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MINOR OFFENCES (AMENDMENT) ACT, 2023

OBJECTS AND REASONS

This Bill would amend the *Minor Offences Act*, Cap. 137 to create an offence of flying a kite with any object which creates noise between specified hours.

MINOR OFFENCES (AMENDMENT) ACT, 2023

Arrangement of Sections

1. Short title
2. Insertion of sections 4A, 4B and 4C into Cap. 137
3. Amendment of section 5 of Cap. 137
4. Insertion of *Schedule* into Cap. 137

SCHEDULE

BARBADOS

A Bill entitled

An Act to amend the *Minor Offences Act*, Cap. 137

ENACTED by the Parliament of Barbados as follows:

Short title

- 1.** This Act may be cited as the *Minor Offences (Amendment) Act, 2023*.

Insertion of sections 4A, 4B and 4C into Cap. 137

2. *The Minor Offences Act, Cap. 137, in this Act referred to as the principal Act, is amended by inserting immediately after section 4 the following new sections:*

“Offence of flying a kite which makes noise between specified hours

4A.(1) Any person who flies or causes to be flown any kite with any object which

- (a) creates noise when attached to the kite; or
- (b) causes the kite to make noise,

between the hours of 7:00 p.m. and 6:00 a.m. is guilty of an offence and is liable on summary conviction to a fixed penalty of \$500.

(2) Where a person contravenes subsection (1), a member of the Police Service shall

- (a) ask the person to give his full name and address;
- (b) serve personally upon the person a fixed penalty notice in the relevant form set out in the *Schedule*; and
- (c) send a duplicate of the notice to the clerk of the magistrate’s court referred to in paragraph (c).

(3) The fixed penalty notice shall be signed by the member of the Police Service and shall state the following:

- (a) the date, time and place of service of the notice;
- (b) the provision of this Act which creates the alleged offence and such particulars of the offence as are required under this Act;

- (c) the time within which the fixed penalty may be paid in accordance with subsection (6); and
 - (d) the clerk of the magistrate's court to whom the fixed penalty may be paid and the address of the magistrate's court where the fixed penalty may be paid or remitted.
- (4) A person who refuses to answer or who gives a false answer in respect of a question mentioned in paragraph (a) of subsection (2) is guilty of an offence and is liable on summary conviction to a fine of \$500 or to imprisonment for 6 months.
- (5) A person upon whom a fixed penalty notice is served may complete the notice in the prescribed manner and pay the fixed penalty in accordance with the notice.
- (6) A fixed penalty is payable within 14 days from the date of the fixed penalty.
- (7) Payment of the fixed penalty shall be
- (a) made to the clerk of the magistrate's court as stated in the notice; and
 - (b) accompanied by the completed notice.

Direction from member of the Police Service

- 4B.(1)** A member of the Barbados Police Service shall require an owner or a person in charge of any kite found flying in contravention of section 4A to cause the kite to cease flying immediately and the owner or person in charge of the kite shall comply with the direction of the member of the Barbados Police Service.
- (2) Where a person fails or refuses to comply with a direction given by a member of the Police Service under subsection (1),
- (a) that person is guilty of an offence and is liable on summary conviction to a fixed penalty of \$500; and

- (b) subsections (2) to (7) of section 4A and the *Schedule* shall apply *mutatis mutandis*.

Penalty to constitute a debt to the State

- 4C. A fixed penalty may be recovered as a debt due to the State in civil proceedings before a Magistrate for District “A”.

Amendment of section 5 of Cap. 137

3. *Section 5 of the principal Act, is amended by deleting the words “police officer” and substituting the words “member of the Barbados Police Service”.*

Insertion of *Schedule* into Cap. 137

4. *The principal Act is amended by inserting the Schedule set out in the Schedule to this Act.*

SCHEDULE

(Section 4)

"

SCHEDULE

(Sections 4A and 4B)

FORM A



Minor Offences Act
Cap. 137

NOTICE OF FIXED PENALTY

Section A

Serial No.: _____

Take notice that, I, _____
(Name of member of the Police Service) *(Rank)* *(Number)*,

have reason to believe that you have committed the offence herein. The fixed penalty for the offence is \$500.

In paying the fixed penalty, the following conditions shall be observed:

1. The payment of the fixed penalty shall be accompanied by this notice.
2. Payment of the fixed penalty shall be made or remitted to the clerk of the magistrate's court for District_____.

Schedule - (Cont'd)

This notice was given at _____
(place)
 on _____ 20_____, at _____ a.m./p.m.
(state date) *(state time)*

PARTICULARS OF OFFENCE

At _____ a.m./p.m. on the _____ day of _____, 20_____, you,
 _____ of _____
(name) *(address)*

at _____ were flying/caused to be flown
(place)
 a kite with an object contrary to section 4A of the *Minor Offences Act*, Cap. 137.

Signature of member of the Police Service

Schedule - (Cont'd)

Instructions to Offender

Cash should be paid to the clerk. Cheques, postal orders or money orders may be sent by post and made payable to the clerk of the magistrate's court of District _____. A receipt for the payment will be given. Part payment will not be accepted by the clerk.

The person paying the fixed penalty must forward with the remittance Section B of this notice or identify this notice by quoting its serial number.

A fixed penalty may be recovered as a debt due to the State in civil proceedings before a Magistrate for District "A".

Schedule - (Cont'd)

Section B

Serial No.(of notice)_____

To: Clerk of the magistrate's court for District_____.

I enclosed the sum of \$500 as payment of the fixed penalty for the offence mentioned in Part A of this notice.

Name:_____

Address:_____

(Signature)

(Date)

Schedule - (Cont'd)

FORM B



Minor Offences Act
Cap. 137

NOTICE OF FIXED PENALTY

Section A

Serial No.: _____

Take notice that, I, _____
(Name of member of the Police Service) (Rank) (Number),
have reason to believe that you have committed the offence herein. The fixed penalty for the
offence is \$500.

In paying the fixed penalty, the following conditions shall be observed:

1. The payment of the fixed penalty shall be accompanied by this notice.
2. Payment of the fixed penalty shall be made or remitted to the clerk of the magistrate's court for District_____.

This notice was given at _____
(place)
on _____ 20_____, at _____ a.m./p.m.
(state date) (state time)

Schedule - (Cont'd)

PARTICULARS OF OFFENCE

At _____ a.m./p.m. on the _____ day of _____, 20____ you,

_____ of _____
(name) *(address)*

at _____ failed or refused to comply
(place)

with a direction of a member of the Police Service to cause a kite to cease flying contrary to
 section 4B of the *Minor Offences Act*, Cap. 137.

Signature of member of the Police Service

Schedule - (Cont'd)

Instructions to Offender

Cash should be paid to the clerk. Cheques, postal orders or money orders may be sent by post and made payable to the clerk of the magistrate's court of District____. A receipt for the payment will be given. Part payment will not be accepted by the clerk.

The person paying the fixed penalty must forward with the remittance Section B of this notice or identify this notice by quoting its serial number.

A fixed penalty may be recovered as a debt due to the State in civil proceedings before a Magistrate for District "A".

Schedule - (Concl'd)

Section B

Serial No.(of notice)_____

To: Clerk of the magistrate's court for District_____.

I enclosed the sum of \$500 as payment of the fixed penalty for the offence mentioned in Part A of this notice.

Name:_____

Address:_____

(Signature)

(Date) " .

Read three times and passed the House of Assembly this
day of _____, 2023.

Speaker

Read three times and passed the Senate this _____ day of
_____, 2023.

President

PARLIAMENT

FIRST SESSION OF 2022-2027

BILL

cited as the Minor Offences
(Amendment) Act, 2023

Government Printing Department

INTEGRITY IN PUBLIC LIFE ACT, 2023

OBJECTS AND REASONS

This Bill would establish a regime, including an integrity commission, to promote the integrity of persons in public life and strengthen measures for the prevention, detection, investigation and prosecution of acts of corruption, alter the *Constitution* to the extent necessary for the purpose and provide for related matters.

