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FIRST SCHEDULE
SECOND SCHEDULE
VETERINARY SERVICES (DUTIES AND POWERS) ACT

PART I – PRELIMINARY

1. Short title
   This Act may be cited as the Veterinary Services (Duties and Powers) Act.

2. Interpretation
   In this Act—
   “affected animal” means an animal for which a diagnosis of a disease has been made in the prescribed manner;
   “animal” means an animal—
   (a) kept or to be kept as a pet or in a park or zoo; or
   (b) meant to provide food, fibre, wool, work or power or to perform in a circus;
   “animal feed” means any food or beverage intended for animals;
   “artificial breeding” means a recognised technique involved in the manipulation of gametes and embryos in connection with animal reproduction;
   “authorised officer” means—
   (a) a veterinary officer;
   (b) a public officer performing technical duties in the Veterinary Services; or
   (c) a private veterinary surgeon designated by the Minister pursuant to section 5;
   “by-product” means a tissue or product obtained or remaining after the slaughter of an animal, whether processed or not;
   “collective prophylaxis” means a measure taken to prevent the spread of a disease which affects, or is likely to affect, animals;
   “Committee” means the Veterinary Committee referred to in section 3;
   “dangerous drug” has the same meaning as in the Dangerous Drugs Act;
   “domestic animal” means an animal which is being reared as a pet;
   “embryo” means the fertilised ovule of an animal irrespective of the stage of division and mode of preservation;
   “epizootic disease” means a fast spreading animal disease;
“establishment” means—
(a) a plant or other premises where food of animal origin is stored, prepared, processed or transformed, or is offered for human or animal consumption;
(b) a laboratory involved in the diagnosis of, or research on animal disease; or
(c) a plant or factory where animal feed is manufactured;

“food export establishment” means an establishment which is processing for export food of animal origin;

“food of animal origin” means—
(a) food derived from an animal, live or dead, terrestrial or aquatic, the flesh or which is intended for human or animal consumption; and
(b) food obtained naturally from an animal, such as meat, milk, eggs and honey, whether processed or not, and whether mixed with other food substances or not;

“gamete” means spermatozoa or ovules obtained from an animal;

“Head of the Veterinary Services” means the Principal Veterinary Officer;

“import permit” means a permit issued pursuant to section 33;

“in-contact animal” means an animal which has been in direct or indirect contact with an affected animal;

“in-contact product” means—
(a) a product or material liable to come into contact at any stage of processing with an animal or food of animal origin; and
(b) a material utilised to maintain and disinfect an establishment;

“isolate” means to keep an animal separately from other animals to avoid contamination;

“knackery” means a place where food of animal origin, animal carcasses, animal wastes or by-products, other than manure and faeces, are sent for destruction or disposal to avoid contamination;

“livestock” means animals raised for food, fibre or wool or for draught purposes;

“meat” means any part of the flesh or an animal from livestock or poultry obtained after slaughter and intended for human consumption;

“Minister” means the Minister to whom responsibility for the subject of agriculture is assigned;

“non-exempted veterinary drug” means a drug listed in the First Schedule;
“notifiable disease” means a disease which is—
(a) considered to be of major economic or public health significance; and
(b) listed in the Second Schedule;

“ovule” means an unfertilised female gamete, irrespective of the mode of preservation;

“owner”, in relation to an animal, includes the person who is in charge thereof for the time being;

“Permanent Secretary” means the Permanent Secretary of the Ministry responsible for the subject of agriculture or a person deputed by him;

“pharmacist” has the same meaning as in the Pharmacy Act;

“poison” has the same meaning as in the Pharmacy Act;

“private veterinary surgeon” means a veterinary surgeon in private practice;

“product of animal origin” includes food of animal origin;

“qualitative inspection” means any test, visual or otherwise, carried out to check that food of animal origin or veterinary drugs have been produced according to recognised techniques;

“quarantine station” means premises approved by the Head of the Veterinary Services for keeping under observation of imported live animals and birds;

“sequestration” means prohibition of movement;

“suspect animal” means an animal which shows symptoms of a disease;

“vehicle” includes an aircraft or a ship utilised for the transport of animals and animal products;

