

AKTA BINATANG 1953

(Semakan-2006)

(Act 647)

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LAWS OF MALAYSIA

Act 647 ANIMALS ACT 1953

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LAWS OF MALAYSIA

Act 647 ANIMALS ACT 1953

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LAWS OF MALAYSIA

Act 647 ANIMALS ACT 1953

An Act to amend and consolidate the laws for preventing the introduction into, and the spreading within, Peninsular Malaysia of diseases of animals; for the control of the movement of animals into, within and from Peninsular Malaysia; for the control of the slaughter of animals; for the prevention of cruelty to animals; for measures pertaining to the general welfare, conservation and improvement of animals in Peninsular Malaysia; and for purposes connected therewith.

[30 April 1953]

PART I - PRELIMINARY

Section 1. Short title

This Act may be cited as the Animals Act 1953.

Section 2. Interpretation

In this Act, unless the context otherwise requires-

“aircraft” includes any kind of craft which may be used for the conveyance of animals or birds by air;

“animal” includes horses, cattle, sheep, goats, swine, dogs, cats and any four-footed beast kept in captivity or under control, of any age or sex;

“animal quarantine station” means a quarantine station established under section 80;

“bird” includes domestic fowls, ducks, geese, turkeys, guinea fowls and pigeons of any age or sex and their eggs;

“building” includes any house, hut, shed, stable or enclosure, whether roofed or not, used for sheltering or confining any animal or bird and any pen, cage, wall, gate, pillar, post, paling, frame, hoarding, fence, platform, roadway, path, steps, staging, slip, wharf, dock, piles, jetty, landing stage or bridge, or any structure connected with the foregoing;

“bull” means a male of any species of cattle;

“carcass” means the dead body of an animal or bird and includes any part thereof and the meat, bones (whether whole, broken or ground), offal, hide, skin, wool, hair, feathers, hoof, horns or other part of an animal or bird, separately or otherwise, or any portion thereof;

“cat” means a domesticated cat of any breed or sex;

“cattle” means bulls, cows, oxen, heifers and calves and includes buffaloes of any age or sex;

“contact” means any animal or bird which has by contact direct or indirect with a diseased animal or bird been exposed to the risk of contracting a disease;

“Director General” means the Director General of Veterinary Services appointed under section 3 and includes the Deputy Director General appointed under the same section;

“disease” means any disease infectious or contagious amongst animals or birds and includes anthrax, blackquarter, cattle plague(rinderpest), contagious pleuro-pneumonia, contagious abortion, tuberculosis, epizootic lymphangitis, foot and mouth disease, glanders and farcy, goat pox, haemorrhagic septicaemia, rabies, sheep pox, swine fever, swine erysipelas, trypanosomiasis, avian pneumoencephalitis (Ranikhet disease), bacillary white diarrhoea (pullorum disease), fowl cholera, fowl plague, fowl pox, infectious laryngotracheitis and any other disease* which the Minister may from time to time, by notification in the Gazette, declare to be a disease* within the meaning of this Act;

“dog” means a domesticated dog of any breed or sex;

“examine”, with its grammatical variations and cognate expressions, includes the carrying out of any tests and post-mortem examination, after exhumation of the carcass (if necessary);

“fodder” means any substance used for food of animals or birds;

“horse” includes any mare, gelding, pony, foal, colt, filly, ass or mule;

“infected” means infected with any disease;

“litter” means any substance used for bedding or otherwise for or about animals or birds;

“master” means the captain of any ship or aircraft and includes any person for the time being in charge of any ship (other than a pilot) or aircraft;

“Minister” means the Minister charged with the responsibility for animal husbandry;

*NOTE—For other diseases declared by the Minister—see APPENDIX.

“offence against this Act” means any contravention of or failure to comply with any of the provisions of this Act or of any order, rule or direction made or given under it;

“officer of customs” has the same meaning as in the Customs Act 1967 [Act 235];

“owner” includes any person for the time being in charge of any animal or bird and any person for the time being in occupation of any building;

“quarantine” means the compulsory detention in isolation of any animal, bird or thing;

“quarantine station” means any building or place where quarantine is carried out and includes an examination station or hulk;

“ship” includes every description of vessel or craft, however propelled, which may be used in navigation by water;

“State Director” means the State Director of Veterinary Services appointed under section 3;

“vaccine” includes any culture or living preparation of the causative agent of any disease;

“veterinary authority” means the Director General of Veterinary Services, the Deputy Director General of Veterinary Services and any State Director or Veterinary Services and any State Director of Veterinary Services, any Veterinary Officer, Deputy or Assistant Veterinary Officer and includes any person appointed in writing by the Director General of Veterinary Services, the Deputy Director General of Veterinary Services and any State Director of Veterinary Services, to be a veterinary authority under section 3;

“veterinary centre” has the meaning assigned to it in section 82;

“veterinary police officer” means any member of the Police Force acting under the direction of a veterinary authority

Section 3. Appointment of officers

(1) The Yang di-Pertuan Agong may appoint an officer to be known as the Director General of Veterinary Services and an officer to be known as the Deputy Director General of Veterinary Services.

(2) The Ruler or Yang di-Pertua Negeri of a State may appoint a State Director of Veterinary Officer and as many Veterinary Officers, Deputy and Assistant Veterinary Officers as he may consider necessary for the purposes of this Act.

(3) The Director General of Veterinary Services, the Deputy Director General of Veterinary Services and any State Director of Veterinary Services may appoint any person in writing to be a veterinary authority for all the purposes of this Act or for such of the purposes of this Act as he shall specify in so appointing such person, and such person shall, for the purposes of this Act in respect of which he is so appointed, be deemed to be an officer appointed under this Act.

(4) All officers appointed under this Act shall be deemed to be public servants within the meaning of the Penal Code [Act 574].

Section 4. Identification card to be produced

(1) Every veterinary authority, officer of customs, veterinary police officer or police officer when exercising any powers under this Act shall, if not in uniform, declare his office and shall, on demand, produce to any person affected by the exercise of such powers such identification card as the Director General, the Director General of Customs or the Inspector General of Police respectively may direct to be carried by officers appointed under this Act, officer of customs or police officers.

(2) It shall not be an offence for any person to refuse to comply with any request, demand or order made or given by any officer appointed under this Act, or by any officer of customs or police officer not in uniform, who fails to declare his office and refuses to produce his identification card on demand being made by such person.

PART II - IMPORTATION AND EXPORTATION OF ANIMALS AND BIRDS

Importation

Section 5. Power to make orders with regard to importation

(1) The Minister may make orders—

(a) specifying the countries or the parts of any country from which animals and birds, or any specified kinds of animals or birds, may be imported, either with or without restriction; and

(b) prohibiting, either absolutely or conditionally, the import from any specified country or any specified part of a country of any carcass, semen, fodder, litter, dung or any product of animals or birds or any article or substance that is likely to convey or spread disease.

(2) Any person who contravenes any order made under paragraph (1)(b) shall be liable to a fine of five thousand ringgit or to imprisonment for a term of two years or to both.

Section 6. No person to import any animal or bird without licence

(1) Except as specifically provided in any order made under paragraph 5(1)(a), no person shall import any animal or bird except in accordance with a licence in that behalf issued under this Act and in accordance with the conditions of such licence and such conditions as may be prescribed.

(2) A licence to import any animal or bird under this Act may be obtained in any State by application made in writing to a State Director and upon payment of the prescribed fee.

(3) Any person who imports an animal or bird contrary to subsection (1) shall be liable to a fine of five thousand ringgit or to imprisonment for a term of two years or to both.

Section 7. Examination and detention of imported animals and birds

(1) Every animal or bird imported or about to be imported may be required to undergo an examination by a veterinary authority either at the place of arrival or at such other place as the veterinary authority may appoint and if any such animal or bird is considered likely to have been exposed to infection with any disease the veterinary authority may subject it to such biological or other test or treatment as he may think necessary, and may charge such fees for such examination, test or treatment as may be prescribed.

(2) Any such animal or bird may on importation be detained by a veterinary authority for observation, examination, test or treatment for such period and at such place as in the circumstances of the case he thinks proper.

Section 8. Arrival of animals to be reported

(1) The master of any ship or aircraft and the guard of any train on board of which there is any animal or bird, whether such animal or bird is intended to be landed in Peninsular Malaysia or not, shall immediately on the first arrival of the ship, aircraft or train at a port, airfield or station in Peninsular Malaysia report the fact to a Port Officer or the officer in charge of the airfield or the station master, as the case may be, who shall without delay inform the nearest veterinary authority.