INTEGRITY IN PUBLIC LIFE ACT, 2023

Arrangement of Sections

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CODE OF CONDUCT FOR PERSONS IN PUBLIC LIFE

FIFTH SCHEDULE
FORM OF OATHS

BARBADOS

A Bill entitled

An Act to establish a regime, including an integrity commission, to promote the integrity of persons in public life and strengthen measures for the prevention, detection, investigation and prosecution of acts of corruption, alter the *Constitution* to the extent necessary for the purpose and provide for related matters.

ENACTED by the Parliament of Barbados in accordance with section 49 of the *Constitution* as follows:

PART I

PRELIMINARY

Short title

1. This Act may be cited as the *Integrity in Public Life Act, 2023*.

Interpretation

2. In this Act,

“Anti-Corruption and Anti-Terrorism Agency” means the body corporate established by section 4 of the *Anti-Corruption and Anti-Terrorism Agency Act, 2021* (Act 2021-5);

“appointed day” means the day on which this Act comes into operation;

“assets” means all property, including any right or interest in property, held by a person in Barbados or elsewhere;

“benefit” includes any property, service or advantage, whether direct or indirect;

“Chairman” means the chairman of the Commission appointed in accordance with the *First Schedule*;

“child”, in relation to a person, means any child of the person and includes a stepchild and an adopted child and, in respect of a man, includes a child

(a) in respect of whom the man has been adjudged the father by a court of competent jurisdiction; or

(b) who the man has acknowledged to be his child;

“Code of Conduct” means the Code of Conduct for Persons in Public Life referred to in section 25;

“Commission” means the Integrity Commission established by section 3;

“declaration” means a declaration filed or required to be filed pursuant to section 11 and includes any statement or other information filed or required to be filed with such a declaration;

“dependent child” means any child of a person, whether a minor or not, who is unmarried and is being maintained by the person;

“disclosure order” means an order made under section 42(1);

“document” includes

- (a) anything on which there is writing;
- (b) a map, plan, drawing or photograph; and
- (c) any information recorded or stored by means of any tape recorder, computer or other device, and any material subsequently derived from the information so recorded or stored;

“Head of Department” has the meaning assigned to it by section 2 of the *Public Service Act*, Cap. 29;

“income” includes

- (a) money or money’s worth derived from whatever source or acquired in Barbados or elsewhere, whether directly or indirectly; and
- (b) all receipts by way of salary, fees, wages, requisitions, profits, grants, emoluments, rents, interest, commissions, bonuses, pensions, annuities or benefits;

“investigative officer” means a person designated as such under section 10(1);

“liabilities” means all the obligations of a person to pay money or to provide goods or services in Barbados or elsewhere;

“member of the House of Assembly or the Senate”, as the case may be, shall be construed to include, in relation to any period between a dissolution of Parliament and the day on which the next election of members of the House

of Assembly is held, a person who was a member of the House of Assembly or the Senate, as the case may be, before the dissolution of Parliament;

“Permanent Secretary” has the meaning assigned to it by section 2 of the *Public Service Act*, Cap. 29;

“person exercising public functions” means

- (a) a specified person in public life;
- (b) a public officer;
- (c) a member, chief executive officer, manager, director or employee of a state-owned enterprise; and
- (d) any other person who holds a legislative, executive, administrative or judicial office in the Government of Barbados, whether appointed or elected, permanent or temporary or paid or unpaid, except a person who is appointed to an office listed in paragraph 1(a), (b) or (c) of Part II of the *Second Schedule* before the appointed day;

“privileged material” means

- (a) communications between an attorney-at-law and his client or any person representing his client, made in connection with the giving of legal advice to the client;
- (b) communications between an attorney-at-law and his client or any person representing his client, or between such an attorney-at-law or his client or any such representative and any other person, made in connection with or in contemplation of legal proceedings and for the purposes of such proceedings; and
- (c) materials enclosed with or referred to in such communications and made
 - (i) in connection with the giving of legal advice; or
 - (ii) in connection with or in contemplation of legal proceedings and for the purposes of such proceedings,

when the communications or materials are in the possession of a person who is entitled to such possession and are not held with the intention of furthering a criminal purpose;

“prohibited interest” means an interest in a contract with the Government or a state-owned enterprise, the acquisition of which by a specified person in public life is prohibited by rules made under section 22;

“property” includes money and all other property whether real, personal or things in action;

“public officer” has the meaning assigned to it by section 2 of the *Public Service Act*, Cap. 29;

“senior officer”, in relation to the Commission, means an employee of the Commission who is at or above the rank of Secretary to the Commission;

“specified person in public life” means a person listed in Part I or Part II of the *Second Schedule*;

“spouse”, in relation to a specified person in public life, means a person

- (a) to whom the specified person in public life is married; or
- (b) with whom the specified person in public life is in a union other than marriage;

“statement of registrable interests” means a statement described in section 18(1);

“state-owned enterprise” means

- (a) a company within the meaning of section 2(1) of the *Companies Act*, Cap. 308; or
- (b) a statutory board,
listed in Part III of the *Second Schedule*;

“union other than marriage” has the meaning assigned to it by section 39 of the *Family Law Act*, Cap. 214.

PART II

INTEGRITY COMMISSION

Establishment of Integrity Commission

- 3.(1) There is established a body corporate to be known as the Integrity Commission.
- (2) Section 21 of the *Interpretation Act*, Cap. 1 applies to the Commission.
- (3) The *First Schedule* has effect with respect to the constitution of the Commission and otherwise in relation thereto.
- (4) The members of the Commission are entitled to such remuneration and allowances as the Minister responsible for Finance determines.
- (5) Subject to this Act, the Commission may regulate its own procedure and may make rules for the purpose.

Functions of Commission

- 4.(1) The functions of the Commission are
- (a) to receive, keep on record, examine and inquire into all declarations, statements of registrable interests and reports of gifts filed with it under this Act;
 - (b) to request such information and conduct such investigations and inquiries as may be necessary to verify or determine the accuracy of all such declarations, statements of registrable interests and reports of gifts;
 - (c) to investigate, on its own initiative or upon receipt of a complaint
 - (i) any alleged contravention of this Act or the Code of Conduct;
 - (ii) any acquisition by any specified person in public life of a prohibited interest; and

- (iii) any alleged offence under this Act or any other enactment that assigns responsibility for the investigation of offences to the Commission;
 - (d) to examine the practices and procedures of public authorities to determine whether such practices and procedures are likely to facilitate the occurrence of acts of corruption and to recommend appropriate changes in such practices and procedures, except where there is a statutory duty on any other person to perform such functions; and
 - (e) to perform such other functions as may be required by this Act or any other enactment.
- (2) In the discharge of its functions, the Commission shall not be subject to the direction or control of any person or authority.
- (3) The President may in writing require the Commission to inquire into or investigate any matter within the scope of its functions.

Consultation

5. The Commission may consult with any person in the discharge of its functions, including in the conduct of an investigation or inquiry.

Agreements and exchange of information with law enforcement agencies

- 6.(1) The Commission may enter into such written agreements, arrangements or memoranda of understanding with a law enforcement agency as the Commission considers necessary or desirable for the discharge of its functions.
- (2) The Commission shall be treated as a law enforcement agency for the purpose of receiving disclosures of information which are relevant to its functions from any law enforcement agency.
- (3) Subject to section 51, the Commission may disclose to a law enforcement agency any information disclosed to the Commission.

(4) The Financial Intelligence Unit referred to in section 9(1) of the *Money Laundering and Financing of Terrorism (Prevention and Control) Act, 2011* (Act 2011-23) and foreign financial intelligence units, by whatever name called, shall be treated as law enforcement agencies for the purpose of this section, regardless of whether they operate as enforcement or administrative entities.

(5) In this section “law enforcement agency” includes a foreign law enforcement agency.

Funds of Commission

7.(1) The Commission shall have such funds as may be voted by Parliament.

(2) The Commission shall keep proper accounts of its receipts, payments, assets and liabilities and those accounts shall be audited annually by the Auditor-General.

