

NEW HEBRIDES CONDOMINIUM

JOINT REGULATION

No. 38 of 1977

TO PROVIDE for the eradication of brucellosis in the New Hebrides.

MADE by the Resident Commissioners under the provisions of Articles 2:2 and 7 of the Anglo-French Protocol of 1914.

PART I - GENERAL

Interpretation

1. In this Regulation, unless the context otherwise requires -

"animal" means cattle, sheep, goats, pigs, cats and dogs together with every animal of the species bovine, ovine, caprine, feline and canine;

"carcass" means the carcass of an animal, and includes part of a carcass, together with the meat, bones, hide, skin, hoofs, horns, offal or other part of an animal, separately or otherwise, or any portion thereof;

"meat inspector" has the meaning assigned thereto by section 1 of the Joint (Meat Supply) Regulation No. 13 of 1967;

"owner" includes a manager employed by and an agent of an owner;

"premises" means any land used for agricultural purposes together with any buildings standing on the land and includes a ship but does not include a slaughter-house to which the Joint (Meat Supply) Regulation No. 13 of 1967 applies;

"reactor" means an animal which has reacted positively to a serum test for the diagnosis of the disease brucellosis;

"section" "subsection" and "paragraph" mean respectively a section, subsection or paragraph of this Regulation;

"to remove" includes to cause or permit or procure or aid or abet removal;

"veterinary inspector" means a Condominium veterinary Officer and any person appointed as a Veterinary inspector by the Resident Commissioners under section 2.

Appointment
of veterinary
inspectors.

2. The Resident Commissioners may by Joint Decision appoint any person appearing to them to be suitably qualified to be a veterinary inspector for the purposes of this Regulation.

PART II - RESTRICTED PREMISES AND RESTRICTED AREAS

Declaration of
restricted
premises and
areas.

3. (1) The Resident Commissioners may by Joint Decision declare the premises where a reactor is found or is normally kept to be a restricted premises.

(2) The Resident Commissioners may by Joint Decision declare the area within which a restricted premises is situate to be a restricted area.

Activities
prohibited on
restricted
premises or
in restricted
area.

4. No person shall on restricted premises or in a restricted area -

- (a) enter into, complete or otherwise carry out any contract or agreement in relation to the premises or area for the purchase, sale, slaughter, transfer, movement or other dealing whatsoever in live animals;
- (b) remove any animal from the premises or out of the area otherwise than, when permitted in writing so to do by a veterinary inspector, to an abattoir named in the permit;
- (c) bring on to the premises or into the area any animal unless the same shall first have been tested by a veterinary inspector and accompanied by a permit in that behalf signed by a veterinary inspector;
- (d) place any animal referred to in paragraph (c) above in contact with any reactor or with any animal which has been in contact with any reactor;
- (e) place any animal referred to in paragraph (c) above in any place which may recently have been sciled by a reactor or by an animal which has been in contact with a reactor.

Restriction
on slaughter
of animals in
and movement
of animal
products out
of restricted
premises or
area.

5. No person shall on restricted premises or in a restricted area -

- (a) slaughter any animal without the prior consent of a veterinary inspector;
- (b) slaughter any animal referred to above otherwise than under the supervision of a veterinary inspector or of a meat inspector;
- (c) remove from the premises the carcass of any animal so slaughtered unless the same shall have been certified by a veterinary inspector

or a meat inspector as being fit for human consumption or for animal consumption or fit for such other use as may be specified in the certificate;

- (d) remove the carcass to any premises other than a butchery or a cannery, or to such other premises as may be specified in the certificate referred to in paragraph (c) above;
- (e) remove off the premises any milk or dairy produce unless the same shall have been boiled or pasteurised;
- (f) remove off the premises any milk or dairy produce without a veterinary inspector's permit in that behalf.

Preventive measures.

6. Every owner of premises upon which cattle are kept in a restricted area and every owner of a restricted premises shall -

- (a) reinforce and keep intact every fence, wall paling, hedge, ditch, dyke, cattle-grid, gate, door and every other structure whatsoever marking out or delimiting the premises or marking out any milking parlour, lairage, yard, field, area or other subdivision of the premises and, where so instructed in writing by a veterinary inspector, shall construct a double fence in the manner and in the position required by the veterinary inspector;
- (b) prevent any animal from straying onto or off the premises;
- (c) prevent hunting, fishing, shooting and any other sporting activity on or over the premises;
- (d) not move any cattle from one herd within the premises to another herd within the premises nor from one place within the premises to another unless such movement is approved in writing by a veterinary inspector.