(2) A veterinary authority may board any ship, aircraft or train for the purpose of examining such animal.

(3) A Port Officer or officer in charge of an airfield or station master shall not permit any animal or bird which has arrived in Peninsular Malaysia to be landed from the ship or removed from the aircraft or the train until he is satisfied that the veterinary authority has granted a permit for the landing or removal of such animal or bird.

(4) Subsection (3) shall apply, notwithstanding that a licence may have been granted under section 6 or that the animal or bird comes from a country or part of a country specified in an order made under paragraph 5 (l)(a).

(5) (a) Any person who fails to make a report as required by subsection (1) shall be liable to a fine of fifty ringgit.

(b) Any person who permits an animal or bird to be landed or removed contrary to subsection (3) shall be liable to a fine of two hundred ringgit.

Section 9. Importation of diseased animal or bird and contact

(1) If any animal, bird or carcass which has been or is about to be imported is, in the opinion of a veterinary authority, infected with any disease or likely to have been in contact with any infected or diseased animal, bird or carcass or any other infected articles or materials, the veterinary authority may in his discretion either—

(a) refuse to permit such animal, bird or carcass or any contacts thereof to be landed or removed;

(b) cause such animal, bird or carcass and any contacts thereof to be destroyed at once and the carcass to be disposed of in such manner as he may direct; or

(c) cause such animal, bird or carcass and any contacts thereof to be detained in quarantine for such period as he may consider necessary.

(2) If any animal or bird is destroyed under paragraph (l)(b) the expense of disposing of the carcass shall be payable by the owner or person in charge.

(3) No compensation shall be payable in respect of any animal or bird destroyed under this section.

Section 10. Dogs and cats on board ship

(1) Any dog or cat imported by sea shall, unless a veterinary authority has authorized its landing, at all times while on board the ship in any port be confined in an enclosed part of the ship or in a cage or kennel.

(2) If any dog or cat dies or is lost from a ship in any port the master of the ship shall immediately notify the veterinary authority of such death or loss.

(3) The master of any ship on board of which any contravention of subsection (1) occurs or who fails without reasonable excuse to comply with subsection (2) shall be liable to a fine of one hundred ringgit.

Section 11. Destruction of injured animals or birds

(1) If any animal or bird examined by a veterinary authority for the purposes of importation is found to be suffering from injury which in the opinion of the veterinary authority cannot be relieved, the veterinary authority may cause such animal or bird to be destroyed at once and its carcass to be disposed of in such manner as he may direct.

(2) If any animal or bird is destroyed under this section the expense of disposing of the carcass of any animal or bird shall be payable by the owner or person in charge.

(3) No compensation shall be payable in respect of any animal or bird destroyed under this section.

Section 12. Permission to land carcass

(1) No person shall land from any ship or remove from any aircraft, train or vehicle the carcass of any animal or bird without the written permission of a veterinary authority who shall give directions as to the manner of its disposal.

(2) Any person who lands or removes the carcass of an animal contrary to subsection (1) or fails to comply with any direction given by a veterinary authority as to the manner of disposal of carcass shall be liable to a fine of one hundred ringgit.

Section 13. Destruction or disinfection of certain articles

Whenever it appears to a veterinary authority that any bedding, litter, fodder, dung, semen, personal belongings or other substance or material imported by land, sea or air may convey or spread disease, he may seize and detain the same and at his discretion may order its or their destruction or disinfection.

Exportation

Section 14. No person to export any animal without licence

(1) No person shall export any animal or the carcass of any animal except in accordance with a licence in that behalf issued under this Act and in accordance with the conditions of such licence and such conditions as may be prescribed.

(2) A licence to export any animal or the carcass of any animal may be obtained in any State by application made in writing to a State Director and upon payment of the prescribed fee.

(3) Any person who exports any animal or the carcass of any animal contrary to subsection (1) shall be liable to a fine of five hundred ringgit or to imprisonment for a term of six months or to both.

Section 15. Exportation to Singapore

The owner or person in charge of any animal to be exported to Singapore shall produce evidence in writing of the permission of the Director General of Agri-Food and Veterinary Services of Singapore to import the animal into Singapore before any licence under section 14 is issued.

Section 16. Examination before exportation

Every animal which is about to be exported may be required to undergo an examination by a veterinary authority at such place as the veterinary authority may appoint.

Section 17. Exportation of diseased animal or bird

If any animal which is about to be exported is in the opinion of the veterinary authority infected with any disease the veterinary authority may refuse to permit such animal or any contacts of the animal to be exported.

PART III - PREVENTION OF THE SPREAD OF DISEASE

General

Section 18. Examination for animals or birds suspected of disease

(1) If a veterinary authority has reason to believe that any animal, bird or carcass may be infected with any disease, he may subject such animal, bird or carcass to such examination or test as he may consider necessary, and for the purposes of such examination or test may take blood, milk, urine, or any other substance from such animal, bird or carcass.

(2) For the purpose of carrying out any examination or test under subsection (1) the veterinary authority may order that the animal, bird or carcass be delivered to

him at a specified place and time, and no such animal, bird or carcass shall be removed from such place without the permission of the veterinary authority:

Provided that no person shall be required to deliver any animal, bird or carcass at any place more than three miles from the place at which such animal is kept.

(3) Any person who fails without lawful excuse to comply with any order made under subsection (2) shall be liable to a fine of fifty ringgit.

Section 19. Destruction of diseased animal or bird

A veterinary authority may order the immediate isolation or destruction of any animal, bird or carcass found or reasonably believed to be infected with disease or suspected to have been in contact with a diseased animal or bird, or infected carcass or material, whether as a result of examination or test made under section 18 or otherwise.

Section 20. Compensation for any animal or bird destroyed

(1) No compensation shall be payable in respect of any animal, bird or carcass infected with disease and destroyed by order of any veterinary authority.

(2) There shall be payable as compensation to the owner in respect of any animal, bird or carcass reasonably believed to be infected with disease which has been destroyed by order of any veterinary authority such sum as may be assessed by the State Director and approved by the Chief Minister of the State.

Section 21. Post-mortem examination

(1) A veterinary authority may conduct a post-mortem examination of the carcass of any animal or bird and may remove such portions of the carcass as he may deem necessary for laboratory examination, and for the purposes of such examination may order that the carcass be delivered to him at such place and time as he shall specify.

(2) A veterinary authority may order the carcass of an animal or bird which has been buried to be exhumed for the purpose of such post-mortem examination.

(3) Any person who fails without lawful excuse to comply with any order given under this section shall be liable to a fine of one hundred ringgit.

Section 22. Diseased and contact animals and birds

(1) If a veterinary authority considers that any animal or bird has been exposed to infection with any disease he may order that such animal or bird be subjected to such prophylactic or curative treatment, including virus, vaccine, or serum therapy, or any such combination thereof as he may think necessary.

(2) Any person who fails without lawful excuse to comply with any order given under this section shall be liable to a fine of one hundred ringgit.

Section 23. Disinfection of stables, etc.

(1) A veterinary authority may order any stable, shed, pen, cage or other place in which an infected animal or bird has been found or kept to be disinfected in such manner as he may direct; and may by order prohibit the further use of such stable, shed, pen, cage or place for the keeping of any animal or bird until such disinfection has been completed.

(2) Any person who fails without lawful excuse to comply with any order made under this section shall be liable to a fine of one hundred ringgit.

Section 24. Destruction of stables, etc.

(1) If a veterinary authority is of the opinion that any stable, shed, pen, cage or other place which has been occupied by an infected animal cannot be effectively disinfected, he may order the owner or occupier thereof, within a time specified in such order to destroy such stable, shed, pen, cage or place and to burn the materials thereof.

(2) If an order made under subsection (1) is not complied with within the specified time the veterinary authority may cause such stable, shed, pen, cage or place to be destroyed and the materials to be burned.

(3) The veterinary authority shall make a report to the Chief Minister of the State upon every order made under this section and the Chief Minister may in his discretion give or withhold compensation for any stable, shed, pen, cage or place so destroyed.

(4) Any person who fails without lawful excuse to comply with any order made under subsection (1) shall be liable to a fine of one hundred ringgit.

Section 25. Disinfection or destruction of articles

(1) A veterinary authority may order the disinfection or destruction of any bedding, clothing, harness, fittings, buckets, pails or utensils whatsoever used in connection with any infected animal or bird, and compensation to be assessed by the veterinary authority shall be payable for any articles so destroyed.

