary measures;
- (c) declaration of emergencies, free compartments, free zones, containment zones, provisionally infected zones or infected zones; or

(d) other functions as may be prescribed by Regulations.

(4) Any person to whom a function is delegated under this Act and who has any direct or indirect interest, whether actual or reasonably perceived interest in a matter or other action to be taken by the Inspector, shall communicate his interest to the Inspector.

(5) Where such interest is in conflict with the impartiality and independence of that person, the Inspector shall exercise that function in relation to that matter or action.

(6) The delegation of a function under this section does not preclude the Inspector from exercising the function delegated.

Establishment  
of Advisory  
Committee on  
Animal Health  
and Welfare

3D. (1) There shall be established a Committee to be known as the Advisory Committee on Animal Health and Welfare (hereinafter referred to as “the Committee”).

(2) The Committee shall comprise no more than seven members selected by the Minister as follows:

- (a) a veterinary surgeon;
- (b) a senior technical officer from the Ministry with responsibility for animal health;
- (c) a representative from the Ministry with responsibility for health;
- (d) a representative of the Tobago House of Assembly;

- (e) a representative of the Zoological Society of Trinidad and Tobago; and
- (f) two members in the Minister's own discretion.

(3) The Minister shall appoint the Chairman of the Committee.

(4) The Committee shall advise and provide assistance to the Minister regarding animal health policies, animal welfare, strategies, sanitary measures, disease prevention, control and eradication.

Official and  
approved  
laboratories

3E. The Minister may, by Order, designate any diagnostic, research or other laboratory as an official or approved laboratory as may be required for the purposes of this Act.

Animal health  
measures

3F. The Inspector shall take into consideration the principles of—

- (a) harmonization with the international standards;
- (b) risk assessment and science-based measures;
- (c) regionalization; and
- (d) being least-trade restrictive, necessary and proportional to the risk,

in the formulation and development of animal health measures for the purposes of this Act.”.

9. Section 4 of the Act is amended—

Section 4 amended

(a) in subsection (1)—

(i) in paragraph (a), by deleting the word

“infested” and substituting the words  
“suspected of being diseased”; and

(ii) by repealing paragraph (b) and  
substituting the following paragraph:

“(b) within twenty-four hours,  
give notice of the fact of  
the animal being diseased  
or suspected to be diseased  
to the nearest private  
veterinary surgeon or  
veterinary officer.”;

(b) by repealing subsection (2) and substituting  
the following subsection:

“(2) The person to whom notice  
under subsection (1)(b) is received  
shall, without delay, notify the  
Inspector of any animal having or  
reasonably suspected of having a  
disease of agricultural, economic, and  
zoonotic significance.”.

Section 5 amended

**10.** The Act is amended by repealing section 5 and  
substituting the following section:

“Declaration of  
infected zone

5. (1) Where a veterinary officer  
suspects that a notifiable disease exists in  
any premises, the veterinary officer shall,  
without delay, inform the Inspector and  
upon receipt of the verbal or written  
approval of the Inspector—

(a) declare a provisional  
infected zone;

(b) write a notice to that effect,  
specifying the limits of the  
zone and indicating the  
preventative measures to be  
applied in the zone;

(c) serve such notice upon any

owner or occupier of any affected premises; and

- (d) provide a copy of the notice served upon the owner or occupier under paragraph (c) to the Inspector.

(2) Any premises declared as a provisional infected zone shall be subject to confirmation by the Inspector following an investigation within seven days, and upon such confirmation, the Inspector shall provide written notice to the Minister.”.

**11.** The Act is amended by inserting after section 5 and substituting the following sections:

New sections 5A, 5B, 5C, 5D, 5E, 5F, 5G, 5H, 5I and 5J inserted

“Animal  
disease  
surveillance  
system

5A. (1) The Inspector shall—

- (a) establish an animal disease surveillance system to detect animal diseases, animal health hazards or invasive alien animal species with, at least, the following characteristics:
- (i) representative coverage of target animal populations by field services;
  - (ii) effective disease investigation and reporting; and
  - (iii) laboratories capable of diagnosing and differentiating relevant diseases;

- (b) provide continuous training in the early detection and reporting of unusual animal health incidents for veterinary surgeons, animal health para-professionals, livestock owners and others involved in handling animals; and
- (c) establish a national chain of command for the early detection, reporting and response to animal diseases, animal health hazards and invasive alien animal species.

(2) Any person who detects or suspects the presence of a notifiable disease or any invasive alien animal species shall report the disease, or suspicion of the disease, and symptoms, or invasive alien animal species, to any veterinary officer or private veterinary surgeon.

(3) The veterinary officer or private veterinary surgeon shall issue a receipt of the report to the person reporting the disease and symptoms under subsection (2).

(4) A veterinary officer or private veterinary surgeon shall report, without delay, the presence of a notifiable disease or any invasive alien animal species to the Inspector.

(5) Any veterinary officer or private veterinary surgeon who fails without reasonable cause, to comply with subsection (4) commits an offence.

Revocation of  
declaration of  
an infected  
zone

5B. (1) Where the Inspector determines that the circumstances that gave rise to the declaration of the infected zone are no longer present, the Inspector shall recommend to the Minister to revoke the declaration of an infected zone.

(2) Upon receipt of the Inspector's recommendations in subsection (1), the Minister may, by Order, revoke the declaration of an infected zone and such zone shall cease to be an infected zone.

Animal  
disease  
emergency  
plan

5C. The Inspector shall prepare an animal disease emergency plan which shall be tested at least every four years and updated within six months of testing.

Contingency  
plans for  
response to  
emergencies  
affecting  
animal health

5D. (1) The Inspector shall develop contingency plans for emergencies affecting animal health.

(2) Contingency plans shall take into account the different disease control strategies available, the implications of the use of different control strategies and the most appropriate strategy given different circumstances or disease outbreak scenarios.

Declaration of  
animal disease  
emergency

5E. (1) Where the Inspector has reasonable grounds to suspect that there is an outbreak of a disease or high risk of an outbreak of a disease in Trinidad and Tobago, the Minister shall, by Order, upon receipt of the written recommendation of the Inspector, declare a disease emergency in Trinidad and Tobago or any part thereof and specify in the Order—

- (a) the limits of the provisional infected zone;
- (b) the duties of persons in the provisional infected zone; or

(c) restrictions related to the suspected disease.