Annual reports

8.(1) The Commission shall, before the commencement of each financial year, prepare and forward to the Prime Minister a report of its activities during the previous financial year, including a statement of its accounts audited in accordance with section 7(2).

(2) A copy of the report, together with the Auditor-General’s report, shall be laid in Parliament.

Staff of Commission

9.(1) The Commission may employ such staff and retain the services of such persons as it requires for the discharge of its functions, on such terms and conditions as it determines appropriate.

(2) The *Statutory Boards (Pensions) Act*, Cap. 384 applies to employees of the Commission with such modifications and adaptations as may be necessary.

Investigative officers

10.(1) The Commission may designate such staff as it determines appropriate as investigative officers and may issue to such officers an identification card, which shall be *prima facie* evidence of the designation of the officers.

(2) An investigative officer may conduct an investigation into any matter, whether or not involving an alleged offence, in respect of which the Commission discharges functions under this Act or any other enactment.

(3) Notwithstanding subsections (1) and (2), the Commission may, where it considers it appropriate to do so, require the Anti-Corruption and Anti-Terrorism Agency to conduct an investigation on its behalf.

PART III

DECLARATIONS

Declaration of financial affairs by specified persons in public life

11.(1) A person who

- (a) is a specified person in public life shall, within 90 days of the appointed day and on or before the biennial anniversary of the appointed day;
- (b) becomes a specified person in public life shall, within 90 days from the date on which he becomes a specified person in public life;
- (c) ceases to be a specified person in public life shall, within 90 days from the date on which he ceases to be a specified person in public life,

file in accordance with subsection (3), a declaration containing the particulars set out in subsection (5).

(2) Notwithstanding subsection (1)(a), a person who files a declaration under subsection (1)(b) in a particular year is not required to file another declaration in the same year.

- (3) A specified person in public life whose office is listed in
 - (a) Part I of the *Second Schedule*, shall file his declaration with the Commission;
 - (b) Part II of the *Second Schedule*, shall file his declaration with the President.
- (4) The Commission may, in exceptional circumstances, grant to a specified person in public life required to file a declaration with it, an extension of the period for filing the declaration of up to 6 months, beginning on the day that the declaration is required to be filed.
- (5) A declaration shall be in the Form 1 set out in the *Third Schedule* and shall give full, true and complete particulars of
 - (a) the income, assets and liabilities of the specified person in public life; and
 - (b) the income, assets and liabilities of his spouse and dependent children.
- (6) A declaration may be accompanied, where a specified person in public life so desires, by a statement giving details of his income, assets and liabilities certified by an accountant.
- (7) Where a specified person in public life dies, there is no obligation on the personal representative of his estate to file the declaration which the specified person in public life would have been required to file had he lived.
- (8) For the avoidance of doubt, this Part applies to a person who ceases to be a specified person in public life but is required to file a declaration pursuant to subsection (1)(c) as it applies to any other specified person in public life.
- (9) The President has, in respect of a specified person in public life who is required to file a declaration with him and any declaration so filed, the same functions that the Commission has in this Act in respect of a specified person in public life who is required to file a declaration with it and any declaration so filed.

Full disclosure

12. A specified person in public life shall disclose in his declaration such details in respect of his income, assets and liabilities and those of his spouse and dependent children as, by the exercise of reasonable care, should be known to him including

- (a) any benefit accruing to his income and assets and those of his spouse and dependent children; and
- (b) any income, assets and liabilities acquired, held or incurred by any other person as agent or on behalf of himself and his spouse and dependent children or any of them.

Trust property

13. Where a specified person in public life holds any money or other property in trust for a person who is not his spouse or child or another specified person in public life, he shall so state in his declaration but he shall not be required to disclose the terms of the trust.

Blind trusts

14.(1) A specified person in public life may place all or part of his assets in a blind trust for the purpose of this Act and upon doing so, where his office is listed in

- (a) Part I of the *Second Schedule*, he shall file a copy of the trust deed with the Commission;
- (b) Part II of the *Second Schedule*, he shall file a copy of the trust deed with the President.

(2) Where the Commission or the President, as the case may be, has reasonable grounds to believe that a specified person in public life who is required

to file a declaration is likely to contravene or has contravened the Code of Conduct, the Commission or the President may direct the person to

- (a) place all or part of his assets in a blind trust on such terms and conditions as are considered appropriate; and
- (b) file a copy of the trust deed in accordance with subsection (1).

(3) Where a specified person in public life places assets in a blind trust, he shall not be required to provide in his declaration more particulars of the assets than the amount and description of the assets and the date on which they were placed in the trust.

(4) Notwithstanding any other law relating to the duties of trustees, a qualified trust company which manages the assets of a specified person in public life by way of a blind trust shall reply fully to any inquiries of the Commission or the President, as the case may be, relating to the nature and management of the assets.

(5) A blind trust is created where a specified person in public life enters into an agreement with a qualified trust company whereby

- (a) all or any part of his assets or those of his spouse or his children are conveyed to the qualified trust company for the management, administration and control thereof in its absolute discretion without recourse or report to the person beneficially entitled to the assets;
- (b) income derived from the management of the assets is to be distributed, in accordance with the agreement, to him, his spouse or his children until he ceases to be a specified person in public life; and
- (c) after he ceases to be a specified person in public life, proper and full accounting is to be made to him, his spouse or his children as the circumstances of the management of the trust require.

- (6) For the purpose of this section
- (a) a trust company is a qualified trust company where
 - (i) it is incorporated in or outside Barbados and is carrying on business in Barbados;
 - (ii) no more than 5 per cent of the stated capital in the trust company or its affiliate is held or controlled by the specified person in public life who enters into an agreement referred to in subsection (5) with it, or by any other person associated with him; and
 - (iii) neither the specified person in public life nor his spouse nor any of his children hold any directorship or office in the trust company or its affiliate;
 - (b) a company is an affiliate of another company where it holds more than 5 per cent of the stated capital in that other company or where that other company holds more than 5 per cent of the stated capital in the first mentioned company;
 - (c) a person is associated with another where that other person is
 - (i) the spouse or child of the person;
 - (ii) the partner of the person in a profession, trade or commercial undertaking; or
 - (iii) a corporation, and the first mentioned person or any person mentioned in subparagraph (i) controls the corporation, its holding corporation or a corporation affiliated with either.

Examination of declarations

15.(1) The Commission shall examine every declaration it receives in order to determine whether the declaration is a complete and accurate statement of the financial affairs of the specified person in public life who filed it.

(2) Where the Commission

(a) is satisfied that the declaration

- (i) has been fully made and all questions satisfactorily answered; or
- (ii) is incomplete but the specified person in public life cannot reasonably obtain the information required to complete it,

the Commission shall forward to the specified person in public life a certificate of compliance in the Form 2 set out in the *Third Schedule* and, at the request of the person, publish a statement regarding its satisfaction with the declaration in the *Official Gazette* and in a daily newspaper in general circulation in Barbados; or

(b) is not satisfied with any aspect of the declaration, the Commission may report the matter to the appropriate Service Commission, board or other authority and to the Director of Public Prosecutions, setting out such details as it considers appropriate.

Publication of failure to file declaration or furnish information

16.(1) Where a person who is required to file a declaration with the Commission in accordance with this Part or to furnish particulars or other information or documents to the Commission in accordance with section 31 fails to do so, the Commission shall

- (a) publish that fact in the *Official Gazette* and in a daily newspaper in general circulation in Barbados; and
- (b) report the matter to the appropriate Service Commission, board or other authority and to the Director of Public Prosecutions, setting out such details as it considers appropriate.

(2) Subsection (1)(a) does not apply to a specified person in public life who holds an office set out in Part II of the *Second Schedule*.

Offences in respect of declarations

17.(1) A person who, without reasonable cause

- (a) fails to file a declaration that he is required to file; or
- (b) fails to comply with a direction given under section 14(2) within the time specified therefor,

is guilty of an offence and is liable, on summary conviction, to a fine of \$50 000.