“veterinary drug” means—
(a) a substance presented as having curative or preventive properties with regard to animal disease;
(b) a product which can be administered to an animal to establish a medical diagnosis or to restore, correct or change its organic functions;
(c) a product meant for external use which has curative or preventive properties or which contains any non-exempted toxic substance;
(d) a dietetic product containing any matter which is not food in itself but which confers medicinal or nutritional properties to that product;
(e) an internal or external antiparasitic agent;
(f) a premix containing drugs, vitamins, minerals or hormones used in food preparations intended for animal use;

(g) a poison or a dangerous drug intended to be administered to animals;

(h) an immunological product of animal origin or meant for animal use; and

(i) a product used for anaesthesia of animals;

“veterinary inspection” means an inspection or inspection procedure intended to ensure that feed or food of animal origin has been prepared in such manner as may be prescribed;

“veterinary officer” means a veterinary surgeon posted to the Veterinary Services;

“Veterinary Services” means the Division of the Ministry responsible for veterinary matters;

“veterinary surgeon” has the same meaning as in the Veterinary Council Act;

“wholesale premises” means any premises where veterinary drugs are sold to professionals who are authorised to possess, supply or use the drugs;

“wild animal” means an animal normally living free in nature.

PART II – VETERINARY COMMITTEE

3. Veterinary Committee

(1) There shall be for the purposes of this Act a Veterinary Committee which shall consist of—

(a) the Permanent Secretary who shall be the Chairperson;
(b) the Head of the Veterinary Services;
(c) a veterinary officer appointed by the Minister;
(d) a veterinary surgeon, not being a veterinary officer, appointed by the Minister;
(e) a representative of the Ministry responsible for the subject of health;
(f) a representative of the Mauritius Chamber of Agriculture;
(g) a representative of the agro-processing industry, appointed by the Minister.

(2) The members of the Committee shall hold office on such terms and conditions as the Minister may determine.
(3) The Committee shall—
   (a) meet at such time and place as the Chairperson may determine; and 
   (b) conduct its proceedings in such manner as it thinks fit.
(4) Five members including the Chairperson shall constitute a quorum.  
[S. 3 reprinted by Reprint 1 of 2001.]

4. Functions of Committee
   (1) The Committee shall advise the Minister on—
       (a) any matter relating to animals, animal feed and food of animal origin; 
       (b) animal disease control; 
       (c) natural or artificial breeding of animals; 
       (d) compensation that may be paid to a breeder as a result of any prejudice he may have suffered following any remedial action taken under this Act; 
       (e) the measures required for the protection of animals; and 
       (f) the use of live animals, carcasses and by-products.
   (2) In the exercise of its functions, the Committee shall act in the interests of public and animal health and those of consumers.

PART III – AUTHORISED OFFICERS

5. Private veterinary surgeons
   (1) The Minister may, after consultation with the Head of the Veterinary Services, designate a private veterinary surgeon to be an authorised officer on such terms and conditions as he thinks fit.
   (2) A private veterinary surgeon designated under subsection (1) shall—
       (a) work under the supervision of the Head of the Veterinary Services; and 
       (b) not be deemed to hold a public office by virtue of the designation.

6. Power relating to premises or vehicles
   (1) An authorised officer may, at all reasonable times and on producing a duly authenticated document showing his authority—
       (a) enter any premises, other than a dwelling house, on which any animal or by-product is kept or to be found; and 
       (b) inspect a vehicle which is carrying an animal or a by-product.
(2) An authorised officer may require the person in charge of any premises referred to in subsection (1) (a) or in a vehicle referred to in subsection (1) (b) to produce any document or information relating to the origin or destination of the animal or by-product.

7. Other powers of authorised officers

An authorised officer may—

(a) by written notice, prohibit the slaughter of an animal for reasons of animal disease control;
(b) detain a suspect animal;
(c) seize and dispose of any food of animal origin found to be unfit for human or animal consumption;
(d) by written notice, require the person in charge of an abattoir to isolate any live suspect animal;
(e) ensure that every animal or by-product bears such markings or labels as may be prescribed.