(2) In the event of the outbreak of a disease and, where a zoonotic disease is suspected, the Inspector shall notify the Ministry responsible for health immediately.

(3) The Inspector shall implement the animal disease emergency plan upon the declaration of an animal disease emergency.

(4) The declaration of an animal disease emergency shall be—

(a) based on the suspicion of an outbreak of a disease of agricultural, economic, and zoonotic significance and be limited to the extent necessary to minimize the threat;

(b) time-bound and subject to periodic review and evaluation as shall be prescribed by Regulations and in the animal disease emergency response plan.

(5) Any sanitary measures approved by the Inspector in cases of emergencies shall be proportionate to the threat giving rise to the declaration of emergency and shall be published in the *Gazette*, two daily newspapers circulating in Trinidad and Tobago and via the electronic media.

(6) The Inspector shall regularly update the Minister on the status of the animal health situation.

(7) The Inspector shall advise the Minister to revoke the Order under subsection (1) where the circumstances that gave rise to the threat no longer justify the continuing status of an animal disease emergency.

(8) The Minister may, by Order, on the recommendation of the Inspector, revoke the Order under subsection (1).

Declaration of  
free zones,  
containment  
zones, free  
compartments  
and  
surveillance  
zones

5F. Where the Inspector has established the necessary measures to maintain the status of free zones, containment zones, free compartments or surveillance zones, the Minister may, by Order, upon the recommendation of the Inspector, declare a zone to be a free zone, containment zone, surveillance zone or a free compartment, as the case may be.

Movement  
Restriction

5G. (1) Subject to any exceptions made under this Act, no person shall, without the written approval of the Inspector, remove from, or take into, a provisional infected zone, infected zone or containment zone, any animal, carcass, animal product or animal-related item or other item covered under a notice or Order under section 5 or an Order under section 5E.

(2) Where a veterinary officer believes on reasonable grounds that any animal, carcass, animal product, animal-related item, or other thing has been removed from or taken into an infected zone or containment zone in contravention of subsection (1), the veterinary officer may—

- (a) seize such item if there is an animal health risk;
- (b) return it to or remove it

from the infected zone or containment zone, or move it to any other place;

- (c) request the owner to return it to or remove it from the infected zone, or move it to any other place;
- (d) postpone the movement for such period as he may specify in a written notice; or
- (e) take such other sanitary measures as necessary.

(3) In furtherance of subsection (2), a veterinary officer shall communicate by written notice to the owner or the person having the possession, care or control of the animal, carcass, animal product or animal-related item or other thing and shall specify the period within which and the manner in which the item is to be removed or returned.

Animal  
identification  
and  
traceability

5H. The Inspector shall determine the most appropriate way to identify and trace animals and shall collaborate with the Ministry responsible for food safety with regard to the traceability of animal products to be used as food for human consumption.

Registration of  
veterinary  
medicinal  
products

Chap. 30:01

5I. (1) No veterinary medicinal product shall be imported, manufactured, distributed, advertised, sold or used in Trinidad and Tobago unless it is registered in accordance with the Food and Drugs Act or any other written law.

(2) The requirement of registration in subsection (1) does not apply to

traditional animal remedies prepared at the local level and administered in accordance with customary usage.

(3) The Inspector shall collaborate with the Ministry responsible for health on the registration, authorized uses, prescription, sale and distribution of veterinary medicinal product.”.

**12.** The Act is amended by repealing section 6 and substituting the following section: Section 6 amended

“Infected zone 6. (1) Where the finding of an infected zone is confirmed by the Inspector, the Minister may, by Order, declare an infected zone and the Order shall—

- (a) specify the limits of the infected zone;
- (b) outline the duties of persons in the infected zone; and
- (c) restrict or prohibit the international trade and movement of animals, carcasses, animal products or animal-related items that may be affected by the disease, or may contribute to disseminating the disease, into or out of, the infected zone.”.

(2) The Inspector shall regularly review the disease status of the infected zone to verify compliance with the Order and shall recommend to the Minister such revisions and updates as may be necessary.”.

Section 7 amended **13.** Section 7 of the Act is amended by deleting the words “an infected or infested place or an infected or infested area” and substituting the words “an infected zone”.

Section 8 amended **14.** Section 8(1) of the Act is amended by deleting the words “an infected or infested place or is within an infected or infested area” and substituting the words “an infected zone or is within an infected zone”.

New section 8A inserted **15.** The Act is amended by inserting after section 8, the following section:

“Control  
measures **8A.** (1) For the purposes of controlling or eradicating animal diseases and of preventing their introduction or spread, the Inspector may—

- (a) prohibit or regulate the movement of animals, carcasses, animal products, animal-related items, persons and vehicles, within, into or out of an infected or provisional infected zone, free zone or containment zone;
- (b) seize, treat or dispose of animals, carcasses, animal products or animal-related items that are or have been in a zone; or
- (c) implement any disinfection objects, sanitation measures, eradication measures, vaccination schemes, or official control and stamping-out programmes.

(2) Subject to any specific provision in any Regulations under this

Act, nothing in this Act, or in any Regulations made thereunder, shall be construed as restricting or prohibiting the transport of any person, animal or thing, by public road through an infected zone, if such person, animal or thing, is not detained within such place or area.”.

**16.** Section 10 of the Act is amended by deleting the Section 10 amended words “infected or infested area” and substituting the words “infected zone”.

**17.** Section 12 of the Act is amended by deleting the Section 12 amended words “may by Order amend the Schedule by adding thereto or deleting therefrom the name of any particular disease, or otherwise” and substituting the words “, by Order, on the recommendation of the Inspector, amend the notifiable diseases listed in Schedule 1.”.