(2) A person who

- (a) knowingly files a declaration that is incomplete or false in any material particular; or
- (b) knowingly gives any false or incomplete information in a trust deed filed under section 14,

is guilty of an offence and is liable, on summary conviction, to a fine of \$50 000 or to imprisonment for one year or to both.

(3) Where an offence referred to in subsection (1)(a) or (2)(a) involves the non-disclosure, by a specified person in public life, of property which should have been disclosed in a declaration, the magistrate shall order the specified person in public life to make full disclosure of the property within a specified period.

(4) Where a specified person in public life fails to comply with an order made under subsection (3) within the specified period, the offence shall be deemed to be a continuing offence and the specified person in public life shall be liable to a further fine of \$3 000 for each day on which the offence continues.

PART IV

REGISTRABLE AND PROHIBITED INTERESTS

Filing of statements of registrable interests

18.(1) Every member of the House of Assembly and of the Senate shall file with the Commission, in addition to his declaration, a statement that contains the following information in respect of the member, his spouse and his children:

- (a) particulars of any directorships held in any company or other body corporate;
- (b) particulars of any contract made with the Government or a state-owned enterprise;
- (c) the name and description of any company, partnership or association in which the person is an investor;
- (d) a concise description of any trust in respect of which the person is a beneficiary or trustee;
- (e) any beneficial interest held in land;
- (f) any fund to which the person contributes;
- (g) particulars of any political, trade or professional association to which the person belongs;
- (h) particulars of any sources of income; and
- (i) any other substantial interest, whether of a pecuniary nature or not, which the member considers may appear to raise a material conflict between his private interest and his public duty.

(2) Every member of the House of Assembly and of the Senate shall file his statement of registrable interests in the Form 3 set out in the *Third Schedule* within 90 days after

- (a) the day on which he becomes a member, in respect of his interests on the day on which he becomes a member; and
- (b) the 31st day of December in each year during any part of which he is a member, in respect of his interests on the 31st day of December in that year.

(3) Notwithstanding subsection (2)(b), a member who files a statement of registrable interests in the period of 6 months preceding the 31st day of December in a particular year is not required to file another such statement for that same year.

(4) Where a member dies, the personal representative of his estate is not required to file the statement of registrable interests which the member would have been required to file, had he lived.

(5) Nothing in this section shall be taken to require disclosure of the actual amount or extent of any financial benefit, contribution or interest.

(6) The Commission shall examine every statement of registrable interests it receives in order to determine whether it is complete and accurate.

Record of statements of registrable interests etc.

19.(1) The Commission shall keep a record, in such form as it considers appropriate, of all statements of registrable interests and other information furnished by members of the House of Assembly and of the Senate under this Part.

(2) Every member of the House of Assembly and of the Senate shall notify the Commission of any change which occurs in his interests, or those of his spouse or children, within 6 weeks of the change.

Offences in respect of statements of registrable interests

20.(1) A member of the House of Assembly or the Senate who, without reasonable cause, fails to file a statement of registrable interests that he is required to file is guilty of an offence and is liable, on summary conviction, to a fine of \$50 000.

(2) A member of the House of Assembly or the Senate who knowingly files with the Commission a statement of registrable interests that is incomplete or false in any material particular is guilty of an offence and is liable, on summary conviction, to a fine of \$50 000 or to imprisonment for one year or to both.

(3) Where an offence referred to in subsection (1) or (2) involves the non-disclosure, by a member of the House of Assembly or the Senate, of information which should have been disclosed in a statement of registrable interests, the magistrate shall order the member to make full disclosure of the information within a specified period.

(4) Where a member of the House of Assembly or the Senate fails to comply with an order made pursuant to subsection (3) within the specified period, the offence referred to in subsection (1) or (2) shall be deemed to be a continuing offence and the member shall be liable to a further fine of \$3 000 for each day on which the offence continues.

Disqualification of member from holding public office

21. A member of the House of Assembly or the Senate who is convicted of an offence under section 17 or 20 is liable, in addition to any other penalty prescribed by law, to be disqualified from holding any public office for a period of 10 years from the date of conviction for the offence.

Prohibited interests

22.(1) The Commission shall make rules prescribing the circumstances in which the acquisition by a specified person in public life of an interest in a contract with the Government or a state-owned enterprise is prohibited.

(2) The Commission shall not issue a determination that a specified person in public life has acquired a prohibited interest where the person notifies the Commission of the interest and the Commission is of the opinion that the interest

- (a) is unlikely to affect the person's obligations under the Code of Conduct; or
- (b) is likely to affect the person's obligations under the Code of Conduct but that the person, his spouse or child, as the case may be, has divested himself of the interest or has placed it in a blind trust on such terms and conditions as the Commission considers appropriate.

PART V

GIFTS

Reports on gifts

23.(1) A specified person in public life listed in Part I of the *Second Schedule* who receives a gift worth more than \$2 500, or whose spouse or child receives such a gift, shall make a report of that fact to the Commission in the Form 4 set out in the *Third Schedule* and shall state in the report

- (a) the name and address of the donor;
- (b) the description and approximate value of the gift; and
- (c) whether, in the opinion of the recipient, the gift is a personal gift or an official gift.

(2) A specified person in public life listed in Part II of the *Second Schedule* shall, in the circumstances described in subsection (1), make the report referred to in that subsection to the President.

(3) This section does not apply to a personal gift received by a specified person in public life from a relative or friend.

- (4) A specified person in public life who is unsure whether a gift received from a relative or friend is a personal gift or an official gift may apply to the Commission seeking an opinion as to the proper classification of the gift.
- (5) A specified person in public life shall make a report or an application under subsection (1), (2) or (4) within 30 days of the receipt of the gift.
- (6) The Commission shall determine whether the gift is a personal gift or an official gift and such decision shall be final.
- (7) Where the Commission finds that
 - (a) a gift was given to a specified person in public life personally and
 - (i) was trivial; or
 - (ii) was not trivial but was not intended to be a motive or reward for doing or forbearing to do anything in the course of the discharge of his official functions or for causing any other person to do or forbear from doing anything,the Commission shall allow the specified person in public life to retain the gift; or
 - (b) a gift was not of the kind described in paragraph (a), the Commission shall in writing direct the specified person in public life to deliver the gift or its value to the Minister responsible for Finance within a specified period not exceeding 30 days, and the specified person in public life shall comply with the direction within the time so specified.
- (8) Nothing in this Part shall be taken to alter any law, rule or decision which prohibits a particular specified person in public life or class of specified persons in public life from receiving gifts in the course of discharging official functions.
- (9) The President has, in respect of a specified person in public life who is required to make a report to him under subsection (2) and any report so made, the same functions that the Commission has in this Act in respect of a specified person in public life who is required to make a report to it under subsection (1) and any report so made.

(10) The Minister may by order subject to negative resolution prescribe, for the purposes of subsection (1), a monetary value other than the value specified in that subsection.

Offences in respect of gifts

24.(1) A specified person in public life who, without reasonable excuse

- (a) fails to comply with section 23(1) or (2), as the case may be; or
- (b) fails to comply with a direction given under section 23(7),

is guilty of an offence and is liable, on summary conviction, to a fine, which shall not be more than three times the value of the gift involved in the commission of the offence.

(2) A specified person in public life who knowingly makes a report pursuant to section 23(1) or (2) that is incomplete or false in any material particular is guilty of an offence and is liable, on summary conviction, to a fine, which shall not be more than three times the value of the gift involved in the commission of the offence or to imprisonment for 6 months or to both.

(3) No prosecution for an offence under subsection (1) shall be instituted after 5 years from the date when the person alleged to have committed the offence ceased to be a specified person in public life.

PART VI

CONDUCT IN PUBLIC LIFE AND CONTRAVENTIONS OF ACT

Code of Conduct

25.(1) Every person exercising public functions shall comply with the Code of Conduct for Persons in Public Life set out in the *Fourth Schedule*.

(2) The Commission shall, where it has reasonable grounds to suspect or it receives a complaint that the Code of Conduct has been contravened, inquire into and report on the matter.

(3) Where the Commission determines that a person has contravened the Code of Conduct, it may include in its report any recommendations as to punishment or disciplinary measures that it considers appropriate.

