

No. 9 of 1891.

An Ordinance relating to Cattle Disease.

WHEREAS it is expedient to provide against cattle disease being introduced or spreading in this colony :
Be it therefore enacted by the Governor of Ceylon, by and with the advice and consent of the Legislative Council thereof, as follows :

Preamble.

1 In this Ordinance, unless the context otherwise requires—

Definitions.

“ Disease ” shall mean murrain, rinderpest, foot-and-mouth disease, pleuro-pneumonia, and shall include the diseases known by the Sinhalese and Tamil names specified in the schedule hereto. Provided that it shall be lawful for the Governor in Executive Council, by Proclamation in the *Government Gazette*, to extend the definition of “ disease ” so that the same shall comprise any other disease of cattle in addition to the diseases mentioned in this Ordinance.

“ Disease.”

“ Cattle ” shall mean bulls, cows, bullocks, buffaloes, heifers, steers, and calves.

“ Cattle.”

“ Government agent ” shall include the assistant government agent of a district.

“ Government agent.”

“ Diseased ” shall mean affected with “ disease.”

“ Diseased.”

“ Suspected ” shall mean suspected on reasonable grounds of being diseased.

“ Suspected.”

“ Division ” shall mean any village or group of villages, or any estate or group of estates, or any portion or portions of a revenue district proclaimed by the government agent under sections 3 and 4.

“ Division.”

“ Carcase ” shall mean the carcase of any cattle, and shall include part of a carcase and the meat, bones, hide, skin, hoofs, horns, offal, or other part of any cattle separately or otherwise, or any portion thereof.

“ Carcase.”

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- " Fodder." " Fodder " shall mean grass or other substance commonly used for food for cattle.
- " Litter." " Litter " shall mean straw or other substance commonly used for bedding or otherwise for or about cattle.
- " Owner." " Owner " shall include a part owner or hirer of any cattle, and any person who takes care of any cattle on condition of receiving part of the produce thereof.
- Notice of disease. **2** Every person having in his possession or under his charge any diseased cattle shall keep such cattle separate from other cattle, and shall with all practicable speed give notice of the fact of the cattle being diseased to the nearest headman or police officer, who shall forthwith give information thereof to the government agent.
- Government agent to declare existence of disease. **3** Where it appears to the government agent that disease exists or has within ten days existed in a cattle shed, field, chena, garden, tank, or other place, he shall forthwith make and sign a declaration thereof, and shall proclaim by beat of tom-tom or in such other manner as he may deem fit any division within which such cattle shed, field, chena, garden, tank, or other place is situated, an infected area.
- Proclamation how published. **4** Every such proclamation shall specify the limits of such division, and the date from which such proclamation shall take effect, and a copy thereof shall be published in the *Government Gazette*.
- Government agent's proceedings to be reported to Governor. **5** The government agent shall forthwith forward to the Governor a copy of his declaration, and report all proceedings taken thereon.
- Governor in Executive Council may curtail or extend limits of area. **6** The Governor in Executive Council may from time to time, if he thinks fit, on any evidence satisfactory to him, by order published in the *Government Gazette*, revoke such proclamation or curtail or extend the limits of an infected area as proclaimed by the government agent.
- Infected area may be declared free from disease by government agent. **7** Where a government agent has proclaimed an infected area, he may, if he thinks fit, at any time thereafter, declare such area to be free from disease, and no longer an infected area, and such declaration shall be proclaimed and published in the same manner as provided in sections 3 and 4.
- Portions of such area may be declared free from disease by Governor in Executive Council. **8** It shall be lawful for the Governor in Executive Council, if he thinks fit, at any time to declare by order published in the *Government Gazette* any particular portion or portions of any infected area to be free from disease.
- Isolating of cattle. Prevention of over-crowding. &c. **9** It shall be lawful for the government agent to order the owner or person in charge of any cattle within any infected area to isolate the diseased cattle, to clean and disinfect the grounds and buildings in which cattle are or may be kept, to bury any carcass that may be found in such ground or building, and to give such other orders as he may deem necessary to prevent the overcrowding of cattle within such grounds or buildings.

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10 If any owner or person in charge of any cattle shall neglect or disobey any order given by the government agent under the last preceding section, it shall be lawful for the government agent to execute or cause to be executed such order, and in such case the amount of expenses incurred in and about the execution of such order shall be certified by the government agent, after due inquiry, under his hand to the nearest police magistrate, and shall be recoverable in the same way as if it were a fine imposed by such magistrate.

Expenses of carrying out government agent's orders how recoverable in case of neglect of owner.