**18.** Section 13 of the Act is amended— Section 13 amended

(a) in subsection (2)—

(i) by repealing paragraph (c) and substituting the following paragraph:

“(c) the notification to be public of infected zones and the removal of anything into, within or out of those zones, and the cleansing or disinfection of those zones;”;

(ii) in paragraph (d), by deleting the words “infected or infested places or infected or infested areas” and substituting the words “infected zones”;

(iii) in paragraph (e), by deleting the words “infected or infested place or infected or infested area” and substituting the words “infected zone”;

- (iv) by deleting the full stop at the end of paragraph (j) and substituting a semi-colon;
- (v) by inserting after paragraph (j) the following paragraphs:
  - “ (k) the movement of persons, animals, carcasses, animal products or animal-related items or other things into, within, or out of, any infected place, infected zone, provisional infected zone, infected compartment, containment zone, free zone or free compartment;
  - (l) the examination, inspection, cleansing, destruction, disposal, seizure and detention of any animal, carcass, animal product or animal-related item or other thing;
  - (m) the documents and forms to be used for the purposes of this Act, including applications, permits, receipts for articles seized and certificates issued by the exporting country, as well as the relevant application procedures;
  - (n) the fees and costs for inspection and analysis or any other official actions taken under this Act;

- (o) standards for animal welfare, in accordance with best practices including standards for animal care and treatment, disaster risk planning for animal safety, health and welfare and animal health and safety emergency procedures;
- (p) the establishment and implementation of animal identification, animal traceability and animal movement systems;
- (q) the quarantine of aquatic and non-aquatic animals;
- (r) the operation of quarantine stations or international transportation facilities;
- (s) the procedures to be followed by veterinary officers and official laboratories in the exercise of their functions under this Act;
- (t) contingency plans for emergencies affecting animal health;
- (u) the registration, importation, manufacture, distribution, labelling, sale, use or exportation of any veterinary medicinal product;
- (v) animal feed;
- (w) the appeal procedures applicable under this Act;

- (x) the rules and procedures applicable to the implementation of official control measures and stamping-out programmes;
  - (y) the payment of fees to persons involved in an animal disease emergency response;
  - (z) the scale of charges for the treatment and keep of animals detained under section 18E;
  - (aa) the population control of stray or feral animals, including but not limited to spay and neuter programmes; or
  - (ab) any other matter deemed necessary for the carrying out of the provisions of this Act.”;
- (b) in subsection (3), by deleting the words “not exceeding five thousand dollars” and substituting the words “fifty thousand dollars”.

Section 14 amended

**19.** The Act is amended by repealing section 14 and substituting the following section:

“Import  
requirements

14. (1) No animal, carcass, animal product or animal-related item shall be imported into Trinidad and Tobago except in accordance with this Act.

(2) For the purpose of preventing the entry of animal diseases and zoonoses into Trinidad and Tobago, the Inspector shall—

- (a) establish import requirements for animals, carcasses, animal products and animal-related items based on international standards or science-based risk analysis;
- (b) approve and publish in the *Gazette* and on its website a list of animals, carcasses, animal products and animal-related items which require an official veterinary health certificate or other official health certificate before being imported into Trinidad and Tobago; and
- (c) in coordination with the Ministry responsible for human health, establish import requirements for veterinary medicinal products.

(3) The Inspector shall regularly review and update on the Ministry's website, the import requirements issued under this section.”.

**20. Section 15 of the Act is amended—**

Section 15 amended

(a) in subsection (2)—

(i) by deleting the full stop at the end of paragraph (d) and substituting a semi-colon;

(ii) by inserting after paragraph (d), the following paragraph:

“(e) the requirements, procedures and forms for the

importation, exportation and transit of animals, carcasses, animal products and animal-related items.”;

(b) in subsection (3), by deleting the words “not exceeding five thousand dollars” and substituting the words “fifty thousand dollars”.

New section 15A  
inserted

**21.** The Act is amended by inserting after section 15, the following section:

“International  
transport  
facility

15A. (1) The owner or operator of an international transportation facility shall, where required in writing by the Minister, provide and maintain adequate areas, offices, laboratories and other facilities, including buildings, accommodation, equipment, furnishings and fixtures, in order to facilitate inspections or for any other purpose related to the administration of this Act or the Regulations.

(2) The Minister, upon the advice of the Inspector, may require the owner or operator to make improvements to any area, office, laboratory or other facility provided pursuant to subsection (1).”.

Section 16 amended

**22.** The Act is amended by repealing section 16 and substituting the following section:

“Import  
permits

16. (1) Any person intending to import any animal, carcass, animal product or animal-related item into Trinidad and Tobago shall apply to the Inspector for an import permit in the approved form in Schedule 2.

(2) Where the Inspector is satisfied that an applicant has met the requirements, he may issue an import

permit in the approved form specifying condition where appropriate.

(3) The Inspector may specify in an import permit, the port of entry through which an animal, carcass, animal product or animal-related item shall be imported.

(4) The Inspector may review, suspend, modify or revoke an import permit at any time by written notice.”.

**23.** The Act is amended by inserting after section 16 the following sections:

New sections 16A, 16B, 16C, 16D, 16E and 16F inserted

<sup>“Restrictions on importation</sup> 16A. (1) A person shall not import an animal, carcass, animal product or animal-related item unless—

(a) the importation is in accordance with an import permit issued by the Inspector; and

(b) the animal, carcass, animal product or animal-related item is accompanied by an official veterinary health certificate, where required.

(2) The Inspector may, at any time, prohibit or restrict the importation into Trinidad and Tobago, for any reasonable cause, of any animal, carcass, animal product or animal-related item.

(3) The Inspector may prohibit the import of—

(a) any tack, harness, gear, rope, sling or other equipment which has been used in connection with any animal;

(b) any cage, basket, box, crate,

tank, aquarium or other container which has been used or is being used for the carriage of any animal, animal-related item or refuse; and

- (c) any instrument, tool or other utensil which has been used in connection with any animal or any of the things mentioned in paragraph (b),

which, in the opinion of the officer, is capable of carrying any notifiable or other infectious or contagious disease affecting animals.

(4) Where the Inspector is satisfied that any such equipment, container, utensil or animal-related item in subsection (3) is capable of being disinfected, the veterinary officer may permit it to be landed in the country, subject to such conditions and directions, relating to its disinfection in the specified port area where it is landed, as the veterinary officer shall set out in writing.

(5) Where disinfection is required under this section, such disinfection shall be at the expense of the importer.

(6) Where any equipment, container, utensil or animal-related item enters Trinidad and Tobago in contravention of this Act or of any condition or direction imposed, the equipment, container, utensil or animal-related item may be seized by a veterinary officer and detained, destroyed or otherwise disposed of as the Inspector may direct.

Zoological  
collection and  
exhibitions

16B. (1) The Inspector may issue an import permit to any person for the importation of any animal into Trinidad and Tobago—

- (a) for the purposes of any exhibition, performance or circus where the animal is not expected to remain permanently in Trinidad and Tobago; or
- (b) for educational purposes or for a zoological collection, where the animal is expected to be used for research or display and is expected to remain permanently in Trinidad and Tobago.