(4) Subsection (1) does not derogate from the obligations of a public officer under the Code of Conduct and Ethics established by section 11 of the *Public Service Act*, Cap. 29.

Duty to report contravention of Act

26.(1) A person exercising public functions who knows or suspects that another person has been, is or is likely to be engaged in a contravention of the Code of Conduct shall report his knowledge or suspicion to the Commission in the form of a complaint.

(2) A person who, without reasonable excuse, fails to report his knowledge or suspicion as required by subsection (1) is guilty of an offence and is liable, on conviction on indictment, to a fine of \$50 000.

Complaint to Commission regarding contravention of Act

27. A person who makes a complaint to the Commission pursuant to section 26 shall state

- (a) the particulars of the contravention;
- (b) the nature of the evidence that he proposes to produce in support of the complaint; and
- (c) such other particulars as may be prescribed.

Oral complaints to be put into writing

28. The Commission shall ensure that any oral complaint it receives is put into writing by one of its employees.

Examination of complaints

- 29.** The Commission may, upon examination of a complaint
- (a) reject the complaint where it considers that the complaint is frivolous or does not relate to a matter the Commission is empowered to address; or
 - (b) conduct an inquiry into the complaint.

Offences in respect of false complaints

- 30.** A person who knowingly makes a false allegation or maliciously provides false information related to a contravention of this Act is guilty of an offence and is liable
- (a) on summary conviction to a fine of \$50 000 or to imprisonment for one year or to both;
 - (b) on conviction on indictment to a fine of \$100 000 or to imprisonment for 2 years or to both.

PART VII

POWER TO REQUIRE FURTHER INFORMATION AND TO CONDUCT INQUIRIES

General powers of Commission to investigate or inquire

- 31.(1)** The Commission may take any action specified in subsection (2) where it considers it necessary in order to determine whether
- (a) a declaration is a complete and accurate statement of the financial affairs of the specified person in public life who filed it;
 - (b) a statement of registrable interests is complete and accurate;

- (c) a specified person in public life has acquired a prohibited interest;
 - (d) a gift given to a specified person in public life is a personal gift or an official gift;
 - (e) a person exercising public functions has contravened the Code of Conduct; or
 - (f) a person has otherwise contravened this Act.
- (2) For the purposes of subsection (1)(a) to (f), the Commission may
- (a) make such independent inquiries as it considers appropriate;
 - (b) in writing request any specified person in public life or other person exercising public functions involved to furnish such further particulars or other information or documents as it considers appropriate; or
 - (c) conduct an inquiry and require the person involved to attend before it to answer any questions and to be heard on any matter relating to the subject of the inquiry.
- (3) A person who receives a request pursuant to subsection (1)(b) shall comply with the request within the time the Commission specifies.

Conduct of inquiries

- 32.(1)** The Commission shall conduct inquiries in private.
- (2) A person whose conduct is the subject of an inquiry or who is in any way implicated or concerned in a matter under inquiry
- (a) is entitled to be represented at the inquiry by an attorney-at-law or such other person as he chooses, and any other person who desires to be so represented may, by leave of the Commission, be represented in that manner; and
 - (b) may require the Commission to summon witnesses in relation to the inquiry.

(3) The Commission shall not take an adverse decision against a person whose conduct is the subject of an inquiry or who is in any way implicated or concerned in a matter under inquiry without giving the person an opportunity to be heard.

(4) An inquiry shall not be commenced after 5 years from the date on which a person ceases to be a specified person in public life or other person exercising public functions, as the case may be.

Commission's powers to summon and examine witnesses

33.(1) The Commission shall, in respect of an inquiry, have the powers of a judge of the Supreme Court to summon witnesses and to call for the production of documents.

(2) A summons to attend an inquiry to give evidence or to produce documents

(a) shall be

- (i) in such form as the Commission may determine;
- (ii) issued under the hand of the Chairman or another member of the Commission; and
- (iii) served on a person by handing it to or leaving it with the person, or in such other manner as the Commission may direct to ensure that it is brought to the attention of the person; and

(b) may be served by a person authorized by the Commission for the purpose.

(3) The Commission may

(a) require that any facts, matters or things relating to the subject of an inquiry be verified or otherwise ascertained by the oral examination of witnesses; and

(b) cause any witnesses and parties concerned to be examined on oath.

(4) The Chairman or the Secretary of the Commission may administer an oath for the purpose of subsection (3).

(5) The Commission may, if it thinks fit, receive oral or written evidence but it is not bound by the rules of evidence in the *Evidence Act*, Cap. 121 and it may take into account opinion evidence and such facts as it considers relevant and material.

Duty of witnesses summoned

34.(1) A person summoned to attend to give evidence or to produce documents at any sitting of the Commission is bound to obey the summons served upon him as fully in all respects as witnesses are bound to obey subpoenas issued from the Supreme Court.

(2) A person who

- (a) without sufficient cause, refuses or omits to attend at the time and place mentioned in the summons served on him;
- (b) attends but leaves the Commission without the permission of the Commission;
- (c) without sufficient cause, refuses to answer or to answer fully and satisfactorily to the best of his knowledge and belief all questions put to him by or with the concurrence of the Commission;
- (d) without sufficient cause, refuses or omits to produce any document in his possession or under his control and mentioned or referred to in the summons served on him; or
- (e) at any sitting of the Commission, wilfully insults a member of the Commission or the Secretary of the Commission,

is guilty of an offence and is liable, on summary conviction, to a fine of \$10 000 or to imprisonment for 6 months or to both.

- (3) A person who gives evidence before the Commission shall
- (a) notwithstanding subsection (2), not be compellable to incriminate himself; and
 - (b) in respect of any evidence given by him before the Commission, be entitled to all privileges to which a witness giving evidence before the Supreme Court is entitled in respect of evidence given by the witness before the court.

Witness expenses

35.(1) A person summoned to attend to give evidence or to produce documents at any sitting of the Commission shall, where the Commission allows him expenses

- (a) be entitled to the same expenses as if he had been summoned to attend the Supreme Court on a criminal trial;
 - (b) be paid
 - (i) at such time and in such manner as the Minister responsible for Finance may direct; and
 - (ii) as far as possible, by the same procedure as that for the payment of witnesses before the Supreme Court.
- (2) The Commission may disallow the whole or any part of the expenses of a person referred to in subsection (1) in any case where the Commission thinks fit.

Marshals to attend Commission

36. The Chief Marshal may, where required by the Commission to do so, assign marshals to

- (a) attend proceedings of the Commission to preserve order;
- (b) perform such other duties as usually pertain to their office when in attendance upon the Supreme Court;

- (c) serve summonses on witnesses; and
- (d) perform such other duties as the Commission may direct.

Inquiry reports etc.

37.(1) The Commission shall prepare a written report of its findings and determinations in respect of each inquiry it conducts and send a copy of the report, together with copies of any complaint and material documents submitted during the inquiry

- (a) to the person whose conduct was the subject of the inquiry; and
- (b) where that person is,
 - (i) a public officer, to the Head of the Public Service, the appropriate Service Commission and the President;
 - (ii) a member of the House of Assembly or the Senate, to the President and the Speaker of the House of Assembly or the President of the Senate, as the case may be;
 - (iii) the Head of the Public Service, to the President; and
 - (iv) concerned with any state-owned enterprise, to the state-owned enterprise and the Minister with responsibility for the enterprise; and
- (c) to the Director of Public Prosecutions, where the Commission considers that an offence may have been committed.

(2) Where a person is exonerated following an inquiry into an alleged contravention of this Act, the Commission shall

- (a) in writing inform the person who made the complaint and the person alleged to have contravened this Act of the finding of the inquiry; and
- (b) at the request of the person whose conduct was the subject of the complaint, publish the finding of the inquiry in the *Official Gazette* and in a daily newspaper in general circulation in Barbados.

