

THE GLANDERS AND FARCY ACT, 1899

(XIII OF 1899)

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TEXT

THE GLANDERS AND FARCY ACT, 1899

(XIII of 1899)

[20th March, 1899]

An

Act

to consolidate and amend the law relating to glanders and farcy

WHEREAS it is expedient to consolidate and amend the law relating to glanders and farcy; it is hereby enacted as follows:-

1. Short Title and Extent.—¹(1) This Act may be called the Glanders and Farcy Act, 1899.

²(2) It extends to all the Provinces and the capital of the Federation.

³(3) x x x y x z x x

2. Definition of “Diseased”.—(1) In this Act, unless there is anything repugnant in the subject or context, “diseased” means affected with glanders or farcy or any other dangerous epidemic disease among horses which the ⁴Provincial Government may, be notification⁵ in the Official Gazette⁶, specify in this behalf⁷.

(2) ⁸The provisions of this Act relating to horses shall apply also to camels, asses and mules.

3. ⁹Application of Act to Local Areas by Provincial Government.— (1) The ¹⁰Provincial Government may, by ¹¹notification in the ¹²official Gazette, apply this Act

¹ Substituted by the central laws (statute reform) Ordinance, 1960(21 of 1960), S.3 and Sch. 2nd (with effect from the 14th October, 1955), for the original subsection (2) as amended by adaptation of laws order, 1949, Arts.3 (2) and 4.

² The word “and” repealed by the Repealing and amending Act, 1914(10 of 1914), S.3 AND Sch. II.

³ Subsection (3) repealed by the Repealing 7 amending Act, 1914(10 of 1914), S.3 AND Sch.II.

⁴ substituted by adaptation of Indian laws order, 1937, for “Local Government” which words were substituted by the devolution Act, 1920(38 of 1920) , S.2, and Sch.I, for “Governor General In Council”

⁵ The notification under this sub-section as amended by Act II of 1901, as regards certain local areas are published in gazette of India, 1906, Part. I page 205. Reference may also me made to different local Rules and Orders.

⁶ substituted by adaptation of Indian laws order, 1937, for the word “Local official gazette” which were substituted by the Act, 38 of 1920, S.2, and Sch.I, for “Gaztee of India”

⁷ Certain words repealed by the repealing act, 1927(12 of 1927)

⁸ Inserted by the glander and farcy (Amendment) Act, (9 of 1920), S.2.

⁹ Substituted by Act 9 of 1920 for the original section 3.

¹⁰ Substituted by Indian adaptation of laws order, 1937 for the word “local government”.

¹¹ See different local rules and order for notification under this provision. This act was applied to whole area of Karachi. Administrations vide notification published in the gazette of Karachi, 1959, Part-II page 209.

¹² Substituted by the Indian adaptation of law order 1937 for “local official gazette”.

or any provision of this Act to any local area, to be specified in such notification, within the Province.

(2) In any such notification the Provincial Government may further direct that the Act or any provision so applied shall apply in respect of ;

- (a) all or any of the diseases mentioned or specified in notification under section 2. sub-section (1)
- (b) all animals or any class of animals mentioned in section 2, sub-section (2).

4. Provincial Government to Appoint Inspectors.—(1) When this Act has been so applied to a local area, the Provincial Government may, by notification in the Official Gazette appoint such persons as it thinks fit to be Inspectors under this Act and to exercise and perform, within the whole of the local area or such portions thereof as it may prescribe, the powers conferred and the duties imposed by this Act on such officers.

(2) Every person so appointed shall be deemed to be public servant within the meaning of the Pakistan Penal Code.

5. Power of Entry and Search.— Within the local limits for which he is so appointed, any such inspector as aforesaid may, subject to such rules as the Provincial Government¹³ may make in this behalf, enter and search any field, building or other place for the purpose of ascertaining whether there is therein any horse which is diseased.

6. Power of Seizure.— Within such limits as aforesaid, the Inspector may seize any horse which he has reason to believe to be diseased.

7. Horse to be Examined by Veterinary Practitioner.—(1) On any such seizure as aforesaid, the Inspector shall cause the horse seized to be examined as soon as possible by the Veterinary Practitioner as the Provincial Government may appoint¹⁴ in this behalf:

Provided that, when the Inspector is also a Veterinary Practitioner so appointed, he may make the examination himself.