(2) Any person who fails without lawful excuse to comply with any order made under this section shall be liable to a fine of one hundred ringgit.

Section 26. Disinfection of person and clothing

(1) A veterinary authority may order the disinfection of the body and clothing of any person who has been in contact with, in charge of, or attendant upon, any animal or bird infected with or reasonably believed to be infected with disease.

(2) Any person who fails without lawful excuse to comply with any order made under this section shall be liable to a fine of one hundred ringgit.

Section 27. Disinfection of vehicles

(1) A veterinary authority may order the disinfection of any vehicle or conveyance entering or leaving an area declared to be an infected area under section 36, or which has been used in the transport of any animal or bird infected with or reasonably believed to be infected with disease.

(2) Any person who fails without lawful excuse to comply with any order made under this section shall be liable to a fine of one hundred ringgit.

Section 28. Disposal of infected animal, bird or carcass

(1) No person shall knowingly cast or cause or permit to be cast into any drain, ditch, water channel, street or open space, or otherwise expose any animal or bird or the carcass of any animal or bird which is or has been infected with disease or any fodder, litter, dung or thing which has been used in connection with any infected animal or bird.

(2) Any person who contravenes this section shall be liable to a fine of one hundred ringgit.

Section 29. *(Deleted by Act 147).*

Section 30. Licences to possess culture or vaccine

(1) The Director General may issue licences permitting the holder of such a licence to possess live cultures or vaccines and to inoculate animals or birds with such culture or vaccine.

(2) No person other than a veterinary authority or registered medical practitioner for the *bona fide* purpose of his profession shall have in his possession any such

culture or vaccine or shall inoculate any animal or bird with such culture or vaccine unless licensed in that behalf.

(3) (a) Any person who has in his possession any culture or vaccine contrary to this section shall be liable to a fine of one hundred ringgit.

(b) Any person who inoculates any animal or bird contrary to this section shall be liable to a fine of two hundred and fifty ringgit or to imprisonment for a term of three months or both.

Section 31. Owner of diseased or dead animal or bird to report

(1) Every owner or person in charge of any animal or bird infected with or reasonably suspected to be infected with disease shall immediately make a report to a veterinary authority or to the nearest Police Station, penghulu or penggawa and shall at once cause such animal or bird and all other animals and birds which have been in contact with it to be confined and isolated until the arrival of a veterinary authority.

(2) Every owner or person in charge of any animal or bird reasonably suspected to have died of disease shall immediately report such death to the veterinary authority or the nearest Police Station, penghulu or penggawa and, in the case of an animal, the carcass shall not be moved without permission from the veterinary authority or officer in charge of such Police Station:

Provided that it shall not be an offence to bury the carcass of such animal if no instructions have been received within twenty-four hours of making such report or where through distance, difficulty of terrain or of communications the report cannot be made within twenty-four hours.

(3) The officer in charge of a Police Station, a penghulu or penggawa who receives a report made under subsection (1) or (2) shall immediately forward, by telephone or telegram where possible, any such report to the nearest veterinary authority, confirming such report by a written communication to the State Director.

(4) (a) Any person who fails without reasonable excuse to make any report required under this section shall be liable to a fine of fifty ringgit.

(b) Any person who fails without reasonable excuse to cause any animal or bird to be confined and isolated as required by subsection (1) or permitting the carcass of an animal to be moved contrary to subsection (2) shall be liable to a fine of one hundred ringgit.

Special Provisions relating to Animals (other than Dogs and Cats) and Birds

Section 32. Application

Sections 33 to 37 shall not apply to dogs and cats.

Section 33. Disposal of dead animal or bird

(1) The owner or person in charge of any animal or bird that has died from disease or has been destroyed by order of a veterinary authority shall burn or otherwise dispose of the carcass as the veterinary authority may direct.

(2) Any person who fails without reasonable excuse to comply with any direction given by a veterinary authority under subsection (1) shall be liable to a fine of one hundred ringgit.

Section 34. Moving or disposal of diseased or suspected animals

(1) No person shall move or dispose, whether by sale or otherwise, of any animal or bird diseased or reasonably suspected of being diseased or of being a contact or of the carcass of such animal or bird, or of the milk or dung of such animal, except under and in accordance with the written permission of a State Director.

(2) Any person who contravenes this section shall be liable for each offence to a fine of one hundred ringgit.

Section 35. Removal of articles from infected premises

(1) A veterinary authority may by order prohibit the removal of milk, manure, fodder, litter or other articles likely to carry or convey infection from premises on which there is or recently has been, any animal or bird infected with disease.

(2) Any person who fails without reasonable excuse to comply with any order made under this section shall be liable to a fine of one hundred ringgit.

Section 36. Infected area, disease control area and disease eradication area

(1) Whenever there is reasonable cause to believe that—

(a) any disease exists amongst any animals or birds in any State or part of a State;

(b) any disease is likely to be introduced into any State or part of a State;
or

(c) it is desired to control or eradicate any disease from any State or part of a State,

the Chief Minister may issue an order declaring such State or part of a State to be an infected area, a disease control area or a disease eradication area for the specified disease as the case may be, and may by the same or subsequent order—

(i) prohibit either absolutely or conditionally the removal into or out of such area any animal, bird or carcass of any animal or bird;

(ii) prohibit either absolutely or conditionally the slaughter of any animal or bird within such area;

(iii) prohibit either totally or conditionally the sale of any carcass within such area;

(iv) prohibit the keeping of carcass or the keeping or rearing of any animal or bird within such area;

(v) impose conditions as to the cleansing and disinfection of market places, slaughter houses, abattoirs or any other places, or of baskets, crates, lorries and any other container or vehicle in which animals or birds have been kept or carried;

(vi) require the production of animals or birds for examination (including the taking of blood, milk, urine or other substance from such animals or birds), vaccination and the tattooing or otherwise marking of such animals or birds;

(vii) prohibit the keeping or rearing of any animal or bird in the whole or part of the area;

(viii) notwithstanding any other provisions of this Act or regulations made under it, withdraw any licence or permit for the importation of any animal, bird or carcass issued under this Act or impose any further conditions on such licences or permits;

(ix) impose any other conditions or make any provisions that may be necessary to prevent the introduction or spread of or to control or eradicate such disease.

(2) Subject to subsection (1) when an area has been declared to be an infected area, a disease control area or a disease eradication area the State Director may issue such order not inconsistent with any order made under subsection (1) to regulate the tying-up isolation, segregation, movement or slaughter of animals or birds or to carry out other prophylactic measures or the tattooing or otherwise marking of animals or birds within the area as he may deem necessary to control

and check the spread of or to eradicate the disease and in the event of any owner or person in charge of any animal or bird failing to comply with such order the State Director may take such steps as are necessary to effectively isolate or segregate such animal or bird and all expenses incurred thereby shall be recoverable from the owner or person in charge or both.

(3) Every order made under subsection (1) or (2) shall be published in the *State Gazette*, but shall come into operation immediately upon the making of the order.

(4) Any animal or bird found straying within an infected area, a disease control area or a disease eradication area in contravention of an order given under subsection (1) or (2) may be destroyed immediately by a veterinary authority or may be seized and detained until its forfeiture has been ordered.

(5) Any animal, bird or carcass which is slaughtered, moved or offered for sale or sold in contravention of an order given under subsection (1) or (2) may be ordered by a veterinary authority to be destroyed immediately or may be seized and detained until its forfeiture has been ordered.

(6) For the purpose of carrying out any test, vaccination or prophylactic treatment under subsection (2) a veterinary authority may order that the animals or birds be delivered to him at a specified place or time and no such animal or bird shall be removed from such place without the permission of the veterinary authority.

(7) Any person who fails without reasonable excuse to comply with any order made under subsections (1) and (2) shall be liable to a fine not exceeding one thousand ringgit.

(8) No compensation shall be payable for any animal, bird or carcass destroyed or seized under this section.

Section 37. Special permits

The State Director may grant, subject to such conditions as he may consider advisable, permission to the owner of any animal or bird to remove it into or out of any infected area.

Special Provisions relating to Dogs and in connection with Rabies

Section 38. Licensing

(1) No person shall own, keep, harbour or maintain any dog that is over three months old unless such dog is licensed.