PART IV – FOOD EXPORT ESTABLISHMENT

8. Registration of establishments

(1) No person shall set up or operate a food export establishment dealing with meat or fish unless he holds a certificate issued by the Minister to the effect that his establishment has been registered under this section.

(2) The Minister may—

(a) refuse to register an establishment for the purposes of subsection (1); or
(b) cancel a certificate of registration, where he is satisfied that the establishment—

(i) represents a threat to human or animal health or to the environment; or
(ii) does not conform to this Act or to any norms laid down by a country to which a product is to be exported.

9. Building permit

Notwithstanding the Building Act, no person shall issue a Building and Land Use Permit under that Act for the construction of a food export establishment without the approval of the Minister concerning the matters referred to in section 8 (2).

10. Changes at establishments

No person in charge of a food export establishment shall effect, or cause or permit to be effected, a substantial change in the structure or operation of the establishment unless he has—

(a) notified the Permanent Secretary of his intention; and
(b) obtained his approval for the proposed change.

11. Inspection of establishments
An authorised officer may, at any reasonable time—
(a) enter a food export establishment; and
(b) for the purpose of ensuring that this Act and any norms laid down by a country to which a product is to be exported are complied with—
   (i) examine the procured of production;
   (ii) assess the system of quality control in operation; and
   (iii) check every production record.

   PART V – ANIMAL FEED

12. Manufacture
   (1) No person shall set up, or operate, an establishment for the manufacture of animal feed unless he holds a certificate issued by the Minister showing that his establishment has been registered under this section.

   (2) The Minister may—
      (a) refuse to register an establishment for the purposes of subsection (1); or
      (b) cancel a certificate of registration,
      where he is satisfied that the manufacture of the animal feed, or the process involved, may present a risk to human or animal health or to the environment.

13. Control of establishments
   (1) An authorised officer may, at any reasonable time—
      (a) visit an establishment referred to in section 12 to assess production processes and check production records to ensure that the feed is manufactured in accordance to recognised norms; and
      (b) detain, seize or destroy a product found in it which is not manufactured in accordance with this Act.

   (2) No person shall, for the purpose of the preparation of animal feed in an establishment referred to in section 12, make use of an imported ingredient, including a veterinary drug, except with the approval of the Head of Veterinary Services.

   PART VI – ANIMAL DISEASES

14. Declaration and isolation
   (1) Where an animal—
      (a) suffers from, or is reasonably suspected or suffering from, a notifiable disease; or
(b) dies, or is reasonably suspected of having died, from a notifiable disease,
the owner of the animal shall make a declaration in writing to that effect to
the Head of the Veterinary Services.

(2) The owner of an animal referred to in subsection (1) shall cause it to
be sequestrated and keep it isolated.

(3) On receipt of a declaration under subsection (1), the Head of the Vet-
erinary Services shall take remedial measures including measures in respect of—
(a) the declaration of any infected premises within specified limits;
(b) the sequestration, isolation or destruction of the animal; and
(c) the vaccination of any in-contact animal.

15. Status of farms

(1) Every owner of livestock may apply to the Head of the Veterinary
Services for a certificate concerning the health status of his farm with regard
to notifiable diseases.

(2) The Head of the Veterinary Services may, after making such enquiries
as he thinks fit, certify the farm to be “Infected”, “Suspect” or “Accredited
free”.

16. Sale or slaughter of diseased animals

(1) No person shall sell, or offer or expose for sale, an affected or sus-
pect animal, or cause or permit it to be sold, or offered or exposed for sale,
except with the written permission of the Head of the Veterinary Services.

(2) In the case of livestock suffering from a disease other than a notifi-
able disease, no person shall slaughter an animal, or cause or permit to be
slaughtered without the written authorisation of the Head of the Veterinary
Services.

PART VII – ARTIFICIAL BREEDING

17. Authorised animals

No person shall, for the purpose of artificial breeding, use any gamete or
embryo originating from an animal except with written authorisation of the
Head of the Veterinary Services.