(2) A permit granted under this section may contain such terms and conditions as the Inspector may think appropriate in the circumstances.

(3) Every person desirous of applying for a permit under this section shall make application to the Inspector in the approved form and pay the specified fee.

Arrival  
notification

16C. (1) A customs officer, importer, courier, master of a vessel or captain of an aircraft shall notify the Inspector in a prompt manner of the arrival of all animals, carcasses, animal product or animal-related items.

(2) A courier shall not release or dispose of any animal, carcass, animal product or animal-related item unless authorized by the Inspector or a veterinary officer.

Inspection of  
Imports

16D. (1) Subject to subsection (2), a veterinary officer shall inspect all consignments of animals, carcasses, animal products, and animal-related items at a port of entry designated by the Inspector upon importation into Trinidad and Tobago.

(2) Inspections of consignments of animals, carcasses, animal products and animal-related items may be carried out by a veterinary officer at any premises or facility approved by the Inspector where—

- (a) the container has been sealed and marked in accordance with the Customs Act; and
- (b) there is negligible risk of introduction or spread of disease.

(3) Upon inspection under subsection (1), where the veterinary officer determines that the consignment presents negligible risk for the introduction and spread of disease, the veterinary officer may grant permission for the consignment to be landed.

(4) Subject to subsection (5), where the veterinary officer determines that a consignment may result in the introduction or spread of a vector or a disease, or where the documentation accompanying the consignment fails to meet the requirements of this Act, the veterinary officer shall—

- (a) without delay, inform the Inspector; and
- (b) provide written notice to the

importer of the following measures to be carried out within fourteen days or such shorter period, as may be specified, from the receipt of the notice at the expense of the importer and the grounds for imposing these measures:

- (i) the taking of samples for submission to an approved laboratory for analysis;
- (ii) transfer the consignment to a quarantine station or any other location identified by the Inspector for testing or disinfection;
- (iii) carry out treatment or disinfection of the consignment;
- (iv) return the consignment to the country of origin;  
or
- (v) destruction of the consignment.

(5) The veterinary officer may forego notice to the importer and carry out any of the actions specified under subsection (4), where the destruction of the shipment is urgently required on humane grounds or the giving of notice is impracticable.

(6) Where an imported consignment

lies unclaimed for a period of at least two weeks after entry into Trinidad and Tobago, or after any treatment or disinfection thereof, the Inspector may take action to dispose of such consignment.

(7) The cost of any action taken by the Inspector under subsections (4), (5) and (6) shall be borne by the importer.

(8) Where an importer fails to pay the cost of any action taken by the Inspector under subsections (4), (5) and (6), the Inspector shall not issue further import permits to the importer until the cost of action is fully repaid by the importer.

(9) The State shall bear no liability for actions taken in good faith for the destruction or disposal of animals, carcasses, animal products or animal-related items imported into Trinidad and Tobago in contravention of this Act.

In transit  
permits

16E. (1) Any person who wishes to transport any animal, carcass, animal product or animal related item through Trinidad and Tobago shall apply, before entry, for an in transit permit to the Inspector in the approved form and pay the prescribed fee.

(2) The Inspector may issue the applicant with an in transit permit in the approved form, if the applicant meets the requirements of this Act, and may in the in transit permit include such conditions as he thinks fit.

(3) At a port of entry, a veterinary officer may—

(a) inspect any animal, carcass, animal product or animal

related-item in transit through Trinidad and Tobago to verify its sanitary status;

(b) upon the detection of a notifiable disease,

(i) refuse entry;

(ii) detain or seize the animal, carcass, animal product or animal-related item; or

(iii) apply sanitary treatment or action,

and promptly inform the Inspector; and

(c) refuse entry to an animal, carcass, animal product or animal related-item if the official veterinary health certificate issued by the Inspector of the exporting country is incomplete.

(4) The owner or operator of a vehicle carrying any animal, carcass, animal product or animal-related item stopping in a port or passing through a port situated in Trinidad and Tobago, on their way to a port situated in the territory of another country, shall comply with the conditions specified by the Inspector in the in transit permit.

Export  
requirements

16F. (1) No animal, carcass, animal product or animal-related item shall be exported from Trinidad and Tobago except in accordance with this Act.

(2) Any person who intends to export a consignment of any animal, carcass, animal product or animal-related item from Trinidad and Tobago shall submit the consignment, together with any document required to satisfy the authorised officer that the consignment meets the requirements of the importing country for examination by an authorised officer in coordination with the Ministry responsible for health.

(3) Where the authorised officer is satisfied that the consignment meets the requirements of the importing country, the authorised officer shall issue an official veterinary health certificate in respect of that consignment.

(4) Where the authorised officer is satisfied that the consignment to be exported poses any risk for the introduction and spread of a disease or does not otherwise satisfy the requirements of the importing country, the authorised officer shall—

- (a) subject the consignment to appropriate treatment in order to remove the risk; or
- (b) deny issuance of an official veterinary health certificate.

(5) For the purposes of issuing an official veterinary health certificate, the authorised officer may—

- (a) carry out biological tests, vaccinations or disinfection procedures;
- (b) carry out inspections of animals, and approval and

certification procedures on animals and establishments;

(c) observe animals during transport to the place of shipment and at the point of departure; and

(d) send advance notice to the importing country.

(6) A private veterinary surgeon may issue an official veterinary health certificate for any animal intended to be exported from Trinidad and Tobago, subject to the endorsement of the certificate by the Inspector.

(7) The costs of any required action under this section shall be borne by the owner of the animal, carcass, animal product or animal-related item intended to be exported from Trinidad and Tobago.”.

**24.** The Act is amended by repealing section 17 and Section 17 amended substituting the following section:

“Quarantine  
stations

17. (1) The Inspector may designate quarantine stations in such places, as he thinks necessary, and all animals required to be quarantined under this Act, or under any import permit, shall be placed within such stations in accordance with the directions of a veterinary officer.

(2) Notwithstanding subsection (1), private premises shall not be designated as a quarantine station without the consent of the owner or occupier of the premises.

(3) An authorised officer shall ensure that a quarantine station is satisfactory for the purpose of receiving and retaining animals in quarantine and

that it is monitored daily by a veterinary officer or a private sector veterinary surgeon approved by the Ministry responsible for animal health.