(2) Dogs shall be licensed only in the manner prescribed before 31 January each year or on reaching the age of three months or within fourteen days after arrival in Peninsular Malaysia or within fourteen days of the cancellation of an Anti-rabies Vaccination Order made under section 42, whichever is the later, and such licence shall remain in force until 31 December of the year in respect of which such licensing was effected.

(3) Dogs may be licensed at any Post Office in the State in which they are normally kept or at such other places as may be prescribed.

(4) The Minister may prescribe the fee for the licensing of a dog.

(5) On receipt of the prescribed fee the licensing authority shall supply the owner of the dog with a serially numbered metal badge.

(6) The owner of every licensed dog shall provide a collar to which the badge issued in accordance with subsection (5) shall be securely fastened in such a manner as to be clearly visible when worn, and such collar and badge shall be continually worn by such licensed dog when out-of-doors, and any dog found out-of-doors and not wearing such collar and badge may be destroyed.

(7) (a) The proper authority may authorize in writing persons to destroy dogs in accordance with subsection (6) and such persons may enter upon and into any place, not being a dwelling house, for the purpose of enforcing that subsection:

Provided that such person shall, if so required, produce and show his written authority to the owner, occupier or person for the time being in charge of such place.

(b) In this subsection the 'proper authority' means a State Director, Mayor of a City Council or City Hall, President of a District Council or Local Authority, General Manager of a Town Board or the Chief Police Officer of a State.

(8) (a) Any person who owns, keeps, harbours or maintains any dog contrary to subsection (1) shall be liable to a fine of one hundred ringgit.

(b) Any person who fails without reasonable excuse to comply with subsection (6) shall be liable to a fine of fifty ringgit.

(9) The Ruler in Council or the Yang di-Pertua Negeri in Council in a State may by order declare that subsection (1) shall not apply within any specified part of such State or may exempt any person or any class of persons either from licensing any dog which is required by this section to be licensed or from the payment of all or any part of the fee payable in respect of such licensing.

(10) This section shall not apply to any dog—

(a) within any State or any part of it for so long as an Anti-rabies Vaccination Order made under section 42 is in force within such State or any part of it; or

(b) which is liable to be or has been registered or licensed in accordance with any other written law.

Section 39. Rabies-infected areas

(1) The Chief Minister in a State may at any time as a precaution against rabies by order declare such State or any part of it specified in such order to be a rabies-infected area.

(2) Every order made under subsection (1) shall be published in the appropriate State *Gazette* but shall come into operation immediately upon the making of the order.

(3) No person shall take any dog out of a rabies-infected area or out of any State of which any part is a rabies-infected area except in accordance with a written permit issued by the State Director.

(4) The owner or person in charge of any dog within a rabies-infected area shall cause such dog to be kept under effective control, either—

(a) by confining it within an enclosed area from which it is impossible for the dog to escape;

(b) by tying it up securely; or

(c) by leading it by a chain or lead of strong cord or leather properly secured to a collar or harness worn by the dog:

Provided that the State Director, if he is satisfied that any class of dogs, whether by reason of prophylactic treatment or otherwise, is immune from infection by rabies, may exempt such class of dogs from the requirements of this subsection subject to such conditions as he may think fit.

(5) Any dog found within a rabies-infected area which is not under effective control in accordance with subsection (4) may be destroyed by any person authorized in writing in that behalf by the State Director or the Chief Police Officer of a State, and any person so authorized may enter any land, building or premises for the purpose of carrying out the provisions of this subsection:

Provided that such person—

(i) shall not enter into any dwelling house for such purpose except during the hours of daylight; and

(ii) shall, if so required, produce and show his written authority to the owner, occupier or person for the time being in charge of such land, building or premises.

(6) (a) Any person who contravenes subsection (3) shall be liable to a fine of five hundred ringgit or to imprisonment for a term of three months.

(b) Any person who fails without reasonable excuse to comply with subsection (4) shall be liable to a fine of two hundred and fifty ringgit.

Section 40. Destruction or detention of animal suspected to be infected with rabies

(1) Whenever a veterinary authority reasonably suspects that any animal may be infected with rabies or has been exposed to rabies infection he may in his discretion either cause the animal to be destroyed immediately or may order the owner or person in charge of such animal to take it immediately to an animal quarantine station for detention and observation.

(2) If the owner or person in charge of any such animal fails to comply with such order the veterinary authority may immediately either cause the animal to be destroyed or take possession of the animal and remove it to an animal quarantine station.

(3) The veterinary authority may either destroy any such animal in the animal quarantine station or may detain it until he is satisfied that it is free from disease.

(4) A veterinary authority may take possession of the body of any animal that has died or has been destroyed and which is reasonably suspected to have been infected with rabies and may dispose of it in such manner as he may think fit.

(5) No compensation shall be payable to any person in respect of the destruction of any animal under this section.

(6) Any person who fails without reasonable excuse to comply with subsection (1) shall be liable to a fine of one hundred ringgit.

(7) For the purposes of this section "animal" means any four-footed beast in captivity or under control.

Section 41. Detention of any dog that has bitten a person

(1) A veterinary authority or a police officer not below the rank of Inspector may order the owner or person in charge of any dog that has or is reasonably believed to have bitten any person to produce the dog to him for examination, and he may detain the dog at such place and for such time as he may deem advisable. If the owner or person in charge of such dog fails to comply with such order, the veterinary authority or police officer may immediately take possession of the dog and remove it to an animal quarantine station.

(2) Any person who fails without lawful excuse to comply with any order made under this section shall be liable to a fine of one hundred ringgit.

Section 42. Anti-rabies vaccination of dogs

(1) The Chief Minister in a State, whenever it appears to him to be expedient, may make an order (in this section referred to as an 'Anti-rabies Vaccination Order') that all dogs within such State, or any part of it specified in such order, shall be submitted to antirabies vaccination, and may at any time cancel any such order.

(2) Every Anti-rabies Vaccination Order and its cancellation shall be published in the appropriate State *Gazette*.

(3) Every Anti-rabies Vaccination Order shall remain in force until 31 December of the year in which the order was made or until its cancellation, whichever period shall be the shorter, but without prejudice to the making of a further Anti-rabies Vaccination Order to take effect upon the expiry of the period.

(4) Whenever an Anti-rabies Vaccination Order has been made the State Director may specify periods of time within which, and the places at which, dogs, or groups of dogs, shall be produced for the purposes of such vaccination.

(5) All such arrangements for vaccination of dogs shall be published in the appropriate State *Gazette* and also in such other manner as the State Director may consider necessary.

(6) (a) The State Director may by notification in the *Gazette* require that every dog which has been vaccinated in accordance with an Anti-rabies Vaccination Order shall, after such date as may be specified in such notification, at all times during the continuance in force of the Order and within the area to which the Order applies, carry upon it a serially numbered metal badge or mark, tag or other evidence of vaccination, and any dog found within such area after the date specified in the notification, whether at large or not, which does not carry the proper evidence of vaccination may be destroyed.

(b) The proper authority may authorize in writing persons to destroy dogs in accordance with paragraph (a) and any person so authorized may enter any land, building or premises for the purpose of carrying out this subsection:

Provided that such person—

(i) shall not enter into any dwelling for such purpose except during the hours of daylight; and

(ii) shall, if so required, produce and show his written authority to the owner, occupier or person for the time being in charge of such land, building or premises.

(c) In this subsection the 'proper authority' means the State Director, Mayor of a City Council or City Hall, President of a Municipal Council, District Council or Local Authority, General Manager of a Town Board or the Chief Police Officer of a State.

(7) If any owner or person in charge of a dog fails to comply with any order or direction made or given under subsection (1) or (4), the veterinary authority may immediately destroy such dog.

(8) Any owner or person in charge of a dog who fails without reasonable excuse to comply with any order or direction made or given under subsection (1) or (4) shall be liable to a fine of two hundred and fifty ringgit.

(9) The Minister may prescribe the fee for the vaccination of a dog:

Provided that no person shall be liable to pay any fee for the vaccination of any dog which at the date of such vaccination has already been licensed in accordance with section 38 or has been registered or licensed in accordance with any written law in force in a Municipality.

(10) The Ruler in Council or the Yang di-Pertua Negeri in Council in a State may by order exempt any person or class of persons from the payment of all or any part of the fee payable in respect of the vaccination of any dog.

(11) Any dog which has been vaccinated in any year in accordance with an Anti-rabies Vaccination Order and is carrying the proper evidence of vaccination shall be deemed to be licensed under this Act, and to be registered or licensed under or in accordance with any other written law, until 31 December of such year.