PART III - GENERAL HEALTH REQUIREMENTS

Presentation of animals for serum testing.

7. (1) For the purpose of diagnosing the disease brucellosis, a veterinary inspector may by notice in writing require the owner of any premises (whether those premises are restricted premises or not and irrespective whether the premises are within a restricted area or not) upon which cattle, sheep, goats or pigs are kept to present every such animal, or such animals as may be specified in the notice, for serum testing on the premises on such date as is specified in the notice.

(2) An owner of premises who fails to present any animal for testing under subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding 100,000 FNH (or its equivalent in Australian dollars at the official rate of exchange) or to imprisonment for a term not exceeding six months or to both such fine and imprisonment.

Immediate action on discovery of reactor.

8. (1) Where a reactor is found to be on any premises (whether those premises are restricted premises or not and irrespective whether the premises are within a restricted area or not) the owner shall count every animal on the premises and, subject to subsection (2), shall keep those animals together in herds according to their species, and in the case of dogs and cats shall keep them under control and in confinement.

(2) The reactor shall forthwith be isolated and marked by its owner and shall be slaughtered at the owner's expense within thirty days of discovery, so however, that, where the reactor is a cow in calf or a heifer in calf it shall be so slaughtered within eight days of discovery.

(3) An owner who fails to comply with the requirements of this section shall be guilty of an offence and shall be liable on conviction to the penalties provided in section 7(2).

Disposal of carcass of reactor.

9. (1) Subject to subsection (4), the carcass of every reactor shall be destroyed by burning the same as near as it reasonably practicable to the place of slaughter.

(2) The destruction shall be carried out forthwith after slaughter in the presence of and to the satisfaction of a veterinary inspector or a meat inspector.

(3) Upon the satisfactory destruction of the carcass, the inspector shall so certify in writing specifying the nature of the carcass and its weight.

(4) If a veterinary inspector is satisfied that adequate slaughtering facilities exist on the premises and that it is fit for the purpose, he may in writing permit the meat from the carcass of a slaughtered reactor to be removed to a cannery or butchery.

Special provision 10. for non-reactor cows in calf and bulls.

(1) Where a reactor is discovered among a herd of cattle, the owner shall count and isolate from the herd every cow in calf and heifer in calf which is not a reactor.

(2) Every such cow in calf and heifer in calf shall be inspected daily by the owner thereof and shall be subjected to a serum test for the diagnosis

of the disease brucellosis at intervals of not less than three weeks, until the cow or heifer gives birth or until the clinical signs referred to in section 11 appear, whichever event shall first occur, and the owner shall forthwith report to a veterinary inspector the appearance of those clinical signs.

(3) Where such a cow or heifer is about to give birth it shall be placed in a byre or enclosure specially set aside for the purpose.

(4) When the cow or heifer has given birth all solid matter expelled in giving birth to the calf together with any hay, straw or other bedding material or fodder shall be destroyed in accordance with section 9 as if that matter was the carcass of a reactor and the place where the birth took place shall be cleansed of blood and other liquid material and shall be disinfected in such manner as a veterinary inspector may direct.

(5) Where a bull which is not a reactor is in a herd of cattle in which a reactor is discovered, it shall be isolated immediately and if it passes three serum tests at intervals of not less than two months between each test it shall be permitted to resume breeding. Where a test is unsatisfactory the bull shall be slaughtered or castrated forthwith.

(6) Where it is not practical to comply with the requirements of the foregoing subsections of this section, the animals shall be slaughtered and the carcasses disposed of in accordance with the provisions of this Regulation.

Action on animal showing symptoms of brucellosis or in case of abortion.

11. (1) If any animal shows symptoms of brucellosis, or if it aborts or if an abortion is threatened, the animal shall be slaughtered within forty-eight hours of the first appearance of the symptoms or the threat of abortion as the case may be as if the animal were a reactor and the provisions of this Regulation for the disposal of the carcass of a reactor shall apply accordingly.

(2) If an abortion occurs, the provisions of section 10(4) shall apply as if references therein to birth included references to abortion and as if references therein to solid matter included references to a foetus and to any young aborted, whether live or stillborn.

(3) In this section references to "abortion" and its grammatical variations are references to the premature expulsion of a foetus from the uterus or the giving birth to young which does not survive for more than forty-eight hours and includes a stillbirth.

PART IV - HEALTH MEASURES IN CASE OF ACUTE OUTBREAK OF
BRUCELLOSIS

Provisions of Part to be in addition to other Parts of Regulation.