18. Laboratories

(1) No person shall set up or operate an establishment for the purposes
of artificial breeding unless he holds a certificate issued by the Minister
showing that his establishment has been registered under this section.
(2) The Minister may—
   (a) refuse to register an establishment for the purposes of subsec-
       tion (1); or
   (b) cancel a certificate of registration,
where he is satisfied that the establishment is or will not operate in ac-

PART VIII – MOVEMENT OF ANIMALS

19. Transport of animals
   Any person who transports a live animal shall—
   (a) do so in such a manner that the health or welfare of the animal
       is not adversely affected; and
   (b) provide the animal with adequate food and water supply during
       the time it is being transported.

20. Sanitary control
   (1) An authorised officer may exercise control over the transfer or
       movement of an animal in a vehicle.
   (2) Every person shall comply with the instructions of an authorised offi-
       cer in relation to sanitary control of an animal which is being transported in a

PART IX – KNACKERIES

21. Registration of knackeries
   (1) No person shall set up or operate a knackery unless he holds a certifi-
       cate from the Head of the Veterinary Services showing that his establish-
       ment has been registered under this section.
   (2) The Head of the Veterinary Services may—
       (a) refuse to register an establishment for the purposes of subsec-
           tion (1); or
       (b) cancel a certificate of registration,
where he is satisfied that the establishment is or will be operating to the det-

22. Animal carcasses
   (1) Subject to subsection (2), any person who has an animal carcass on
       his premises shall cause the carcass to be taken to a knackery.
(2) If no knackery is registered pursuant to section 21, a person who has an animal carcass on his premises shall, after suitable disinfection, cause the animal carcass to be buried.

PART X – FOOD OF ANIMAL ORIGIN

23. Fitness for consumption

(1) Notwithstanding the Meat Act and any regulations made under it, no certificate shall be issued in respect of the fitness for consumption of any meat unless the Head of the Veterinary Services has given his written approval to the issue of the certificate.

(2) The Head of the Veterinary Services shall not issue, in respect of any food of animal origin—

   (a) an import permit under section 33; or
   
   (b) an export certificate under section 35,

unless he is satisfied that the food is fit for human consumption.

(3) For the purposes of determining fitness under subsections (1) and (2), the Head of the Veterinary Services shall consider, inter alia—

   (a) whether the food has been prepared in accordance with recognised sanitary and qualitative standards; and
   
   (b) whether the food has been prepared, collected, transported and stocked in accordance with the needs of public health and of the environment.

24. Transport

No person shall transport, or cause or permit to be transported, any food of animal origin unless he has taken adequate measures to guard against or prevent infection or contamination.

25. Staff

(1) Every person employed in the handling of food of animal origin in the course of collecting, preparation, treatment, processing, packaging, wrapping, transport, stocking, exhibition or sale shall—

   (a) keep and maintain bodily cleanliness; and
   
   (b) be dressed in a hygienic manner to avoid contamination of food.

(2) No person shall, in relation to any work specified in subsection (1), employ a person whom he knows, or ought reasonably to have known, suffers from an infectious or communicable disease.
PART XI – VETERINARY DRUGS

26. Import

Notwithstanding any other enactment, no person shall import a veterinary drug unless he holds a permit to that effect from the Head of the Veterinary Services.

27. Veterinary surgeons

A veterinary surgeon—
(a) may import or purchase a veterinary drug from a pharmacist or wholesale premises;
(b) may keep a veterinary drug needed for his profession;
(c) may prepare and supply with or without payment, a veterinary drug exclusively to the owner of an animal which is being treated by him;
(d) shall issue a prescription to every person who wishes to purchase on retail a non-exempted veterinary drug; and
(e) shall, when using or dealing with a poison, comply with the Pharmacy Act.

28. Pharmacists

(1) No pharmacist shall sell a veterinary drug unless he holds a certificate from the Head of the Veterinary Services permitting him to do so.

(2) Every pharmacist who sells—
(a) a veterinary drug on prescription shall comply with the Pharmacy Act; and
(b) a human drug for veterinary use shall have clearly printed or written the words “For veterinary use” on the wrapper or container.

29. Wholesale premises

(1) No person shall set up or operate any wholesale premises unless they belong to a pharmacist, or a veterinary surgeon or to a company, partnership or other association where the management or administration is effectively assumed by a pharmacist or a veterinary surgeon.