(4) Any animal may be placed in a quarantine station where the veterinary officer or private sector veterinary surgeon suspects that the animal—

- (a) is suffering from a notifiable disease;
- (b) may have been in contact with any animal which is or may be suffering from a prescribed disease; or
- (c) has otherwise been exposed to the risk of contracting a notifiable disease.

(5) The release from quarantine of any animal shall be subject to and dependent upon the result of re-inspection and of any diagnostic examination and any tests which the Inspector may consider necessary to employ for the detection of disease.

(6) Notwithstanding the expiry of the period of quarantine directed by the Inspector under subsection (4), no animal shall be removed from any quarantine station without the prior written permission of the Inspector and the permission may be either unconditional or subject to such conditions as may be specified.

(7) Any animal which develops any notifiable disease while in the quarantine station or, in the opinion of a veterinary officer presents a risk for the spread of a

notifiable disease in Trinidad and Tobago may, with the approval of the Inspector, be humanely euthanised or destroyed without payment of compensation.”.

**25.** The Act is amended by repealing section 18 and substituting the following section: Section 18 amended

“Imported animals to be quarantined 18. Every animal which is imported, unless exempted by virtue of Regulations or subject to instructions under section 16D (4)(b)(iv) and (v), shall upon being landed, be placed in quarantine for such period as the Inspector may direct and be subject to such conditions as may be specified.”.

**26.** The Act is amended by inserting after section 18, the following Part: New sections 18A, 18B, 18C, 18D, 18E, 18F, 18G, 18H, 18I, 18J, 18K and 18L inserted

### “PART IIIA

#### ANIMAL WELFARE AND STRAY ANIMALS

Prohibition of maltreatment 18A. (1) Any person who cruelly beats, ill-treats, starves, over-drives, overrides, overloads, abuses, tortures, neglects or otherwise maltreats any animal commits an offence.

(2) An animal shall be deemed to be overloaded if it is made to carry a burden or draw a load which is beyond its strength, or after it is exhausted, or if by reason of the size, strength, or condition of the animal or of any other circumstances the Magistrate is of the opinion that the burden or load is unduly heavy.

(3) An animal used in drawing a vehicle shall be deemed to be ill-treated if, by reason of the condition of the vehicle or

harness used, or of the nature and condition of the road travelled over, or other cause, the animal, in the opinion of the Magistrate, has been made to suffer unnecessary strain or pain or has been overworked.

Working  
animal unfit  
to work

18B. Any person who works any animal in such a condition as to be unfit for work, whether from lameness, emaciation or from any other condition and whether that condition is caused by disease or deficient feeding or otherwise, in any plough, carriage or other vehicle, commits a offence.

Compensation  
for damage  
done by cruelty  
to animals

18C. (1) If any person shall, by committing any offence under section 18A or 18B, cause any injury or damage to be done to any animal or to any person or property, he shall, on conviction for such offence, pay to the owner of the animal the fair market value of the animal (if the offender is not the owner) or to the person who has sustained the injury or damage, such sum of money by way of compensation, as the Court shall adjudge.

(2) The payment of such compensation or imprisonment for the non-payment thereof shall not prevent or in any manner affect the punishment to which the offender may be liable for or in respect of the offence.

(3) Nothing herein contained shall prevent any proceeding by action against the offender or his employer where the amount of the damage or injury is not sought to be recovered under this Act.

Bull-baiting,  
cock-fighting  
and similar  
offences

18D. (1) Any person who—

- (a) in any manner encourages, aids, or assists at the fighting or baiting of any animal, whether domestic or wild; or
- (b) keeps or uses or acts in the management of any place to be used for the purpose of fighting or baiting any such animal; or
- (c) being the owner or occupier of any place, permits or suffers it to be so used,

commits an offence.

(2) Any person who receives money for the admission of any other person to any place kept or used for any of the purposes mentioned above shall, unless the contrary is proved be deemed to be the keeper of such place.

Animals may  
be detained  
for treatment

18E. (1) On any conviction for any offence under section 18A or 18B, the Magistrate may, if he thinks that such animal is unfit to work, direct that it be detained for treatment in any place which has been notified in the *Gazette* by the Inspector as set apart for that purpose, for any period not exceeding thirty days, during which the maintenance of such animal shall be provided free of cost to the Government.

(2) Pending the hearing of a complaint for any such offence the Magistrate may, on the application of the complainant, direct the animal to be detained in the same manner.

Liability for  
animals  
detained

18F. Except for gross negligence, no officer, servant or person having charge of any place set apart as provided in section 18E shall be liable in respect of the death or sickness or deterioration of, or any accident or casualty to, any animal detained in such place under this Act.

Unclaimed  
animals may  
be sold or  
destroyed

18G. If any animal detained under section 18E, for any period shall, on the expiration of that period or within forty-eight hours thereof, not be claimed by its owner, or if its owner does not pay to the place set apart the cost of the keep and treatment of the animal during the period it is detained, the person having charge of it may, after seven days' notice published in the *Gazette* and two daily newspapers in circulation in Trinidad and Tobago, dispose of the animal in an appropriate manner in accordance with this Act.

Power to order  
destruction of  
animal

18H. In the case of any offence under section 18A or 18B, the Court may, if it thinks fit, order as part of its sentence that the animal shall be destroyed and its body disposed of at the expense of the offender.

Welfare of  
animals

18I. (1) An owner or person in charge of an animal shall provide such animal with—

- (a) a sufficient and suitable diet;
- (b) access to sufficient and clean water;
- (c) proper shelter and housing which are—
  - (i) appropriate for the animal's behavioural patterns; and

- (ii) reasonably sufficient to protect the animal from unsuitable weather condition, including the risk of death or injury from flooding and or other natural disasters;
- (d) veterinary care when needed to treat and prevent suffering and disease;
- (e) suitable accommodation during transportation; and
- (f) humane care and treatment.

(2) No owner or person in charge of an animal shall cause or permit another person to cause the unnecessary suffering or death of an animal.

(3) An owner or person in charge of an animal shall take reasonable steps to mitigate any suffering which may be caused to the animal by its exposure to fireworks.

Duty of  
owner of  
animals

18J. (1) An owner or person in charge of an animal shall, when required to do so, provide assistance to and carry out such instructions of a veterinary officer as may be required to facilitate the exercise of the veterinary officer's functions.

(2) No owner or person in charge of an animal shall, when required to do so, fail without reasonable excuse to provide a veterinary officer with such information as may be necessary to aid in the eradication of any animal disease or for the implementation of this Act.