Action by Director of Public Prosecutions

38.(1) The Director of Public Prosecutions shall, as soon as practicable after receiving any complaint, report or other document pursuant to this Act, in any case in which he considers that a person ought to be prosecuted for an offence, institute and undertake criminal proceedings against the person and inform

- (a) the Commission of any action taken following the receipt of the information;
- (b) the appropriate Service Commission, where the complaint relates to a public officer; and
- (c) the appropriate board or other authority with which the person alleged to have contravened this Act is employed or in respect of which he is a member.

(2) Where criminal proceedings are commenced against a person exercising public functions, no disciplinary procedures shall be instituted pending the determination of the criminal proceedings.

(3) The Director of Public Prosecutions may authorize any person having an official duty under this Act to furnish information to any officer of the court or member of the Police Force or any other person the Director of Public Prosecutions specifies.

Offences in respect of requests for information and inquiries

39.(1) A person exercising public functions who, without reasonable cause

- (a) fails to comply with a request made under section 31(2)(b) within the time specified therefor; or
- (b) fails to attend an inquiry when summoned to do so,

is guilty of an offence and is liable, on summary conviction, to a fine of \$50 000.

- (2) A person exercising public functions who
- (a) knowingly gives any false or incomplete information pursuant to a request made under section 31(2)(b); or
 - (b) knowingly gives false or incomplete information at an inquiry,
- is guilty of an offence and is liable, on summary conviction, to a fine of \$50 000 or to imprisonment for one year or to both.

President to appoint tribunal to perform functions

- 40.(1)** The President shall appoint a tribunal consisting of a Chairman and not less than two other members to discharge the functions of the President under this Act other than a function under paragraph 1, 5, 6 or 7 of the *First Schedule*.
- (2) The members of the tribunal shall be selected by the President, after consultation with the Prime Minister, the Leader of the Opposition and the Chief Justice, from among persons who have held office as a judge of a court having unlimited jurisdiction in civil and criminal matters in some part of the Commonwealth or a court having jurisdiction in appeals from any such court.
- (3) Without prejudice to the generality of sections 11(9) and 23(9), sections 11(4), 14(2) and (4), 15, 16, 22, 23(4) to (7), 25(2) and (3), 26, 28, 29 and 31 to 38 apply to the President and a specified person in public life required to file a declaration with him or to make a report to him under section 11(3)(b) or 23(2), with such modifications and adaptations as may be necessary, as those sections apply to the Commission and other specified persons in public life, and the President has the same functions as the Commission in those sections.
- (4) Sections 51, 52 and 53 apply to the members of the tribunal appointed by the President under this section as those sections apply to the Commission and members of the Commission.

PART VIII

INVESTIGATIONS

*Powers of Investigative Officers***Power of arrest**

41.(1) An investigative officer has, in carrying out his functions, the powers of a constable to arrest any person whom he reasonably suspects has committed an offence punishable by imprisonment under this Act or any other enactment that assigns responsibility for investigations to the Commission.

(2) An investigative officer shall, after making an arrest, deliver the person arrested to the custody of a member of the Police Force who shall immediately bring the person before a magistrate.

Disclosure orders

42.(1) Where on an application made by an investigative officer, a Judge in Chambers is satisfied that each of the requirements set out in subsection (3) is fulfilled, the judge may make an order authorizing the officer to give to any person the officer considers has relevant information, notice in writing requiring the person, with respect to any matter relevant to the investigation for the purposes of which the order is sought, to

- (a) answer any question, either at a time and place specified in the notice or at once;
- (b) provide any information specified in the notice, by a time and in a manner so specified;
- (c) produce any document specified or described in the notice, either by a time and in a manner so specified or at once.

(2) An application for a disclosure order shall be made without notice and shall state that a person specified in the application is subject to an investigation

under this Act or any other enactment that assigns responsibility for investigations to the Commission.

(3) The requirements referred to in subsection (1) are that there are reasonable grounds for

- (a) suspecting that the person specified in the application has committed an offence under this Act or any other enactment that assigns responsibility for the investigation of offences to the Commission; and
- (b) believing that
 - (i) information which may be provided in compliance with the order is likely to be of substantial value, whether or not by itself, to the investigation for the purposes of which the order is sought; and
 - (ii) it is in the public interest for the information to be provided, having regard to the benefit likely to accrue to the investigation if the information is obtained.

(4) A person is not bound to comply with a requirement imposed by a notice given under a disclosure order unless evidence of authority to give the notice is produced to him.

(5) A person who

- (a) without reasonable excuse, fails to comply with a requirement imposed on him under a disclosure order; or
- (b) in purported compliance with a requirement imposed on him under a disclosure order
 - (i) makes a statement which he knows to be false or misleading in a material particular; or
 - (ii) recklessly makes a statement which is false or misleading in a material particular,

is guilty of an offence.

- (6) An offence under subsection (5) is punishable upon summary conviction by
- (a) a fine of \$10 000 or imprisonment for 2 years or both, where the offender is an individual;
 - (b) a fine of \$50 000, where the offender is a body corporate.
- (7) Subject to subsection (8), a statement made by a person in response to a requirement imposed by a disclosure order may not be used in evidence against the person in criminal proceedings.
- (8) Subsection (7) does not apply in the case of
- (a) proceedings for contempt of court;
 - (b) a prosecution for an offence under subsection (6);
 - (c) a prosecution for an offence under the *Perjury Act*, Cap. 142; or
 - (d) a prosecution for another offence where, in giving evidence, the person makes a statement inconsistent with the statement mentioned in subsection (7).
- (9) A statement may not be used by virtue of subsection (8)(d) against a person unless
- (a) evidence relating to it is adduced; or
 - (b) a question relating to it is asked,
- by or on behalf of the person in the proceedings arising out of the prosecution.
- (10) A disclosure order has effect notwithstanding any obligation as to confidentiality or any other restriction upon the disclosure of information imposed by any enactment, rule of law or otherwise.
- (11) For the purposes of subsection (1), “relevant information” is information, whether or not contained in a document, which the investigative officer considers to be relevant to the investigation.

(12) Sections 145 and 148 of the *Proceeds and Instrumentalities of Crime Act, 2019* (Act 2019-17) apply in respect of a disclosure order made under this section as those sections apply to a disclosure order made under that Act and for the purpose of this Act any reference in section 145 of that Act to a police officer shall be construed to include an investigative officer.

Search and seizure warrants

43.(1) Where on an application made by an investigative officer, a Judge in Chambers is satisfied of the circumstances set out in subsection (3), the judge may issue a warrant authorizing the officer to

- (a) enter and search the premises specified in the application for the warrant; and
- (b) seize and retain any material found on the premises which is likely to be of substantial value, whether or not by itself, to the investigation for the purposes of which the application is made.

(2) An application for a search and seizure warrant shall

- (a) specify the person subject to investigation;
- (b) state that the warrant is sought for the purposes of the investigation;
- (c) specify the premises in respect of which the warrant is sought; and
- (d) specify the material in respect of which the warrant is sought or, where the material cannot be identified at the time of the application, state that there are reasonable grounds for believing that there is material on the premises that
 - (i) relates to the person specified in the application or the question whether that person has committed an offence under this Act or any other enactment that assigns responsibility for the investigation of offences to the Commission; and
 - (ii) is likely to be of substantial value, whether or not by itself, to the investigation for the purposes of which the warrant is sought.

- (3) The circumstances referred to in subsection (1) are that
 - (a) a disclosure order in relation to material has not been complied with and there are reasonable grounds for believing that the material is on the premises specified in the application for the warrant; or
 - (b) there are reasonable grounds for suspecting that the person specified in the application for the warrant has committed an offence under this Act or any other enactment that assigns responsibility for investigations to the Commission and
 - (i) the conditions specified in subsection (4) are fulfilled; or
 - (ii) the conditions specified in subsection (5) are fulfilled.
- (4) The conditions referred to in subsection (3)(b)(i) are that
 - (a) there are reasonable grounds for believing that
 - (i) any material on the premises specified in the application for the warrant is likely to be of substantial value, whether or not by itself, to the investigation for the purposes of which the warrant is sought; and
 - (ii) it is in the public interest for the material to be obtained, having regard to the benefit likely to accrue to the investigation if the material is obtained; and
 - (b) it would not be appropriate to make a disclosure order because
 - (i) it is not practicable to communicate with any person against whom the disclosure order could be made;
 - (ii) it is not practicable to communicate with any person who would be required to comply with an order to grant entry to the premises; or
 - (iii) the investigation might be seriously prejudiced unless an investigative officer is able to secure immediate access to the material.