(2) No person shall prepare, distribute or supply, a veterinary drug on any wholesale premises unless he holds a certificate from the Head of the Veterinary Committee permitting him to do so.

30. Producers of veterinary drugs

(1) Every person who intends to manufacture or produce a veterinary drug shall apply to the Head of the Veterinary Services for an authorisation to offer the veterinary drug for sale.
(2) On receipt of an application under subsection (1), the Head of the Veterinary Services shall, where he is satisfied that—

(a) the drug is effective in the therapeutic action for which it has been manufactured;
(b) the drug is proved by qualitative and quantitative, inspection, to be harmless in its therapeutic action until the expiry date; and
(c) the applicant has effective means of controlling and guaranteeing the quality of his products,

issue an authorisation.

(3) An authorisation under subsection (2) shall—

(a) be granted for an initial period of 5 years; and
(b) be delivered, renewed, suspended or cancelled in such manner as may be prescribed.

31. Epizootic diseases

Where the stock of veterinary drugs in Mauritius is too low to satisfy the demand for the prevention of an epizootic disease, the Minister may—

(a) require any producer, importer or holder of veterinary drugs to declare his whole stock in writing to the Head of the Veterinary Services;
(b) take such measure as he considers necessary to regulate the use and sale of a veterinary drug.

32. Experimentation

(1) No person shall experiment with a veterinary drug unless he holds a permit to that effect from the Head of the Veterinary Services.

(2) No person shall carry out any drug experiment on an animal unless he holds a permit to that effect from the Head of the Veterinary Services.

PART XII – IMPORT AND EXPORT OF ANIMALS AND BY-PRODUCTS

33. Import permit

(1) Notwithstanding any other enactment, no person shall import any animal, meat, meat product, gamete, embryo, by-product, fertilizer of animal origin, milk or milk product unless he holds an import permit to that effect.

(2) An application for an import permit shall be made in writing to the Permanent Secretary.

(3) On receipt of an application under subsection (2), the Permanent Secretary may, on payment of the prescribed fee, issue the permit on such terms and conditions as he thinks fit.
(4) An import permit may require the importer to produce an appropriate certificate from the Official Veterinary Services of the exporting country.

(5) For the purposes of this section, where an animal or product referred to in subsection (1) which has been taken out of Mauritius is brought back into the country, it shall be treated as an imported animal or product.

(6) The captain or master of an aircraft or ship carrying an animal or product referred to in subsection (1) to Mauritius shall declare to customs whether—

(a) the animal or product is to be landed in Mauritius; and

(b) any disease or death has occurred among animals on board his aircraft or ship during the voyage to Mauritius.

(7) No captain or master of an aircraft or ship shall allow the unloading of an animal or product specified in subsection (1), unless he is shown an import permit.

34. Quarantine

(1) The Permanent Secretary may order an imported animal to be kept under observation at a quarantine station for such period as he thinks fit.

(2) The owner of an animal kept in a quarantine station shall pay such fee as may be prescribed.

(3) No person shall remove an animal kept under observation at a quarantine station under observation under subsection (1), unless he—

(a) obtains a written release authorisation from the Permanent Secretary; and

(b) pays the prescribed fee.

35. Export certificate

(1) Every person who wishes to export an animal or a by-product shall—

(a) apply to the Head of the Veterinary Services for an export certificate;

(b) comply with any conditions imposed by the importing country; and

(c) pay such fee as may be prescribed.

(2) The Head of the Veterinary Services or an authorised officer shall be responsible for—

(a) the issue of an export certificate; and

(b) ensuring compliance with subsection (1) (b).

36. Animals or products in transit

(1) The captain or master of an aircraft or ship which transports an animal or product referred to in section 33 (1) to a destination other than Mauritius
en route to its destination shall apply for a written authorisation from the Head of the Veterinary Services for transit in respect of that animal or product.

(2) In determining an application under subsection (1), the Head of the Veterinary Services shall have regard to the disease status of the country of export and any other port where the aircraft or ship may have called en route to Mauritius.