Disposal of  
infected or  
contaminated  
animal

18K. The Inspector may humanely euthanise and safely dispose of an infected

or contaminated animal or require the owner or person in charge of the animal to have the animal humanely euthanised and safely disposed of by a private veterinary surgeon.

Stray and  
feral animals

18L. The Inspector shall, in collaboration with the Ministry responsible for health and other authorities, approve measures to—

- (a) control the populations of stray and feral animals, including programmes and strategies to control animals which may pose a risk for public health, safety or security; and
- (b) contain and control notifiable diseases, including zoonoses in stray and feral animal populations.”.

New sections 20A and  
20B inserted

**27.** The Act is amended by inserting after section 20, the following sections:

“Storage and  
removal of  
seized animals

20A. A veterinary officer who seizes and detains an animal, carcass, animal product or animal-related item or other thing under this Act, may—

- (a) require its owner or the person in charge of it at the time of the seizure to remove it to any place; or
- (b) store it at the place where it was seized.

Prohibition on  
the interference  
with seized  
animals

20B. Unless authorized in writing by the Inspector, no person shall remove, alter or interfere in any way with any animal, carcass, animal product or animal-related

item or other thing seized and detained under this Act.”.

28. The Act is amended by repealing section 21 and Section 21 amended substituting the following section:

“Offences

21. (1) Any person who—

- (a) fails to comply with any order, direction or permit lawfully made or granted under this Act;
- (b) takes or allows to be taken, unless otherwise required by this Act or any Regulations made thereunder, or allows to stray, any diseased or infested animal in or upon any common, public road, or public place; or
- (c) gives false information to a veterinary officer,

commits an offence and is liable on summary conviction to a fine of fifty thousand dollars and to imprisonment for a term of two years.

(2) Any person who—

- (a) attempts to improperly influence any official in the exercise of the official’s functions under this Act;
- (b) fails to allow a search or inspection authorised under this Act;
- (c) knowingly or recklessly provides information which is false, for the purpose of

obtaining any document under this Act;

- (d) exports any animal, carcass, animal product or animal-related item except in accordance with this Act; or
- (e) fails to provide access, samples or information to a veterinary officer upon request, or otherwise fails to comply with an order properly given under this Act,

commits an offence and is liable on summary conviction to a fine of one hundred thousand dollars and to imprisonment for a term of three years.

(3) Any person who—

- (a) tampers with any samples taken under this Act;
- (b) imports any animal, carcass, animal product or animal-related item without an import permit or official veterinary health certificate where required, or otherwise contrary to any requirements specified under this Act;
- (c) carries out activities which require a permit or other authorisation by the Inspector without such permit or authorisation;
- (d) alters, forges, defaces, or destroys any document issued under this Act;

- (e) tortures, beats, injures, mutilates, neglects or treats with cruelty any animal or overloads any animal in contravention of section 18A;
- (f) contravenes sections 18B, 18D or 18I;
- (g) permits an act or an omission to act by another person that causes unnecessary suffering to an animal including suffering caused by exposure to fireworks;
- (h) possesses, sells, offers for sale, transports, imports or exports any animal, carcass, animal product or animal-related item knowing it is infected or contaminated or may transmit a notifiable disease, or intentionally permits or causes the introduction or spread of any notifiable disease;
- (i) throws or places or causes to be thrown or placed into or in any river, stream, drain, or other water or into or within the territorial sea as defined under the Terrritorial Sea Act, the carcass of an animal;
- (j) throws or places or causes to be thrown or placed in a public place, any part of an animal;
- (k) digs up, or causes or allows

to be dug up, the buried carcass of any animal which has been slaughtered under this Act as diseased or suspected or which has died or is suspected of having died from any disease;

- (l) imports any animal, carcass, animal product or animal-related item except through a defined port of entry;
- (m) assaults, resists, intimidates, threatens, or wilfully obstructs any officer while exercising lawful powers under this Act; or
- (n) impersonates a veterinary officer or provides or, not being an employee of the Ministry responsible for animal health, offers to provide the services of a veterinarian without being licensed to do so, or in the case of an employee of the Ministry responsible for animal health, offers to provide such services outside the course of such employment, without being licensed to do so,

commits an offence and is liable on summary conviction to a fine of two hundred thousand dollars and imprisonment for a term of five years.”.

29. The Act is amended by inserting after section 21, New sections 21A, 21B, 21C, 21D, 21E, 21F, 21G and 21H inserted  
the following sections:

“Offences by  
officials

21A. Any officer from the Ministry responsible for animal health who—

- (a) unlawfully seizes any item while purporting to act in accordance with this Act;
- (b) agrees to do, abstains from doing, permits, conceals, or connives in doing any act or thing contrary to the proper execution of his official duties under this Act;
- (c) discloses any confidential information acquired in the course of his employment in relation to this Act, except where required to do so by his supervisor or ordered to do so by any court; or
- (d) in connection with any official duty, directly or indirectly asks for or takes any payment, gratuity or other reward to which that officer is not entitled,

commits an offence and is liable on summary conviction to a fine of fifty thousand dollars and to imprisonment for a term of two years.

“Offences by  
customs  
officers

21B. Any customs officer who—

- (a) without lawful excuse, fails to notify the Inspector promptly upon the arrival of any animal, carcass, animal product or animal-related item in Trinidad and Tobago; or

- (b) releases or disposes of imported animals, carcasses, animal products or other animal-related items unless so authorised by any veterinary officer,

commits an offence and is liable on summary conviction to a fine of fifty thousand dollars and to imprisonment for a term of two years.

“Offences by  
body corporate  
Chap. 3:01

21C. Notwithstanding section 70 of the Interpretation Act, where an offence under this Act is committed by a body corporate, the body corporate is liable on-

- (a) summary conviction, to a fine of two hundred thousand dollars;  
or  
(b) conviction on indictment, to a fine of five hundred thousand dollars.

Suspension and  
revocation of  
permits

21D. (1) The Inspector may suspend or revoke any permit or other authorization he has issued under this Act where he has reasonable grounds for doing so.

(2) Where the Inspector intends to suspend or revoke a permit or other authorization issued under this Act, he shall issue a written notice to the owner of the animal, carcass, animal product or animal-related item, requiring the owner to show cause, within a specified time why the permit should not be revoked or suspended.