11 (1) No person shall remove any portion of the carcase or any fodder, utensil, dung, or litter of cattle from an infected area.

Prohibitions as to infected areas.

(2) No person shall remove cattle to or from an infected area, unless he shall have obtained a special permit for that purpose from the government agent, who may at his discretion issue or refuse to issue such permit.

(3) No person shall drive or cause to be driven any cattle into, out of, or through any part of an infected area without a permit from the government agent of the district, who may at his discretion grant or refuse such permit. Every such permit when granted shall be in writing, and shall specify the route such cattle shall take, and the time within which they shall be taken along such route. Provided that in the case of cattle engaged in cart transport and attached to carts, no such permit shall be necessary when they are travelling along a cart road which has not been closed under the provisions of section 12.

(4) No person shall dig up the carcase of any cattle buried within an infected area.

12 (1) It shall be lawful for the government agent to proclaim, by affixing notices of such proclamation on some conspicuous place at each end of any road or portion thereof, as well as by beat of tom-tom or in such other manner as he may deem fit, that such road or portion thereof in an infected area shall be closed to all cattle traffic for the period specified in such proclamation, and upon such proclamation being issued no person shall take any cattle along such road or portion thereof, whether for purposes of transport or otherwise during such period as aforesaid.

Roads may be closed to all cattle traffic.

Provided that no road or portion thereof shall be closed for a longer period than ten days without the sanction of the Governor.

(2) The Governor in Executive Council may by order published in the *Government Gazette* cancel any proclamation made by the government agent under this section.

13 Whenever a vessel shall arrive at any port or place in the colony from any other port or place in or without the colony in which disease is known to prevail, or having on board cattle suffering from disease, or on board of which

Quarantine.

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disease may have appeared in the course of the voyage, the master attendant of such port or place of arrival may, if he shall see fit to do so, cause the said vessel to be placed in quarantine in so far as not to allow any of the cattle to be landed for such time as he shall determine. So long as such vessel is in quarantine, the owner or person in charge of any cattle on board thereof shall provide a sufficient supply of water and food for such cattle, and on failure thereof it shall be lawful for any person authorized by the master attendant to provide such water and food ; and the amount of expenses incurred in that behalf when certified under the hand of the master attendant to the nearest police magistrate shall be recoverable from the owner of such cattle as if it were a fine imposed by such magistrate.

Master attendant may allow cattle to be landed.

14 The master attendant may, if he shall see fit to do so, allow the cattle or any portion of them to be landed and detained in quarantine at such place and for such time as he shall deem necessary, and such cattle may thereupon be landed and detained at such place and for such time as aforesaid.

Regulations and orders.

15 The Governor in Executive Council may from time to time make, and when made revoke or vary such regulations and general or special orders as he may think fit, not inconsistent with the provisions of this Ordinance, for the following purposes or any of them :

- (i.) For prescribing and regulating the destruction, burial, disposal, or treatment of carcasses, fodder, litter, utensils, dung, or other things being in an infected area or removed thereout.
- (ii.) For prescribing and regulating the disinfecting of the clothes of persons coming in contact with or employed about diseased or suspected cattle, and the use of precautions against the spreading of disease by such persons.
- (iii.) For prohibiting the exposure of diseased or suspected cattle in markets, sale yards, or other public or private places.
- (iv.) For prohibiting or regulating the sending or carrying of diseased or suspected cattle, or of dung or other thing likely to spread disease, or the causing the same to be sent or carried on railways, canals, rivers, or in vessels, or otherwise.
- (v.) For prohibiting or regulating the carrying, leading, or driving of diseased or suspected cattle, or causing them to be carried, led, or driven on highways or thoroughfares or elsewhere.
- (vi.) For prohibiting or regulating the placing or keeping of diseased or suspected cattle on chenas or unenclosed lands, or in fields or other places insufficiently fenced, or on or near the sides of highways.