PART XIII – MISCELLANEOUS

37. Standards

The Minister may, on the advice of the Veterinary Committee, prescribe such standards as he thinks fit in relation to animals, animal feed, by-products, or in-contact products.

38. Assistance to authorised officer

No person shall, where an authorised officer is acting in the exercise of his duties under this Act—

(a) obstruct or molest an authorised officer;

(b) refuse to provide any assistance or facilities to the authorised officer; or

(c) refuse to provide to the authorised officer such documentary or other information which the authorised officer may reasonably require.

39. Offences

(1) Any person who contravenes this Act or any regulations made under it shall commit an offence and shall, on conviction, be liable to a fine not exceeding 5,000 rupees and to imprisonment for a term not exceeding one year.

(2) It shall be a defence for a person prosecuted for an offence under this Act to show that—

(a) the offence was committed without his knowledge or consent; and

(b) he took all reasonable steps to prevent the commission of the offence.

40. Regulations

(1) The Minister may, for the purposes of this Act, on the advice of the Veterinary Committee, make such regulations as he thinks fit.

(2) Any regulations made pursuant to subsection (1) may—

(a) prescribe any matter which is to be prescribed under this Act; and

(b) amend the Schedules; and
(c) provide for the levying of fees and the payment of charges.

41. Repeal

The following enactments are repealed—

(a) Animal Destruction Act;
(b) Animal Diseases Act;
(c) Animal Feed Control Act;
(d) Animal Diseases (Fees) Regulations 1962;
(e) Animal Diseases Regulations 1925;
(f) Animal Diseases (Rodrigues) Regulations 1933;
(g) Animal Diseases (Swine Fever) Regulations 1958;
(h) Animal Diseases (Control) Regulations 1978;
(i) Animal (Poultry) Feed Control Regulations 1978;
(j) Importation of Poultry Regulations 1927;
(k) Prevention of Cruelty to Animals Regulations 1925;
(l) Prevention of Cruelty to Animals (Vivisection) Regulations 1959;
(m) Therapeutic Substances Regulations 1937.

42. Consequential amendment

The Prevention of Cruelty to Animals Act is amended—

(a) by deleting the following headings—
   “Part I— Preliminary”;
   “Part II— Vivisection”;
(b) by deleting sections 6 to 10, 12, 13, 15 and 16.

43. Commencement

This Act shall come into operation on a day to be fixed by Proclamation.
FIRST SCHEDULE

Section 2

NON-EXEMPT DRUGS

1. Antibiotics
2. Central nervous stimulants
3. Drugs acting on the cardiovascular system
4. Fungicides
5. General anaesthetics
6. Hormones, synthetic and natural
7. Insecticides
8. Local anesthetics
9. Nitrofurans
10. Sulphonamides
11. Tranquillisers
12. Veterinary vaccines
13. Any preparation containing one or more of the drugs listed above

SECOND SCHEDULE

Section 2

NOTIFIABLE DISEASES

1. African horse sickness
2. African swine fever
3. Anaplasmosis
4. Anthrax
5. Avian bronchitis
6. Avian influenza
7. Avian leucosis complex
8. Avian salmonella
9. Babesiosis
10. Blue tongue
11. Bovine spongiform encelphalopathy commonly known as mad cow disease
12. Canine leptospirosis
13. Classical swine fever
14. Contagious bovine pleuropneumonia
15. Contagious caprine pleuropneumonia
16. Duck plague
17. Equine infectious anaemia
18. Equine influenza
19. Equine strangles
20. Equine viral arteritis
SECOND SCHEDULE—continued

21. Feline infectious anaemia
22. Foot and mouth disease
23. Fowl cholera
24. Glanders
25. Heart water
26. Infectious anaemia of chicken
27. Infectious avian laryngo tracheitis
28. Johne’s disease
29. Lumpy skin disease
30. Malignant catarrhal fever
31. Marek’s disease
32. Myxomatosis
33. Newcastle disease
34. Nocardiosis
35. Peste des petits ruminants
36. Rabies
37. Rift Valley fever
38. Rinderpest
39. Swine erysipelas
40. Trypanosomiasis
41. Tuberculosis