Forfeiture

21E. Upon the conviction of any person for any offence under this Act, the Court may, in addition to any other sentence imposed, order that any animal, carcass, animal product, animal-related item or

other object in respect of which the offence has been committed or which was used in connection with the offence or any proceeds realised from their disposition, be forfeited to the State and disposed of as the Court may direct.

Duty to assist,  
cooperate and  
collaborate

21F. (1) Customs officers, police officers, all officials employed in the port, airport, airline, postal services, shipping companies, and all local authorities shall assist veterinary officers in the performance of their functions under this Act by providing such facilities and assistance as the Inspector may request from time to time.

(2) For the purposes of this Act, the Inspector may collaborate with the Ministries responsible for health, the environment, trade, disaster preparedness and response management, and law enforcement and other public authorities with a role in emergency response.

Right of appeal

21G. (1) Any person aggrieved by an action or decision of a veterinary officer under this Act may, within seven days, request that the Inspector review the action or decision and the Inspector shall inform the person of his decision within fourteen days of receiving the request.

(2) Any person aggrieved by a decision of the Inspector under subsection (1) may appeal to the High Court.

Good faith  
defence

21H. No veterinary officer, official of the Ministry responsible for animal health, or other person or entity is liable to suit or to prosecution in respect of anything done in good faith in the performance of official functions under this Act.”.

Section 22 amended

**30.** Section 22 of the Act is amended by deleting the words “five thousand dollars” and substituting the words “fifty thousand dollars”.

New section 23A inserted

**31.** The Act is amended by inserting after section 23, the following section:

“Minister may  
amend  
Schedules 23A. The Minister may, by Order, amend the Schedules.”.

Section 24 amended

**32.** Section 24 of the Act is amended by deleting the words “through an infected or infested place or an infected or infested area if such person, animal or thing, is not detained within such place or area” and substituting the words “through an infected zone if such person, animal or thing, is not detained within such zone”.

Chap. 67:02 amended

**33.** The Act is amended—

- (a) by deleting the word “carcase” wherever it appears and substituting the word “carcass”;
- (b) by deleting the words “infested area” wherever they appear and substituting the words “infected zone”; and
- (c) by deleting the words “infested place” wherever they appear and substituting the words “infected zone”.

Schedule amended

**34.** The Act is amended by repealing the Schedule and substituting the following Schedule:

“SCHEDULE 1

NOTIFIABLE DISEASES WITHIN THE MEANING OF  
THIS ACT

Section 12

MULTIPLE SPECIES DISEASES, INFECTIONS AND INFESTATIONS

Anthrax

Crimean Congo haemorrhagic fever

## SCHEDULE 1—CONTINUED

Equine encephalomyelitis (Eastern)  
*Ehrlichia ruminantium* (Heartwater)  
 Infection with *Suid alphaherpesvirus* 1 (Aujeszky's/Pseudorabies disease virus)  
 Infection with Bluetongue virus  
 Infection with *Brucella abortus*, *Brucella melitensis* and *Brucella suis*  
 Infection with *Echinococcus granulosus*  
 Infection with *Echinococcus multilocularis*  
 Infection with Epizootic Haemorrhagic Disease  
 Infection with Foot and Mouth Disease virus  
 Infection with *Mycobacterium tuberculosis* complex  
 Infection with Rabies virus  
 Infection with Rift Valley fever virus  
 Infection with Rinderpest virus  
 Infection with *Trichinella* spp.  
 Japanese Encephalitis  
 Malignant Catarrhal Fever  
*Cochliomyia hominivorax* (New world screwworm)  
*Chrysomya bezziana* (Old world screwworm)  
 Infection with *Mycobacterium avium* subspecies *paratuberculosis* (Paratuberculosis/Johne's Disease)  
*Coxiella burnetii* (Q fever)  
*Trypanosoma evansi* (Surra)  
*Francisella tularensis* (Tularemia)  
 Vesicular stomatitis  
 West Nile fever

## CATTLE DISEASES AND INFECTIONS

Bovine Anaplasmosis  
 Bovine Babesiosis  
*Campylobacter fetus venerealis* (Bovine Genital Campylobacteriosis)  
 Bovine Spongiform Encephalopathy  
 Bovine Viral Diarrhoea

## SCHEDULE 1—CONTINUED

Enzootic Bovine Leukosis  
 Epizootic Bovine Abortion  
 Haemorrhagic Septicaemia  
*Bovine Herpesvirus-1* (Infectious Bovine  
 Rhinotracheitis/Infectious Pustular Vulvovaginitis)  
 Infection with Lumpy Skin Disease Virus  
 Infection with *Mycoplasma mycoides subsp. mycoides SC*  
 (Contagious Bovine Pleuropneumonia)  
 Theileriosis  
*Tritrichomonas foetus* (Trichomoniasis)  
 Trypanosomosis (tsetse-transmitted)

## SHEEP AND GOAT DISEASES AND INFECTIONS

Infection with Caprine Arthritis/Encephalitis virus  
 Contagious Agalactia  
 Contagious Caprine Pleuropneumonia  
 Infection with *Chlamydophila abortus* (Enzootic abortion of  
 ewes, ovine chlamydiosis)  
 Infection with Peste des petits ruminants virus  
 Maedi-visna  
 Nairobi sheep disease  
*Brucella ovis* (Ovine epididymitis)  
*Salmonella abortusovis* (Salmonellosis)  
 Scrapie  
 Sheep pox and goat pox

## EQUINE DISEASES AND INFECTIONS

*Taylorella equigenitalis* (Contagious equine metritis)  
*Trypanosoma equiperdum* (Dourine)  
 Epizootic lymphangitis  
 Equine encephalomyelitis (Western)  
 Equine infectious anaemia  
 Equine influenza  
 Equine piroplasmiasis  
 Infection with African Horse Sickness virus

## SCHEDULE 1—CONTINUED

Infection with Equid herpesvirus-1 (EHV-1)  
Infection with Equine arteritis virus  
Infection with *Burkholderia mallei* (Glanders)  
Ulcerative lymphangitis  
Venezuelan equine encephalomyelitis

## SWINE DISEASES AND INFECTIONS

Infection with African swine fever virus  
Infection with Classical swine fever virus  
Infection with Porcine reproductive and respiratory syndrome virus  
Infection with *Taenia solium* (Porcine cysticercosis)  
Nipah virus encephalitis  
Transmissible gastroenteritis/Transmissible gastroenteritis coronavirus  
Swine Vesicular disease  
Swine Vesicular Exanthema