PART IV - PREVENTION OF CRUELTY TO ANIMALS

Section 43. Interpretation

In this Part, unless the context otherwise requires—

“animal” means any living creature other than a human being and includes any beast, bird, fish, reptile or insect, whether wild or tame.

Section 44. Penalty for cruelty to animals

(1) Any person who—

(a) cruelly beats, kicks, ill-treats, overrides, overdrives, overloads, tortures, infuriates or terrifies any animal;

(b) causes or procures or, being the owner, permits any animal to be so used;

(c) being in charge of any animal in confinement or in course of transport from one place to another neglects to supply such animal with sufficient food or water;

(d) by wantonly or unreasonably doing or omitting to do any act, causes any unnecessary pain or suffering, or, being the owner, permits any unnecessary pain or suffering to any animal;

(e) causes, procures or, being the owner, permits to be confined, conveyed, lifted or carried any animal in such manner or position as to subject it to unnecessary pain or suffering;

(f) employs or causes or procures or, being the owner, permits to be employed in any work or labour, any animal which in consequence of any disease, infirmity, wound or sore, or otherwise is unfit to be so employed;
or

(g) causes, procures or assists at the fighting or baiting of any animal, or keeps, uses, manages, or acts or assists in the management of any premises or place for the purpose, or partly for the purpose, of fighting or baiting any animal, or permits any premises or place to be so kept, managed or used, or receives or causes or procures any person to receive, money for the admission of any person to such premises or place, shall be guilty of an offence of cruelty and shall be liable to a fine of two hundred ringgit or to imprisonment for a term of six months or to both.

(2) For the purposes of this section an owner shall be deemed to have permitted cruelty within the meaning of this Part if he shall have failed to exercise reasonable care and supervision in respect of the protection of the animal from cruelty:

Provided that where an owner is convicted of permitting cruelty within the meaning of this Act by reason only of his having failed to exercise such care and supervision, he shall not be liable to imprisonment without the option of a fine.

(3) Nothing in this section shall apply to the commission or omission of any act in the course of the destruction, or the preparation for destruction, of any animal as food for mankind, unless such destruction or such preparation was accompanied by the infliction of unnecessary suffering.

(4) Notwithstanding paragraph (l)(g) the Chief Minister in a State may by written permit authorize the wrestling of bulls in such State, subject to such conditions as may be specified in the permit either on a special occasion of public interest or if he is satisfied that such wrestling is beneficial to the breed and, in either case, that no cruelty to any animal will arise from such wrestling, and where such wrestling is conducted in accordance with the conditions of such permit paragraph (1) (g) shall be deemed not to apply to such wrestling.

Section 45. Power of veterinary authorities and police officers

(1) Any veterinary authority and any police officer may arrest without warrant any person whom he sees committing any offence under section 44, and may seize any animal in respect of which and any conveyance or article with or by means of which such offence has been committed.

(2) Any person so arrested and any conveyance or article so seized shall be immediately taken to a police station.

(3) Any animal so seized shall be taken to a police station or a pound or a veterinary centre and may, subject to any order made in respect of the animal by a Magistrate, be there detained until the accused has been tried.

(4) Any such officer may stop in any street or public place and examine any animal in respect of which he has reason to believe that an offence has been or is being committed under section 44.

Section 46. Power of Town Board or Municipal Officers

Within any town or Municipal limits the powers given by section 45 to veterinary authorities and police officers may be exercised by any officer appointed in that behalf by the Mayor of a City Council or City Hall, President of a Municipal Council, District Council or Local Authority or General Manager of a Town Council or Town Board, as the case may be.

Section 47. Orders by a Magistrate when an offence has been committed

(1) When any person has been convicted by a Magistrate of an offence under section 44, the Magistrate may order—

(a) that the animal in respect of which the offence was committed be taken to a veterinary centre and there detained and treated by a veterinary authority for any period stated in such order, or until released by further order of a Magistrate or until a veterinary authority not below the rank of Assistant Veterinary Officer has certified in writing that it may properly be released;

(b) that the animal be treated by a veterinary authority and not used during such period as may be stated in such order or until permission to use it has been given by a Magistrate or a veterinary authority not below the rank of Assistant Veterinary Officer; or

(c) may, if satisfied that the animal is incurably diseased or injured, order that such animal be destroyed immediately by or under the direction of a police officer or veterinary authority and that the cost of burying or otherwise disposing of the carcass be borne by the person convicted.

(2) If any animal is taken to a veterinary centre or treated by a veterinary authority in accordance with an order under subsection (1) any person who has been convicted of an offence in respect of such animal shall be liable to pay the prescribed fees for its maintenance and treatment until it shall be declared fit for release or use:

Provided that if the owner of such animal shall request in writing the officer in charge of the veterinary centre to destroy such animal and shall pay to such officer any fee that may be prescribed for the destruction or burial of such animal, such officer shall immediately cause the animal to be destroyed, and no fee shall be payable in respect of the maintenance or treatment of such animal for any time subsequent to such request and payment.

(3) Any person who contravenes any order made under this section shall be liable to a fine of two hundred ringgit.

Section 48. Power to order destruction of animals

(1) A Magistrate, Government Medical Officer, or veterinary authority not below the rank of Assistant Veterinary Officer or police officer not below the rank of Inspector who has satisfied himself by personal inspection—

(a) that an animal is diseased or injured and that the disease or injury from which the animal is suffering is incurable or that it is cruel to keep the animal alive; or

(b) that an animal is so diseased or so severely injured or in such a physical condition that, in his opinion, having regard to the means available for removing the animal, there is no possibility of removing it without cruelty and that it is cruel to keep it alive, may by order in writing direct that such animal be destroyed, and such order may immediately be carried out by or under the direction of such officer or of any police officer:

Provided that if the animal so diseased or injured is in any house, stable, shed, or enclosure proper for such animal and not in a public thoroughfare, market or place, no order shall be made until the owner of the animal (if known) or person in charge (if any) has been duly notified of the state of the animal.

(2) If any animal is destroyed in pursuance of an order made under this section the expense of the removal and burial of the carcass of the animal shall be paid by the owner or person in charge and the amount may be recovered from such owner or person in charge in a summary manner before a Magistrate.

Section 49. No compensation for destruction of an animal incurably diseased or injured or destroyed at request of professed owner

No compensation shall in any case be payable to any person in respect of the destruction of any animal in pursuance of an order made under paragraph 47(1)(c) or subsection 48(1) or in compliance with a request in writing to an officer in charge of a veterinary centre as provided in subsection 47(2) by any person professing to be the owner of such animal:

Provided that in the last case the officer in charge of the veterinary centre in good faith believed that the person making the request was in fact the owner.

Section 50. Award to informer

(1) The Court by which any fine is imposed under this Part of this Act may award any portion not being more than half to the informer.

(2) Subject to such award, every fine imposed under this Act in respect of any offence committed within the limits of any Municipality shall be paid to the Councillors, to be applied by them for the purposes of any Municipal Ordinance for the time being in force.

Section 50A. Animals and birds not to be kept in captivity for sale, export or exhibition without licence

(1) No person shall keep in captivity for sale, export or exhibition any animal or bird in any place which is not licensed in that behalf in accordance with rules made under this Act:

Provided that this section shall not apply except in such areas as shall be prescribed by such rules.

(2) Any person who contravenes subsection (1) shall be liable to a fine of two hundred ringgit or to imprisonment for a term of six months or to both.

PART V - CONSERVATION OF LIVESTOCK

Section 51. Movement or slaughter of cattle, etc., may be prohibited

(1) The Chief Minister of a State may by order—

(a) prohibit for such period as may be specified in the order the movement of any cattle and swine or any specified class of cattle and swine from such State to any other State or from part of such State to any other part of such State or to any other State except under licence;

(b) prohibit during such period or periods as may be specified in the order the slaughter in such State of any cattle, sheep, goats, swine or poultry or any specified class of them except under licence;

(c) prescribe fees and procedures for obtaining such licences.

(2) A licence issued under any order made under subsection (1) shall be subject to such conditions as may be imposed by such order or by the person authorized to issue the licence by order made under subsection (1).

(3) Any person who contravenes any order made under this section shall be liable for each offence to a fine of five hundred ringgit.

Section 52. Publication of order in *Gazette*

Any order made under section 51 shall be published in the appropriate State *Gazette*.