12. The provisions of this Part of this Regulation shall be in addition to and not in derogation of the provisions of the other Parts of this Regulation.

Destruction of herds in event of acute outbreak of brucellosis.

13. (1) Where the Resident Commissioners are satisfied, having been advised in that behalf by the Head of the Condominium Agricultural Department, that there is an acute outbreak of brucellosis in any restricted premises or restricted area, they may by Joint Decision declare the premises or area to be a premises of acute infection or an area of acute infection, as the case may be.

(2) Where a premises or an area have been declared to be a premises or an area of acute infection, every owner of animals on that premises or within that area shall slaughter within three months every animal which a veterinary inspector may require by notice in writing to be destroyed and shall castrate every animal which the inspector may so require to be castrated within three months.

(3) The powers conferred upon a veterinary inspector under subsection (2) shall extend to all the animals owned or possessed by an owner.

Destruction of pigs and carnivorous animals

14. (1) The Head of the Condominium Agricultural Department may by notice in writing require the owner of any premises (whether a restricted premises or not) situate in an area of acute infection forthwith to destroy all pigs and carnivorous animals (whether domesticated or not) which are at liberty on the premises.

(2) The destruction under subsection (1) shall be carried out under the supervision of a veterinary inspector or a meat inspector in such manner as he may direct.

Disposal or destruction of carcass.

15. The carcasses of animals destroyed under sections 13 and 14 shall be disposed of or destroyed in such manner as a veterinary inspector or a meat inspector may by notice in writing direct, having regard to sections 5 and 9.

PART V - COMPENSATION

Compensation for slaughter or castration.

16. (1) Subject to subsection (2), where the owner of an animal is required to slaughter it or destroy it under sections 8, 11, 13 or 14 and where he is required to castrate it under sections 10 or 13, he shall be paid compensation therefor by the Head of the Condominium Agricultural Department in such amount

as the Resident Commissioners may determine by Joint Decision made under this section.

(2) No owner who has been convicted of an offence contrary to this Regulation shall be paid compensation under this section and no such compensation shall be paid to an owner if the Resident Commissioners determine that the owner has been negligent in the management of his animals so as to avoid their infection with brucellosis or so as to eliminate that disease from his premises.

(3) The determination by the Resident Commissioners under subsection (2) shall not be challenged or reviewed in any court.

PART VI - ENDING OF RESTRICTION

Ending of
restriction

17. (1) The Resident Commissioners may by Joint Decision provisionally declare any restricted premises or any restricted area no longer to be such a premises or area where upon testing under section 7 no reactor has been found on the premises or in any premises in the area for a period of six months from the date when a reactor was last so found.

(2) If at any time within a period of twenty-four months from the date when a reactor was last found on premises or in an area to which subsection (1) applies a reactor is again found on the premises or in the area, the premises or the area, as the case may be, shall, by operation of this section only, be a restricted premises or a restricted area.

(3) A provisional declaration under subsection (1) shall become final if upon testing under section 7 no reactor has been found on the premises, or on any premises in the area, as the case may be, for a period of twenty-four months from the date when a reactor was last there found, and thereupon neither the premises nor the area shall again become restricted save by operation of a Joint Declaration made under section 3.

PART VII - OFFENCES, RULES, SHORT TITLE AND COMMENCEMENT

Offences.

18. (1) Any person who contravenes or fails to comply with any provision of sections 4, 5, 6, 9, 10, 11, 14 and 15 shall be guilty of an offence and shall be liable on conviction to a fine not exceeding 100,000 FNH (or its equivalent in Australian dollars at the official rate of exchange) or to imprisonment for a term not exceeding six months or to both such fine and imprisonment.

(2) The owner of an animal shall be liable to be convicted for an offence committed by his servants

or agents or any person acting with his authority unless he satisfies the court that that servant, agent or person was acting contrary to his orders or general instructions.

Rules and forms

19. (1) The Resident Commissioners may make Joint Rules prescribing the forms to be used for the purposes of this Regulation.

(2) Until forms are prescribed any paper writing purporting to be made by the proper officer for the purpose of any provision of this Regulation and which specifies the provision under which it is issued shall be a sufficient permit, consent, certificate, approval, or notice, as the case may be.

Short title and commencement

20. This Joint Regulation may be cited as the Brucellosis (Eradication) Regulation 1977 and shall come into operation on the date of its publication in the Condominium Gazette.

MADE at Vila the 21st day of November, 1977.

The Resident Commissioner
For the French Republic

Her Britannic Majesty's
Resident Commissioner

R. GAUGER

J.S. CHAMPION