- (5) The conditions referred to in subsection (3)(b)(ii) are that
- (a) there are reasonable grounds for believing where the material cannot be identified at the time of the application, that there is material on the premises specified in the application for the warrant that
 - (i) relates to the person specified in the application or the question whether he has committed an offence under this Act or any other enactment that assigns responsibility for investigations to the Commission; and
 - (ii) is likely to be of substantial value, whether or not by itself, to the investigation for the purposes of which the warrant is sought; and
 - (b) there are reasonable grounds for believing that it is in the public interest for the material to be obtained, having regard to the benefit likely to accrue to the investigation if the material is obtained; and
 - (c) one of the following applies:
 - (i) it is not practicable to communicate with any person against whom a disclosure order could be made;
 - (ii) entry to the premises will not be granted unless a warrant is produced; or
 - (iii) the investigation might be seriously prejudiced unless an investigative officer arriving at the premises is able to secure immediate entry to them.
- (6) A search and seizure warrant does not confer the right to seize privileged material.

Obstruction of investigative officer

44. A person who resists or obstructs an investigative officer in the execution of his duty is guilty of an offence and is liable, on summary conviction, to a fine of \$10 000 or to imprisonment for 6 months or to both.

*Complaints regarding Investigative Officers***Complaints concerning conduct of investigative officers**

45.(1) A person may address a complaint in writing to the Commission in respect of the conduct of an investigative officer in the discharge of the officer's functions where the person

- (a) has been personally affected by the conduct;
- (b) has witnessed the conduct;
- (c) has a substantial and direct interest in the complaint; or
- (d) has been authorized by a person described in paragraph (a), (b) or (c) to make a complaint in that person's name.

(2) The Commission shall refer a complaint made under subsection (1) to a panel appointed under section 46.

Appointment of complaints panel

46. The President may appoint an *ad hoc* panel consisting of

- (a) a judge or magistrate or a retired judge or magistrate, who shall be the chairman;
- (b) the Commissioner of Police, who shall hold office *ex officio*; and
- (c) a person, other than a member or former member of the Police Force, to represent the public,

to hear and adjudicate a complaint made under section 45.

Disposal of complaint without formal investigation

47.(1) A panel appointed under section 46 may direct that no investigation of a complaint be carried out where in its opinion

- (a) the complaint is trivial, frivolous, vexatious or made in bad faith; or

- (b) having regard to all the circumstances, an investigation or further investigation is not necessary or reasonably practicable.
- (2) Where no direction is given under subsection (1), the panel and the Commission shall
 - (a) consider whether the complaint can be disposed of informally; and
 - (b) with the consent of the complainant and the investigative officer whose conduct is the subject matter of the complaint, attempt to dispose of the complaint informally rather than through a formal investigation.
- (3) Where a complaint is disposed of informally, the panel shall prepare and send the following documents to the complainant, the investigative officer and the Commission:
 - (a) an overview of the facts that gave rise to the complaint;
 - (b) the name of the person who conducted the informal disposition;
 - (c) a statement of the manner in which the complaint was disposed of; and
 - (d) evidence of agreement to the disposition of the complaint by the complainant and the investigative officer.

Formal investigation of complaint

- 48.(1)** Where a complaint is not disposed of informally, the Commission shall investigate the matter and send a complaint resolution report to the panel, the complainant and the investigative officer whose conduct is the subject matter of the complaint.
- (2) The complaint resolution report shall contain
 - (a) a summary of the complaint;
 - (b) the results of the investigation;
 - (c) a summary of any action that has been or will be taken with respect to resolution of the complaint; and

- (d) a statement that the complainant may refer the complaint to the panel for review within 28 days of the receipt of the complaint resolution report where he is not satisfied with the disposition of the complaint by the Commission.
- (3) A complainant who is not satisfied with a direction given under section 47(1) or with the disposition of his complaint by the Commission under subsection (1), may refer the complaint to the panel in writing within 28 days after the date on which he receives notice of the direction or the complaint resolution report; and the panel shall review every complaint so referred.

Review of complaints by panel

- 49.(1)** Where, after reviewing a complaint, the panel
- (a) is satisfied with the disposition of the complaint by the Commission, the panel shall send to
 - (i) the Commission, a complaint review report to that effect setting out such findings and recommendations with respect to the complaint as the panel sees fit; and
 - (ii) the complainant and the investigative officer whose conduct is the subject matter of the complaint, a report of the conclusion of the review together with any finding or recommendation referred to in subparagraph (i); or
 - (b) is not satisfied with the disposition of the complaint by the Commission or considers that further inquiry is warranted, the panel may take any or all of the following measures:
 - (i) send a report to the Commission indicating the reasons for its dissatisfaction;
 - (ii) request the Commission to conduct a further investigation into the complaint;
 - (iii) make such inquiries as it deems necessary in the circumstances;

- (iv) investigate the complaint further;
 - (v) institute a hearing to inquire into the complaint.
- (2) The panel shall, on completion of any further investigation, inquiry or hearing that it orders under subsection (1)(b) send to
- (a) the Commission, a complaint review report setting out
 - (i) such findings with respect to the complaint as the panel sees fit; and
 - (ii) such recommendations, including any disciplinary measures to be taken with regard to the investigative officer, as the panel sees fit; and
 - (b) the complainant and the investigative officer, a report of the conclusion of the review, together with any finding or recommendation referred to in paragraph (a).
- (3) The Commission shall give effect to any recommendations in a complaint review report sent to it.

PART IX

MISCELLANEOUS

Commissioner of Police to assist Commission etc.

50. The Commissioner of Police shall provide to the Commission such assistance as it requests in connection with the discharge of its functions.

Confidentiality of information

51.(1) Any information received by any member or employee of the Commission in the discharge of the functions of such person under this Act including information contained in any document received by that person by virtue of this Act shall not be divulged by any such member or employee except

where the information is required to be produced for the purpose of complying with any other enactment or an order of any court or for the purpose of prosecution for an offence.

(2) A person who contravenes subsection (1) is guilty of an offence and is liable, on conviction on indictment, to a fine of \$100 000 or to imprisonment for 2 years.

(3) A person who receives any information or anything contained in any document described in subsection (1), knowing or having reasonable ground to believe at the time when he receives it that it is communicated to him in contravention of this section, unless he proves that the communication to him of the information or anything contained in such document was contrary to his desire, is guilty of an offence and is liable, on conviction on indictment, to a fine of \$100 000 or to imprisonment for 2 years.

(4) Every member of the Commission and every person performing any function in the service of or as an employee of the Commission shall treat all records, and information relating to declarations, as secret and confidential and shall not disclose or communicate the text of any record, information or declaration to any unauthorized person or allow any unauthorized person to have access to any records, information or declarations.

(5) A person who contravenes subsection (4) is guilty of an offence and is liable, on conviction on indictment, to a fine of \$100 000 or to imprisonment for 2 years or to both.

Conflicts of interest

52.(1) Where a member of the Commission is interested in a matter before the Commission or in a person who is a party to proceedings before the Commission, the member so interested shall disclose the nature of his interest to the Commission and shall not participate in its sittings in relation to the matter or person.

(2) Where, in the opinion of the Commission, a member of the Commission is interested in a matter before the Commission or in a person who is a party to

proceedings before the Commission, the Commission shall direct the member not to participate in the sittings of the Commission in relation to the matter or person.

Protection from suit

53. No member or employee of the Commission shall be liable to any action or suit for any matter or thing done by him in good faith as a member or employee of the Commission or in the exercise of his functions or the course of his employment, as the case may be.

Oaths

54.(1) Every member of the Commission and every person appointed as a member of a tribunal by the President under this Act shall, before assuming the functions of his office, take before the President the applicable oath of office and oath of secrecy in the forms set out in Parts I and III, respectively, of the *Fifth Schedule*.