PART VI - IMPROVEMENT OF LIVESTOCK

Section 53. Application in States

This Part shall be in force in the States of Kedah and Kelantan, but save as aforesaid this Part shall not extend to any State or any part of it unless a resolution has been passed by the Council of State that it is expedient that such provisions should apply in such State or such part of it, as the case may be.

Section 54. (*Omitted*).

Section 55. Prohibition of possession of unsterilized bull

(1) Subject to section 56 no person shall have in his possession or under his control any bull over fifteen months of age unless such bull shall have been sterilized in a manner approved by a State Director.

(2) Any person who contravenes this section shall be liable to a fine of one hundred ringgit.

Section 56. State Director may exempt

(1) The State Director on application being made to him in writing by the owner of any bull and on the bull being produced at such place as the State Director may direct, may grant an exemption from section 55 in respect of any bull which he considers suitable for breeding purposes. Such application shall contain a full description of the animal and shall state its age, the place where it is usually kept and any other particulars that may from time to time be prescribed.

(2) The State Director shall not grant an exemption under subsection (1) in respect of any bull which appears to him—

(a) to be likely to beget defective or inferior progeny; or

(b) to be infected with any contagious or infectious disease.

(3) The powers and duties of the State Director under this section may be exercised and performed by any person duly authorized by him in that behalf.

Section 57. Register of stud bulls

The State Director shall keep a register of bulls in respect of which exemptions have been granted under section 56 (hereinafter called “stud bulls”), and shall enter therein a description of every such animal together with the name of the owner and his place of residence, and shall issue to the owner, free of charge, a copy of the entry in such register (hereinafter referred to as “a licence”).

Section 58. Sale, death or transfer of a stud bull to be reported

(1) Without prejudice to any other written law, the owner of a stud bull shall report to a penghulu or penggawa or to a veterinary authority the sale, death or transfer of a stud bull within one month of such sale, death or transfer, and shall produce

the licence issued under section 57. The State Director shall record such sale, death or transfer in the register and upon the licence.

(2) It shall be the duty of a penghulu or penggawa receiving information under subsection (1) to report it as soon as possible to a veterinary authority.

(3) Any person who fails without reasonable excuse to make any report required to be made under this section or fails to produce a licence as required by this section shall be liable to a fine of fifty ringgit.

Section 59. Inspection of stud bulls

(1) The State Director may at any time require the owner of a stud bull to produce such bull for inspection and may, at his discretion, withdraw the exemption granted in respect of such bull under section 56.

(2) The entry in the register of stud bulls relating to such bull together with the licence shall upon the withdrawal of the exemption be cancelled.

Section 60. Notice to owner of stud bull

(1) Where an application for exemption has been refused or a licence cancelled or where the State Director is of opinion that a bull to which this Part applies is not suitable for breeding purposes he may serve on the owner or person in charge of the bull to which such application or licence or opinion refers a notice in the prescribed form requiring such person within the time specified in such notice, not being less than fourteen days, to have such bull slaughtered or sterilized.

(2) Where a notice under subsection (1) is not complied with, the State Director may cause the bull to be slaughtered or sterilized at the expense of the owner and for that purpose any person authorized in that behalf may enter upon any premises where the bull may be or may reasonably be expected to be and any expenses incurred in connection with such slaughter or sterilization may be recovered by the State Director from the owner as a civil debt.

(3) Any person who fails without reasonable excuse to comply with any notice given under this section shall be liable to a fine of one hundred ringgit.

Section 61. Licence to be produced on demand

(1) The owner of a stud bull shall produce or cause to be produced the licence relating to such bull at the place where the bull is kept upon being required to do so by any of the following:

(a) a veterinary authority not below the rank of Assistant Veterinary Officer;

(b) a Police Officer not below the rank of Inspector;

(c) the person in charge of a cow about to be served by such bull.

(2) Any person who fails without reasonable excuse to comply with subsection (1) shall be liable to a fine of fifty ringgit.

Section 62. Sterilization free of charge

At the request of the owner or person in charge of a bull (not being a stud bull) the State Director or other person specially authorized to sterilize bulls by the State Director shall, if the bull is produced for the purpose at such time and place as the State Director may direct, sterilize such bull free of charge.

Section 63. Protection of officers

No action shall be maintainable in any Court for compensation for any loss or injury that may result from anything done by a State Director or other authorized person in accordance with section 62.

Section 64. Sanction to prosecute

No prosecution under this Part shall be brought without the previous sanction of the State Director.

Section 65. Burden of proof

In any prosecution for an offence under this Part the burden of proof that exemption has been granted in respect of a bull under section 56 shall lie on the person prosecuted and it shall be presumed until the contrary is proved that a bull is over fifteen months of age.

Section 66. Power to exempt

The Chief Minister of a State may by notification in the State *Gazette* grant exemption from any of the provisions of this Part in respect of any bull or class or classes of bull.

PART VII - SEARCH, SEIZURE AND ARREST

Section 67. Power of search for diseased animals or birds

For the purpose of ascertaining whether any animal or bird is suffering from disease or for the purpose of ascertaining whether any offence against this Act has been or is being committed—

(a) any veterinary authority or veterinary police officer may enter and examine any land, building or premises on or in which he suspects any animal, bird or carcass is being kept for the purpose of examining such animal, bird, carcass, land, building or premises and the owner of such land, building, premises, animal, bird or carcass shall render such veterinary authority or veterinary police officer all necessary assistance and furnish such information as may be required of him;

(b) any veterinary authority, veterinary police officer or officer of customs may stop, enter and examine any conveyance used for carrying animals, birds or carcasses and any person owning or being in charge of any such conveyance refusing to stop when required shall be liable to a fine of two hundred ringgit.

Section 68. Seizure of animal, bird, carcass or article

(1) When any veterinary authority or police officer has reason to believe that any offence against this Act has been or is being committed or when any officer of customs has reason to believe that an offence against this Act relating to importation or exportation has been or is being committed such veterinary authority, officer of customs or police officer may seize any animal, bird, carcass, conveyance or article the subject matter of such offence and may remove such animal, bird, carcass, conveyance or article to any pound, enclosure or other place selected by a veterinary authority and there detain it.

(2) Whenever any animal, bird, carcass, conveyance or article shall have been seized and detained under subsection (1) the veterinary authority, officer of customs or police officer shall report the same to a Magistrate and the Magistrate may make such order for the further detention or release of the animal, bird, carcass, conveyance or article as he may think fit.

(2A) Notwithstanding any other provisions of this Act where a Magistrate is not immediately available and the carcass or article seized is subject to speedy and natural decay the veterinary authority, officer of customs or police officer may destroy, sell or otherwise dispose of the property as he thinks fit.

(3) The owner of such animal, bird, carcass, conveyance or article shall pay such sum as the Magistrate may consider reasonable to cover the expenses connected with its removal to a place of detention and unless such sum is paid within a specified time such animal, bird, carcass, conveyance or article shall be forfeited.

Section 69. Powers of arrest

(1) Any veterinary authority, officer of customs or police officer may arrest without warrant any person whom he sees or finds committing or attempting to commit or whom he reasonably suspects of being engaged in committing or attempting to commit any offence against this Act, if such person refuses to furnish his name and address or furnishes an address out of Peninsular Malaysia, or there are reasonable grounds for believing that he has furnished a false name or address or that he is likely to abscond.

(2) Every person so arrested shall be taken to a police station and shall be dealt with as if he had been arrested under the Criminal Procedure Code [Act 593].

PART VIII - SUPPLEMENTAL

Section 70. Obstructing officers in the execution of their duties

Any person who without lawful excuse obstructs or impedes or assists in obstructing or impeding any veterinary authority, police officer or officer of customs in the exercise of his duty under this Act or any rule or order made under it shall be liable to a fine of five hundred ringgit or to imprisonment for a term of six months or to both.

Section 71. Altering licences

Any person who without lawful authority alters any licence or permit issued under this Act or knowingly makes use of any licence or permit so altered shall be liable to a fine of five hundred ringgit or to imprisonment for a term of six months or to both.

Section 72. General penalty

Any person guilty of an offence against this Act shall, where no other penalty is specified, be liable to a fine of two thousand ringgit.

Section 73. Penalty on second conviction

Any person convicted of any offence against this Act who is within a period of twelve months from the date of such conviction convicted of a second or subsequent like offence against this Act shall where no penalty of imprisonment is provided for such offence be liable to imprisonment for two months in addition to or in lieu of any fine.

Section 74. Forfeiture

(1) Whenever any person shall have been convicted of an offence against this Act the Court convicting such person may, in addition to or in lieu of imposing any other punishment, order that any animal, bird, carcass, conveyance or article in respect of which such offence has been committed shall be forfeited.

