

THE PREVENTION OF RABIES ACT, 1971

No. 48



of 1971.

ARRANGEMENT OF SECTIONS

SECTION

1. Short title
2. Interpretation
3. Power to declare rabies control area
4. General provisions affecting rabies control area
5. Power to seize, detain or destroy stray animals
6. Animals seized to be impounded
7. Order on owner of cat, dog and certain other animals
8. Duties of owners of certain animals
9. Powers of certain officers in respect of diseased or suspected animals
10. Indemnity and compensation
11. Power of Director to authorise the laying of poison
12. Regulations
13. Amendment of Act 25 of 1968

AN ACT TO PROVIDE FOR THE PREVENTION OF RABIES.

Date of Assent: 22.12.71.

Date of Commencement: 31.12.71.

ENACTED by the Parliament of Botswana.

1. This Act may be cited as the Prevention of Rabies Act, 1971. Short title
2. In this Act, unless the context otherwise requires — Interpretation
 - “cat” includes any member of the Family *Felidae*;
 - “Director” means the Director of Veterinary Services;
 - “disease” means rabies;
 - “diseased” means infected with rabies;

“dog” includes any animal of the Family *Canidae*;
“rabies control area” means an area declared under section 3;
“stray animal” means any animal wandering at large in a public place;
“suspected” means any animal suspected of being infected with rabies;
“veterinary officer” means any public officer registered under the Veterinary Surgeons Act, 1971.

35 of 1971
Power to
declare rabies
control area

3. The Director may, by notice in the Gazette —

- (a) declare any area to be a rabies control area;
- (b) extend, diminish or otherwise alter the limit of an area declared to be a rabies control area;
- (c) declare any area to be free from rabies; and
- (d) for the purpose of preventing rabies, prohibit the removal of animals from any district, place or area within Botswana which has been declared a rabies control area.

General provisions affecting rabies control area

4. (1) The following provisions shall, in the absence of other provisions made by regulations under this Act, apply to all rabies control areas —

- (a) no animal shall be moved from, into or from place to place within any such area without the written permission of the Director, or the veterinary officer in charge of such area;
- (b) the Director, or the veterinary officer in charge of such area, may require the owner or person in charge of any animal within such area to isolate such animal from other animals within the affected area;
- (c) no owner or person in charge of any animal shall leave any such area without having complied with such reasonable precautions for preventing the spread of rabies as may be required by the veterinary officer in charge of the area;
- (d) the carcasses of all animals infected with rabies shall forthwith be either buried at the depth of not less than four feet below the surface of the ground or burnt.

(2) Any person who fails to comply with subsection (1) shall be guilty of an offence and liable to a fine of R100 and to imprisonment for six months.

Power to
seize, detain
or destroy
stray animals

5. Any veterinary officer, police officer of or above the rank of Inspector, or any person authorised by the Director may seize and detain, shoot or otherwise destroy any stray animal in a rabies control area or any animal within a rabies control area which is known or

suspected of having been exposed to contact with an infected or suspected animal.

6. (1) Every animal seized under section 5 shall be detained in such place as the Director shall appoint until the owner has claimed the same and has paid all expenses incurred by reason of such detention.

Animals
seized to be
impounded

(2) Whenever any animal has been seized notice shall as soon as possible thereafter be given to the owner of such animal, if known.

(3) When an animal has remained under detention for fourteen clear days after notice has been given to the owner without the owner claiming it or in the case of an animal in respect of which the owner is not known after the lapse of the aforesaid period and after all reasonable steps have been taken to ascertain the owner, a veterinary officer may cause such animal to be sold or destroyed and no compensation shall be due to the owner in respect thereof.

7. Upon being satisfied on a complaint made to him that a cat, dog or any other animal which is susceptible to rabies and which is confined or kept as a pet is, in a rabies control area, not kept under proper control, any magistrate with jurisdiction in that area may make an order directing the owner or person in charge of such cat, dog or susceptible wild animal to keep it under proper control and every person who fails to comply with such order shall be guilty of an offence and liable to a fine of R5 for every day during which such default continues.

Order on
owner of cat,
dog and
certain other
animals

8. (1) Every owner or person in charge of a suspected animal shall forthwith cause the same to be destroyed or to be securely tied, confined and isolated and shall give notice of such destruction or isolation to a veterinary officer.

Duties of
owners of
certain
animals

(2) Any person who fails to comply with this section shall be guilty of an offence and liable to a fine of R200 and to imprisonment for twelve months.

9. Any veterinary officer or police officer of or above the rank of Inspector, who, having received reasonable information concerning or having reasonable ground for suspecting the existence of rabies, shall forthwith cause such matter to be investigated and for such purpose may, notwithstanding that there has been no declaration of a rabies control area, cause any animal to be examined and any diseased or suspected animal to be destroyed or otherwise dealt with as he may think necessary.

Powers of
certain
officers in
respect of
diseased or
suspected
animals

10. No action shall lie against the Government or any officer thereof or any person duly authorised by any such officer for any act done in good faith under this Act or any regulations made thereunder and no compensation shall be paid to any person for any act so done.

Indemnity
and compen
sation

Power of
Director to
authorise the
laying of
poison

11. (1) In any rabies control area the Director may lay or authorise any other person to lay poison at any place or places in such area for the purpose of destroying stray animals or animals likely to be suffering from rabies.

(2) Notwithstanding subsection (1), no poison shall be laid at any place unless —

- (a) sufficient notice has been given to persons living adjacent to such place that such poison shall be laid; and
- (b) reasonable steps have been taken to ensure that no person or animal under proper control is likely either to consume or be affected by such poison.

Regulations

12. The Minister may, by regulations published in the Gazette, provide for the better carrying into effect of this Act and in particular, and without prejudice to the generality of the foregoing power, such regulations may provide for —

- (a) the prevention of the introduction and spread of rabies;
- (b) the isolation, inoculation, removal and slaughter of any diseased and suspected animals;
- (c) the burial and destruction of carcasses;
- (d) prescribing places for the importation of animals;
- (e) prohibiting or regulating the movement of animals;
- (f) prescribing quarantine for imported animals or diseased or suspected animals;
- (g) providing for the compulsory vaccination at annual or shorter intervals of dogs and cats over the apparent age of six months, the compulsory vaccination of dogs and cats irrespective of age in any rabies control area and the seizure, detention and destruction of dogs and cats in respect of which compulsory vaccination has been prescribed and which have not been so vaccinated;
- (h) prescribing conditions under which animals may be imported;
- (i) prescribing standards for any manufactured biological and chemical products used for the control of rabies; and
- (j) the recovery by Government or by any authority of expenses incurred in enforcing or otherwise in connection with the carrying out of the regulations.

13. The Matimela Act, 1968 is amended —

Amendment
of Act 25 of
1968

- (a) by the re-numbering of section 1 as section 1 subsection (1);
and
- (b) by the addition, immediately thereafter, of the following
new subsection —

“(2) The provisions of this Act or of any regulation made thereunder shall not apply within any area declared to be a rabies control area under section 3 of the Prevention of Rabies Act, 1971 for so long as such area is so declared.”

Passed by the National Assembly this day, the 16th December, 1971.

G.T. MATENGE,
Clerk of the National Assembly.