## AVIAN DISEASES AND INFECTIONS

*Chlamydophila psittaci* (Avian chlamydiosis)  
Avian infectious bronchitis  
*Gallid herpesvirus I* (Avian infectious laryngotracheitis)  
*Mycoplasma gallisepticum* and *Mycoplasma synoviae* (Avian mycoplasmosis)  
Duck viral enteritis  
Duck viral hepatitis  
Infection with Avian influenza viruses  
Infection with Influenza A viruses of high pathogenicity in birds other than poultry including wild birds  
Infection with Newcastle disease virus  
Infectious bursal disease (Gumboro disease)  
*Pasteurella multocida* (Fowl Cholera)  
*Salmonella gallinarum* (Fowl typhoid)  
*Salmonella pullorum* (Pullorum disease)  
Turkey Rhinotracheitis  
Pigeon Paramyxovirus

## SCHEDULE 1—CONTINUED

## LAGOMORPH DISEASES AND INFECTIONS

Myxomatosis  
Rabbit haemorrhagic disease

## OTHER DISEASES AND INFECTIONS

Boid inclusion body disease  
*Trixacarus caviae*  
Camelpox  
Leishmaniasis

## AMPHIBIANS

Infection with *Batrachochytrium dendrobatidis*  
Infection with *Batrachochytrium salamandrivorans*  
Infection with Ranavirus”.

Schedule 2 inserted

**35.** The Act is amended by inserting after Schedule 1, the following Schedule:

## “SCHEDULE 2

IMPORTATION OF POULTRY AND NON-POULTRY  
PRODUCTS POULTRY NOTICE*made under section 16*

IN ACCORDANCE with the Animals (Diseases and Importation) Act, persons entering Trinidad and Tobago are permitted to bring in animal products manufactured in the following countries:

- (a) *Poultry Products*  
Great Britain  
Northern Ireland  
Republic of Ireland  
Australia  
United States of America  
Canada  
Caricom Countries
- (b) *Non-Poultry Products*  
Northern Ireland  
Republic of Ireland

## SCHEDULE 2—CONTINUED

Australia  
 United States of America  
 Canada  
 New Zealand  
 Caricom Countries except Guyana and Belize.

The quantities imported must be in accordance with the Imports and Exports Control Regulations, 1941, General Import Licence No. 10 of 1981 and its Amendment, No. 4 of 1984 issued”.

**36.** The Animals (Importation) Control Regulations are amended—

Regulations  
 amended  
 Chap. 67:02

(a) by revoking the Third Schedule and substituting the following Schedule:

## “THIRD SCHEDULE

Commonwealth Caribbean Territories	Martinique
France	United Kingdom
Holland	United States of America
Ireland	Uruguay”;

(b) by revoking the Fourth Schedule and substituting the following Schedule:

## “FOURTH SCHEDULE

Australia	St. Vincent
Barbados	United Kingdom
Canada	United States of America
Grenada”;	

(c) by revoking the Fifth Schedule and substituting the following Schedule:

## “FIFTH SCHEDULE

Jamaica	United States of America
St. Vincent”;	

(d) by revoking the Sixth Schedule and substituting the following Schedule:

## “SIXTH SCHEDULE

Brazil	Jamaica
Canada	Panama
Great Britain	Suriname
	United Kingdom
	United States of America”;

(e) by revoking the Seventh Schedule and substituting the following Schedule:

## “SEVENTH SCHEDULE

Argentina	Malaysia
Australia	Mexico
Barbados	Netherlands
Belgium	New Zealand
Brazil	Northern Ireland
Canada	Panama
Costa Rica	Puerto Rico
France	Singapore
Holland	Spain
India	Sweden
Ireland	United Kingdom
Italy	United States of America
Jamaica	Uruguay”;

(f) by revoking the Ninth Schedule and substituting the following Schedule:

“NINTH SCHEDULE

Australia	Republic of Ireland
Canada	United States of America
Great Britain”; and	

(g) by revoking the Tenth Schedule and substituting the following Schedule:

“TENTH SCHEDULE

Regulation 28

1. Inspection Fees (payable to the Comptroller of Customs and Excise):

(a) For every horse or mare ...	\$20.00
(b) For every donkey, cattle or mule	\$10.00
(c) For every goat, pig or sheep ...	\$5.00 per animal or \$50.00 per consignment whichever is the lesser;
(d) For every dog, cat or other animal other than those provided for in paragraphs (a) to (c)	\$10.00

2. Overtime Fees (payable to the Inspector):

(d) On Mondays to Fridays—	
(i) between 4.00 p.m. and 10.00 p.m.	\$800.00 per consignment;
(ii) between 10.00 p.m. and 8.00 a.m.	\$1000.00 per consignment;
(e) On Saturdays, Sundays and Public Holidays	\$1000.00 per consignment.

## TENTH SCHEDULE—CONTINUED

3. Import Permit Fees (payable to the Permanent Secretary of the Ministry to which agriculture has been assigned):

- |                                                                                               |          |
|-----------------------------------------------------------------------------------------------|----------|
| (a) Live animals                                                                              | \$100.00 |
| (b) Carcasses and animal products imported under Regulations 18, 20 and 21 for commercial use | \$100.00 |

4. Export Permit Fees (payable to the Permanent Secretary of the Ministry to which agriculture has been assigned):

- |                   |         |
|-------------------|---------|
| (a) Export Permit | \$50.00 |
| (b) Endorsement   | \$50.00 |

5. Permit Re-issue Fee (payable to the Permanent Secretary of the Ministry to which agriculture has been assigned):

- |                          |            |
|--------------------------|------------|
| (a) Re-issue of a Permit | \$150.00". |
|--------------------------|------------|

Consequential  
amendments  
Chap. 11:02  
amended

**37. The Summary Offences Act is amended—**

- (f) in section 3, by deleting the words “, 78, 79, 80, 82, 89”;
- (g) by repealing sections 78 to 90; and
- (h) by revoking the Detention of Animals (Scale of Charges).

Passed in the Senate this      day of      , 2019.

*Clerk of the Senate*

I confirm the above.

*President of the Senate*



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No. 7 of 2019

FOURTH SESSION  
**ELEVENTH PARLIAMENT**  
REPUBLIC OF  
TRINIDAD AND TOBAGO

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**BILL**

AN ACT to amend the Animals (Diseases  
and Importation) Act, Chap. 67:02

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Received and read the

First time .....

Second time .....

Third time .....

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