(2) When any animal, bird, carcass, conveyance or article has been seized under section 68 but the person who is alleged to have committed the offence is unknown or cannot be found, the Magistrate may, if it is proved to his satisfaction that an offence has been committed in respect of such animal, bird, carcass, conveyance or article, order that such animal, bird, carcass, conveyance or article be forfeited:

Provided that no order of forfeiture shall be made in respect of a conveyance unless the owner, if his name and place of residence is known, shall have had an opportunity of appearing to show cause why such order should not be made.

(3) Any animal, bird, carcass, conveyance or article forfeited under this section or under subsection 68(3) shall be disposed of in accordance with the directions of the Magistrate.

Section 75. Presumptions

(1) Where the owner or person in charge of a diseased animal or bird is charged with an offence against this Act relative to such disease, he shall be presumed to have known of the existence of such disease in such animal or bird until he shows to the satisfaction of the Court before which he is charged that he had no such knowledge and could not with reasonable diligence have obtained such knowledge.

(2) Where there is any doubt regarding the ownership of any animal or bird, the person found in possession of such animal or bird or the occupier of the premises frequented by it may be presumed to be the owner until the contrary is proved.

Section 76. Conduct of prosecutions

Any prosecution in respect of an offence against this Act shall be conducted by a Deputy Public Prosecutor, a veterinary authority not below the rank of Assistant Veterinary Officer or a police officer not below the rank of Sub-Inspector.

Section 77. Expenses

Any expense incurred by a veterinary authority or other officer in the exercise of the powers conferred on him by this Act or any order, rule, or direction made or given under it shall be charged against the owner, consignor, consignee or importer, as the case may be, of the animal, bird, carcass, article, building or conveyance concerned and may be recovered as a civil debt.

Section 78. Action to be at risk and expense of owner

(1) Any action taken under this Act or of any order, rule, or direction made or given under it in respect of any animal, bird, carcass, article, building or conveyance shall be at the risk of its owner.

(2) No liability shall attach to any Government or to any officer in respect of any expense, loss, damage or delay arising in or from the lawful exercise of the powers conferred by this Act.

Brands or other identification marks may be applied to animals

79. (1) A veterinary authority may, if he deems it necessary for purposes of identification, brand, label or otherwise mark either permanently or temporarily any animal.

(2) Any person who counterfeits, copies, alters, defaces or erases, any brand or mark applied by a veterinary authority shall be liable to a fine of two hundred ringgit.

Section 80. Quarantine stations for animals

(1) Animal quarantine stations shall be established and maintained by the Government and by State Governments at suitable places in Peninsular Malaysia. The position and name, if any, of any such quarantine station shall be notified in the appropriate *Gazette*.

(2) In addition to the animal quarantine stations notified under subsection (1) the State Director may appoint suitable places or premises to be temporary or emergency quarantine stations for animals.

Section 81. By-laws for management of animal quarantine stations

(1) The Director General in the case of Federal animal quarantine stations and the State Director in the case of State animal quarantine stations, after

consultation with the Director General, may make by-laws for regulating the management and maintenance of animal quarantine stations.

(2) The Minister may prescribe fees for the quarantine of animals in Federal animal quarantine stations and the Ruler in Council or Yang di-Pertua Negeri in Council in a State may prescribe fees for the quarantine of animals in State animal quarantine stations respectively.

(3) Any charges incurred on account of transport of an animal to or from an animal quarantine station shall be paid by the owner or person in charge of the animal.

Section 82. Establishment of veterinary centers

The Chief Minister of a State may appoint a suitable place or places within the State, to be a veterinary centre or centres for animals and birds or for any kind of animal or bird and may make rules for the management of the veterinary centre or centres, and may prescribe the fees to be paid for the maintenance and treatment of any kind of animal or bird and the fees to be paid for the destruction or burial of the carcass of any animal or bird treated or detained in the veterinary centre or centres.

Section 83. Certificates of freedom of State from disease

A State Director may on payment of a fee of two ringgit issue to the exporter of any animal or goods a certificate certifying that a State is free from disease.

Section 84. Importation of noxious insects or pests

(1) No person shall knowingly import into Peninsular Malaysia or shall have in his possession any living noxious insect, or any living pest, or any living disease germ or virus or any bacterial culture, of a nature harmful or dangerous to animals or birds without the previous written permission of the Director General.

(2) Any person who contravenes this section shall be liable on conviction to a fine of one hundred ringgit.

Section 85. Animal or bird in a quarantine station not deemed to be entering Peninsular Malaysia

For the purposes of this Act and any rules and regulations made under it any animal or bird brought to Peninsular Malaysia by land, sea or air, and entering a quarantine station under instructions of a veterinary authority shall not be deemed to have entered Peninsular Malaysia, but shall be subject to all appropriate provisions of this Act and any rules and regulations made under it.

Section 86. Power to make rules

(1) The Minister may make rules for the further carrying out of the objects and provisions of this Act.

(2) Without prejudice to the generality of the powers conferred by subsection (1) the Minister may by rules make provision for—

- (a) placing vessels carrying animals, birds or carcasses in quarantine;
- (b) regulating the landing of animals, birds or carcasses from vessels;
- (c) regulating the importation or exportation of animals or birds by land, sea or air;
- (d) prescribing the examination of animals or birds on importation, the tests to be applied, and the measures to be taken;
- (e) regulating the landing and movement of animals imported for slaughter;
- (ea) regulating or controlling any abattoirs and slaughterhouses;
- (eb) regulating and licensing of hatcheries, breeding farms, artificial insemination centres and service, poultry processing plants, meat packing and canning plants, meat storage plants and other facilities for livestock and poultry breeding and improvement;
- (f) the cleansing or disinfection of buildings, sheds, places or conveyances in which diseased animals or birds have been kept or carried;
- (g) the cleansing or disinfection of markets, sale yards, railway premises and railway vans or trucks wherein any animals or birds have been kept or carried;
- (h) the disinfection of contacts or animals or birds which have been in an infected area;
- (i) the disinfection of persons and the clothing of persons who have been in contact with or employed about diseased or suspected animals, birds or carcasses or contacts;
- (j) the seizure, disinfection and, if expedient, the destruction, with or without compensation, of carcass, litter, fodder or other articles which

have been in contact with any diseased animal, bird, or carcass or which are reasonably suspected of being a vehicle for spreading disease;

(k) the conditions and regulations under and in accordance with which dogs may be kept and the circumstances in which they may be destroyed or otherwise disposed of, and the manner in which licensing may be effected;

(ka) the licensing, control, supervision and inspection of places in which animals or birds are or may be kept in captivity for sale, export or exhibition, and such rules may—

(i) prescribe the conditions which animals or birds may be so kept;

(ii) specify the authorities by which such licences may be granted;
and

(iii) prescribe the circumstances in which such licences may be revoked or suspended;

(l) the payment of fees for anything to be done under this Act and fixing the amount of such fees;

(m) the fine with which the contravention of any rule may be punished, but so that such fine shall not exceed one hundred ringgit for any one offence, or, in the case of a continuing offence, the sum of twenty ringgit for every day during which the offence continues.

Section 87. Repeal

(1) The written laws set out in the Schedule are hereby repealed to the extent specified in the third column.

(2) *(Omitted)*.

(3) The Slaughter of Female Animals Proclamation and the Essential (Control of Movement and Slaughter of Animals) Regulations are hereby revoked.

(APPENDIX)

LIST OF DISEASES DECLARED BY THE MINISTER

P.U. (B) 86/1999

1. *African horse sickness*
2. *Athropic rhinitis*
3. *(Deleted by PU.(B)247/2000)*
4. *Bluetongue*
5. *Bovine spongiform encephalopathy*
6. *Contagious equine metritis*
7. *Duck virus enteritis*
8. *Duck virus hepatitis*
9. *Equine influenza*
10. *Equine infectious anemia*
11. *Equine viral arteritis*
12. *Japanese encephalitis*
13. *Maedi-visna*
14. *Myxinos*
15. *Paratuberculosis*
16. *Porcine reproductive and respiratory syndrome (PRSS)*
17. *Pulmonary adenomatosis*
18. *Psittacosis-Ornithosis*
19. *Strangles*
20. *Transmissible gastroenteritis*
21. *Venezuelan equine encephalomyelitis*

P.U. (B) 96/1999

Viral encephalitis

P.U. (B) 247/2000

Avian salmonellosis

LIST OF AMENDMENTS

Amending law	Short title	In force from
Ord. No. 43/1953	Animals (Amendment) Ordinance 1953	30-04-1953
Ord. No. 69/1953	Animals (Amendment No. 2) Ordinance 1953	01-01-1954
Ord. No. 45/1957	Animals (Amendment) Ordinance 1957	27-08-1957
L.N. 332/1958	Federal Constitution (Modification of Laws) (Ordinances and Proclamations) Order 1958	14-10-1958
Ord. No. 45/1958	Animals (Amendment) Ordinance 1958	05-12-1958
Act A107	Animals (Amendment) Act 1975	01-04-1972
Act 147	Veterinary Surgeons Act 1974	01-06-1975
Act 160	Malaysian Currency (Ringgit) Act 1975	29-08-1975
Act A321	Animals (Amendment) Act 1975	05-09-1975

P.U. (A) 391.