(2) For the purpose of the examination, the Veterinary Practitioner may submit the horse to any test or tests which the Provincial Government may prescribe.

8. Horse to be destroyed if diseased otherwise restored.— (1) If the Veterinary Practitioner certifies in writing that the horse is diseased, the Inspector shall cause the same to be immediately destroyed. Provided that, in the case of any disease other than glanders or farcy, horses certified to be diseased as aforesaid may, subject to any rules¹⁵ which the Provincial Government may make in this behalf, be either destroyed or otherwise treated or dealt with as the Veterinary Practitioner may deem necessary.

¹³ Substituted by Indian adaptation of laws order, 1937, for "local Government".

¹⁴ See different local rules and orders for notifications under this provision.

¹⁵ See different local rules and orders framed under this provision.

(2) If, after completing the examination, the Veterinary Practitioner does not certify that the horse is diseased, the Inspector shall at once deliver the same to the person entitled to the possession thereof.

9. When horse diseased, place where it has been to be disinfected etc.–(1) When any diseased horse has been in any building, shed or other enclosed place, or in any open lines, the Inspector may issue a notice to the owner of the building, shed, place or lines, or to the person incharge thereof, directing him to have the same disinfected and the internal fittings thereof, or such other things found therein or near thereto as the Provincial Government may by rule prescribe, destroyed.

(2) On the failure or neglect of such owner or other person as aforesaid to comply with the notice within a reasonable time, the Inspector shall cause the building, shed, place or lines to be disinfected and the fittings or other things to be destroyed, and the expense (if any) thereby incurred may be recovered from the owner or other person as if it were a fine.

10. Owner or person incharge of diseased horse to give notice.– The owner or any person in charge of a diseased horse shall give immediate information of the horse being diseased to the Inspector or to such authority as she Provincial Government may appoint¹⁶ in this behalf.

11. Prohibition against removal without licence, of horse which has been with diseased horse.– No person incharge of any horse which has been in the same field, building or place as, or in contact with, a diseased horse, shall remove such horse except in good faith for the purpose of preventing infection, or under a license to be granted by the Inspector and subject to the conditions of the license.

12. Vexatious entries, searches and seizures.– Whoever, being an Inspector appointed under this Act, vexatiously and unnecessarily enters or searches any field, building or other place or seizes or detains any horse on the pretence that it is diseased, shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to five hundred rupees, or with both.

No prosecution under this section shall be instituted after the expiry of three months from the date on which the offence has been committed.

13. Penalty of refusing to comply with notice under section 9. Or for removing Horse contrary to section 11.– Whoever refuses or neglects to comply with any notice issued by the Inspector under section 9, or removes any horse in contravention of section 11, shall be punishable with imprisonment for term which may extend to one month, or with fine which may extend to fifty rupees, or with both.

14. Power to Make Rules.– (1) The Provincial Government may make rules to carry out the purpose and objects of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules as aforesaid may –

(a) Regulate entries, searches and seizures by Inspector under this Act;

¹⁶ See different local rules for officers.

- (b) Regulate the use of test and the isolation of horses subjected thereto, and provide for recovering the expense of detaining, isolating and testing horses from the owners or persons incharge thereof as if it were a fine;
 - (c) Regulate the disinfecting of buildings and places in which diseased horses have been, and prescribe what things found therein or near thereto shall be destroyed ; and
 - (d) Regulate the grant of licenses under Section 11 and the conditions on which those licenses shall be granted.
- (3) All rules under this section shall be published in the Official Gazette, and, on such publication, shall have effect as if enacted by this Act.
- (4) In making any rule under this section, the Provincial Government may direct that a breach of it shall be punishable with imprisonments for a term which may extend to one month, or with fine which may extend to fifty rupees, or with both.

15. Appointment of same person to be both Inspector and Veterinary Practitioners.— Any Veterinary Practitioner may be appointed by the Provincial Government to be both Inspector and Veterinary Practitioners for all or any of the purposes of this Act or of any rule there under.

16. Protection to persons acting under Act.—No suit, prosecution or other legal proceeding shall lie against any person for anything which is, in good faith, done or intended to be done under this Act.