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- (vii.) For prescribing and regulating the seizure, detention, destruction, and disposal of diseased or suspected cattle exposed, carried, kept, or otherwise dealt with in contravention of regulations made under this Ordinance, or of any order made by the Governor in Executive Council; and for prescribing and regulating the liability of the owner or consignor or consignee of the cattle to the expenses connected with the seizure, detention, destruction, and disposal thereof.
- (viii.) For prescribing and regulating the issuing and production of permits required under this Ordinance.
- (ix.) For prohibiting or regulating the holding of markets and fairs for the sale of cattle.
- (x.) For prescribing and regulating the cleansing and disinfecting of places used for the holding of markets and fairs for the sale of cattle, and yards, sheds, stables, and other places used for cattle.
- (xi.) For prescribing modes of cleansing and disinfecting.
- (xii.) For protecting cattle from unnecessary suffering during inland transit.
- (xiii.) For securing a proper supply of water and food to cattle during any detention thereof.
- (xiv.) For the appointment of officers to carry out the provisions of this Ordinance, or of any regulations or orders made thereunder, and for regulating their duties and conduct, and for investing them with all powers necessary for the due execution of their duties.
- (xv.) For prescribing the publication of any regulations or orders made under this Ordinance, and for prescribing and regulating the form and mode of service or delivery of notices and other documents.
- (xvi.) Generally for the better execution of this Ordinance or for the purpose of in any manner preventing the introduction or spread of disease.

16 If any person without lawful authority or excuse does or omits to do anything which, under the provisions of this Ordinance or of any regulations or orders made thereunder, he ought not to do or omit, or if he obstructs or impedes or assists in obstructing or impeding any officer appointed under this Ordinance, or any headman or police officer, in the execution of this Ordinance, or of any regulation or order made thereunder, he shall be guilty of an offence against this Ordinance.

Offences.

17 (1) If any person is guilty of an offence against this Ordinance he shall be liable on conviction before a magistrate to a fine not exceeding twenty rupees.

Punishment.

(2) A person convicted of any offence against this Ordinance, who is within a period of twelve calendar months convicted of a second or subsequent like offence against this Ordinance, shall be liable to a fine not exceeding fifty rupees.

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(3) Nothing in this section contained shall affect the liability of any person to any punishment or penalty to which he is liable under any enactment other than this Ordinance, but so that a person shall not be punished twice for the same offence.

Vexatious
conduct of
officers.

18 Every person acting under the authority of this Ordinance who shall, under pretence of performing any act under the authority of this Ordinance, use any unnecessary violence or give any uncalled for and vexatious annoyance, shall be guilty of an offence, and be liable on conviction thereof to a fine not exceeding fifty rupees.

Duties of
inspectors and
police officers.

19 (1) When a person is seen or found committing, or is reasonably suspected of being engaged in committing an offence against this Ordinance, any officer appointed under this Ordinance, or any headman or police officer, may, without warrant, stop and detain him, and if his name and address are not given by him may, without warrant, apprehend him.

(2) If any person obstructs or impedes an officer appointed under this Ordinance, or any headman or police officer, in the execution of his duties under this Ordinance, or under any regulation or order made thereunder, or assists in any such obstructing or impeding, he may be apprehended by such officer, headman, or police officer without warrant.

(3) A person apprehended under this section shall be taken forthwith before a police magistrate.

(4) Nothing in this section shall take away or abridge any power or authority that a police officer would have had if this section had not been enacted.

Village tribunal
may try cases of
first offences.

20 In the case of a first offence against this Ordinance, it shall be lawful for any village tribunal, within the limits of whose jurisdiction such offence is committed, to try the offender and to exercise each and every of the powers which a police magistrate in a like case may exercise, anything in "The Village Communities' Ordinance, 1889," to the contrary notwithstanding.

Accused may
give evidence.

21 A person charged with an offence against this Ordinance may, if he thinks fit, tender himself to be examined on his own behalf, and thereupon may give evidence in the same manner and with the like effect and consequences as any other witness.

Officers to be
public servants.

22 Officers appointed under this Ordinance shall be deemed public servants within the meaning of the Ceylon Penal Code.

Execution of
regulations may
be delegated to
local authority.

23 The Governor in Executive Council may by notification in the *Government Gazette* delegate the enforcement and execution of any provisions of this Ordinance, or of any regulation or order made under this Ordinance, to the chairman of any municipal council or local board, and may

authorize such chairman to exercise and perform within municipal or local board limits all or any of the powers and duties vested and imposed on the government agent under this Ordinance, subject to such restrictions as the Governor in Executive Council may from time to time think fit to impose.

24 All regulations and all general or special orders made under this Ordinance shall be published in the *Government Gazette*.

Regulations and orders to be published.

25 This Ordinance may be cited as "The Cattle Disease Ordinance, 1891," and it shall come into operation at such time as the Governor shall, by Proclamation in the *Government Gazette*, appoint.*

Short title.
Commencement.

SCHEDULE.

Kuralēḍa கரலேḍ
Wasangatarōga வசங்கதரோத

Māṭṭukótāri மாட்டிக்கோதாரி
Kalnōi கால்நோய்

11th November, 1891.