AKTA PENYEMAKAN UNDANG-UNDANG 1968

PERINTAH PENYEMAKAN UNDANG-UNDANG

(PEMBETULAN AKTA BINATANG 1953) 2006

PADA menjalankan kuasa yang diberikan oleh seksyen 15 Akta Penyemakan Undang-Undang 1968 [Akta 1], Pesuruhjaya Penyemakan Undang-Undang membuat perintah yang berikut:

Nama

1. Perintah ini bolehlah dinamakan **Perintah Penyemakan Undang-Undang (Pembetulan Akta Binatang 1953) 2006**.

Pembetulan

2. Semakan teks bahasa Inggeris Akta Binatang 1953 [Akta 647] yang disiarkan dalam tahun 2006 yang mengandungi segala pindaan hingga 16 Mac 2006 dibetulkan dengan menggantikan perkataan "Malaysia" di mana-mana jua terdapat dengan perkataan "Peninsular Malaysia".

Dibuat 18 Oktober 2006

[P.N. (SU. 2) 1/rev/RO; PN(PU²231/III)]

DATO' MARY LIM THIAM SUAN

Pesuruhjaya Penyemakan Undang-Undang Malaysia

REVISION OF LAWS 1968

REVISION OF LAWS

(RECTIFICATION OF ANIMALS ACT 1953) ORDER 2006

IN exercise of the powers conferred by section 15 of the Revision of Laws Act 1968 [Act 1], the Commissioner of Law Revision makes the following order:

Citation

1. This order may be cited as the **Revision of Laws (Rectification of Animals Act 1953) Order 2006**.

Rectification

2. The revised English language text of the Animals Act [Act 647] published in the year 2006 incorporating all amendments up to 16 March 2006 is rectified by substituting for the word “Malaysia” wherever appearing the words “Peninsular Malaysia”.

Made 18 October 2006

[P.N. (SU. 2) 1/rev/RO; PN(PU²)231/III]

DATO' MARY LIM THIAM SUAN
Commissioner of Law Revision Malaysia

P.U. (B) 44.

**AKTA BINATANG 1953
PERISYTIHARAN PENYAKIT BINATANG DAN BURUNG**

PADA menjalankan kuasa yang diberikan oleh seksyen 2 Akta Binatang 1953 [Akta 647], dalam takrif “disease”, Menteri mengisytiharkan penyakit binatang dan burung yang disenaraikan dalam Jadual sebagai penyakit bagi maksud Akta.

2. Perisytiharan ini mula berkuat kuasa pada 5 Februari 2009.

**ANIMALS ACT 1953
DECLARATION OF ANIMAL AND BIRD DISEASE**

In exercise of the powers conferred by section 2 of the Animals Act 1953 [Act 647], in the definition of “disease”, the Minister declares the animal and bird diseases listed in the Schedule to be diseases within the meaning of the Act.

2. This Declaration comes into operation on 5 February 2009.

JADUAL/SCHEDULE

1. *African swine fever*
2. *Anaplasmosis*
3. *Aujeszky's disease*
4. *Avian chlamydiosis*
5. *Avian encephalomyelitis*
6. *Avian infectious bronchitis*
7. *Avian leucosis*
8. *Avian mycoplasmosis*
9. *Avian spirochaetosis*
10. *Babesiosis*
11. *Blackleg*
12. *Botulism*
13. *Bovine leucosis*
14. *Bovine viral diarrhoea*
15. *Brucellosis*
16. *Campylobacteriosis*
17. *Caseous lymphadenitis*
18. *Classical swine fever*
19. *Colibacillosis*
20. *Contagious agalactia*
21. *Contagious bovine pleuropneumonia*
22. *Contagious caprine pleuropneumonia*
23. *Contagious ophthalmia*

24. *Contagious pustular dermatitis*
25. *Cysticercosis*
26. *Dermatophilosis*
27. *Dourine*
28. *Eastern equine encephalomyelitis*
29. *Ebola disease*
30. *Echinococcosis*
31. *Enterotoxaemia*
32. *Enterovirus encephalomyelitis*
33. *Enzootic bovine leucosis (EBL)*
34. *Equine coital exanthema*
35. *Equine encephalomyelitis*
36. *Equine herpes virus (Type 1 & 4)*
37. *Equine piroplasmiasis*
38. *Equine rhinopneumonitis*
38. *Foot-rot*
40. *Fowl typhoid*
41. *Hanta virus disease*
42. *Heartware*
43. *Hendra virus disease*
44. *Highly pathogenic avian influenza*
45. *Horse mange*
46. *Horse pox*
47. *Ibaraki disease*
48. *Infectious bovine rhinotracheitis*
49. *Infectious bursal disease (Gumboro disease)*
50. *Infectious coryza*
51. *Jembrana*
52. *Johne's*
53. *Leishmaniasis*
54. *Leptospirosis*
55. *Listeriosis*
56. *Lumpy skin disease*
57. *Malignant catarrhal Fever*
58. *Marburg disease*
59. *Marek's disease*
60. *Melioidosis*
61. *Nairobi sheep disease*
62. *New world screwworm*
63. *Newcastle disease*
64. *Nipah virus disease*
65. *Old world screwworm*
66. *Ovine chlamydiosis*
67. *Peste des petits ruminants*
68. *Porcine cysticercosis*
69. *Porcine dermatitis and nephritis syndrome (PDNS)*

70. *Post weaning multisystemic syndrome (PMWS)*
71. *Q fever*
72. *Rabbit haemorrhagic disease*
73. *Rift Valley fever*
74. *Salmonellosis*
75. *Scrapie*
76. *Sheep mange*
77. *Streptococcosis*
78. *Surra*
79. *Swine vesicular disease*
80. *Theileriosis*
81. *Toxoplasmosis*
82. *Trichinellosis*
83. *Trichomonosis*
84. *Tularaemia*
85. *Ulcerative lymphangitis*
86. *Vesicular stomatitis*
87. *Vibriosis*
88. *West Nile fever*
89. *Western equine encephalomyelitis*
90. *Yerseniosis*

Bertarikh 22 Januari 2009

Dated 22 January 2009
[KP/LA/483/17 Jld. 5; PN(PU²)195/V]

DATO' MUSTAPA BI N MOHAMED
*Menteri Pertanian dan Industri Asas Tani/
Minister of Agriculture and Agro-Based Industry*

P.U. (B) 317.

**AKTA BINATANG 1953
PERISYTIHARAN PENYAKIT BINATANG 2009**

PADA menjalankan kuasa yang diberikan oleh seksyen 2 Akta Binatang 1953 [Akta 647], dalam takrif “disease”, Menteri mengisytiharkan penyakit binatang yang disenaraikan dalam Jadual sebagai penyakit bagi maksud Akta.

2. Perisytiharan ini mula berkuat kuasa pada 27 Ogos 2009.

**ANIMALS ACT 1953
DECLARATION OF ANIMAL DISEASE 2009**

IN exercise of the powers conferred by section 2 of the Animals Act 1953 [Act 647], in the definition of “disease”, the Minister declares the animal disease listed in the Schedule to be disease within the meaning of the Act.

2. This Declaration comes into operation on 27 August 2009.

JADUAL / SCHEDULE

1. *Influenza A (H1N1)*

Bertarikh 13 Ogos 2009

Dated 13 August 2009
[KP/LA/483/17 Jld. 6; PN(PU²)195/VI]

DATO' NOH BIN HAJI OMAR
Menteri Pertanian dan Industri Asas Tani
Minister of Agriculture and Agro-based Industry