(2) Every person performing functions in the service of or as an employee of the Commission shall, before assuming the functions of his office, take before the Chairman, or in his absence, another member of the Commission, the applicable oath of office and oath of secrecy set out in the forms in Part II of the *Fifth Schedule*.

Amendment of *Second* and *Third Schedules*

55. The Minister may by order

- (a) amend Part III of the *Second Schedule*;
- (b) after consultation with the Commission, amend the *Third Schedule*.

Regulations

56. The Minister may make Regulations generally for giving effect to this Act and, in particular, for any matter

- (a) required to be prescribed by this Act; and
- (b) related to any report, investigation or inquiry under this Act.

Alteration of *Constitution*

57. Chapter VII and section 112 of the *Constitution* are amended to the extent necessary to give effect to this Act.

Commencement

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

FIRST SCHEDULE

(Sections 2, 3 and 40)

INTEGRITY COMMISSION

Members of Commission

- 1.** The Commission shall consist of
 - (a)* a Chairman who shall be a person who has held office as a judge of a court having unlimited jurisdiction in civil and criminal matters in some part of the Commonwealth or a court having jurisdiction in appeals from any such court, appointed by the President after consultation with the Prime Minister and the Leader of the Opposition;
 - (b)* an attorney-at-law with at least 10 years' standing whose name appears on the Roll of Attorneys-at-law pursuant to the *Legal Profession Act*, Cap. 370A, appointed by the President after consultation with the Council of the Barbados Bar Association;
 - (c)* a chartered or certified accountant of at least 7 years' standing appointed by the President after consultation with any body which, in his opinion, represents chartered or certified accountants in Barbados;
 - (d)* a member of the clergy appointed by the President after consultation with the Prime Minister and the Leader of the Opposition;
 - (e)* a person appointed by the President on the advice of the Prime Minister; and
 - (f)* a person appointed by the President on the advice of the Leader of the Opposition.

Disqualification from membership

- 2.** A person who
 - (a)* is a member of the House of Assembly or the Senate;

- (b) would be disqualified in accordance with section 38 or 44 of the *Constitution* from being a member of the House of Assembly or the Senate;
- (c) has, at any time during the period of 5 years preceding the proposed date of his appointment, held office in a political party; or
- (d) has, at any time during the period of 3 years preceding the proposed date of his appointment, been a public officer,

is not qualified to be appointed as a member of the Commission.

Tenure of office

- 3. A member of the Commission shall
 - (a) be appointed by instrument in writing;
 - (b) subject to paragraphs 2, 5 and 6, hold office for a period of 3 years; and
 - (c) be eligible for re-appointment.

Chairman

- 4.(1) The Chairman shall preside at all meetings of the Commission at which he is present.
- (2) Where the Chairman is absent from any meeting, the members present and forming a quorum shall elect one among them to preside at the meeting.

Vacancy in membership of Commission

- 5.(1) The office of a member of the Commission shall become vacant
 - (a) at the expiration of the term specified in the member's instrument of appointment;
 - (b) where he notifies the President in writing of his intention to resign his office; and the resignation shall take effect when the letter of resignation is received by the President;

- (c) on the death, retirement or removal of the member; or
 - (d) on the absence of the member from 3 consecutive meetings of the Commission, unless such absence is approved by the President.
- (2) Where any vacancy occurs in the membership of the Commission, the vacancy shall be filled by the appointment of another person from the categories of persons in paragraph 1.

Removal of member

- 6.(1) A member of the Commission may be removed from office by the President for inability to discharge the functions of his office, whether arising from infirmity of mind or body or any other cause, or for misbehaviour, and shall not be removed except in accordance with this paragraph.
- (2) A member shall be removed from office by the President where the question of his removal is referred to a tribunal appointed under subparagraph (3) and the tribunal recommends to the President that the member should be removed for inability to discharge the functions of his office or for misbehaviour.
- (3) Where the President, after consultation with the Prime Minister and the Leader of the Opposition, considers that the question of removing a member ought to be investigated, the President shall appoint a tribunal to inquire into the matter, report on the facts thereof to him and recommend to him whether the member should be removed.
- (4) The tribunal referred to in subparagraph (3) shall consist of
- (a) a judge of the Supreme Court;
 - (b) an attorney-at-law with at least 10 years' standing whose name appears on the Roll of Attorneys-at-law pursuant to the *Legal Profession Act*, Cap. 370A; and
 - (c) one other person of high integrity and appropriate qualifications.
- (5) The tribunal shall give the member an opportunity to be heard as to why he should not be removed.

(6) Where the question of removing a member is referred to a tribunal, the President, after consultation with the Prime Minister and the Leader of the Opposition, may suspend the member from the exercise of the functions of his office.

(7) A suspension may at any time be revoked by the President and shall in any case cease to have effect where the tribunal recommends to the President that the member should not be removed.

Proceedings and meetings

7.(1) Subject to subparagraph (4), the Commission shall meet at such times as it considers necessary or desirable for the discharge of its functions.

(2) Four members form a quorum of the Commission.

(3) The proceedings of the Commission shall not be affected by a vacancy among its members or a defect in the appointment of a member.

(4) The President may in writing request the Commission to meet at such times as he thinks fit.

Secretary to the Commission

8.(1) There shall be a Secretary to the Commission.

(2) The Secretary shall

- (a) attend the meetings of the Commission;
- (b) record the proceedings of the Commission and keep the minutes of each meeting in proper form; and
- (c) generally perform such duties connected with the work of the Commission as the Commission may require.

Publication in the *Official Gazette*

9. The appointment, resignation and revocation of appointment or death of a member of the Commission shall be published in the *Official Gazette*.

SECOND SCHEDULE

(Sections 2, 11, 14, 16, 23 and 55)

SPECIFIED PERSONS IN PUBLIC LIFE

PART I

- 1.** Members of the House of Assembly and the Senate
- 2.** Members of the Cabinet
- 3.** Permanent Secretaries
- 4.** Heads of Departments within the Public Service and holders of public offices in the same grade as that of such Heads of Department
- 5.** Chairpersons of the state-owned enterprises listed in Part III
- 6.** Chief Executive Officers, General Managers and other executive heads of the state-owned enterprises listed in Part III
- 7.** Magistrates
- 8.** Senior officers of the Commission

PART II

- 1.** A person appointed to one of the following posts after the appointed day:
 - (a)* Judge of the Supreme Court
 - (b)* Director of Public Prosecutions
 - (c)* Auditor-General

2. Member of the Commission

PART III

1. Air Transport Licensing Authority
2. Barbados Accreditation Council
3. Barbados Agency for Micro-Enterprise Development Ltd.
4. Barbados Agricultural Credit Trust Ltd.
5. Barbados Agricultural Development and Marketing Corporation
6. Barbados Agricultural Management Co. Ltd.
7. Barbados Conference Services Ltd.
8. Barbados Community College
9. Barbados Defence Force
10. Barbados International Business Promotion Corporation
11. Barbados Investment and Development Corporation
12. Barbados National Oil Co. Ltd.
13. Barbados National Standards Institute
14. Barbados National Terminal Ltd.
15. Barbados Port Inc.

16. Barbados Revenue Authority
17. Barbados Tourism Investment Inc.
18. Barbados Tourism Marketing Inc.
19. Barbados Vocational Training Board
20. Barbados Water Authority
21. Caribbean Aircraft Handling Co. Ltd.
22. Caribbean Airways International Ltd.
23. Caribbean Broadcasting Corporation
24. Caves of Barbados Ltd.
25. Child Care Board
26. Community Legal Services Commission
27. Enterprise Growth Fund Ltd.
28. Fair Trading Commission
29. Financial Services Commission
30. Grantley Adams International Airport Inc.
31. Hotels and Resorts Limited (Gems of Barbados)
32. Kensington Oval Management Inc.
33. National Assistance Board

34. National Conservation Commission
35. National Council on Substance Abuse
36. National Cultural Foundation
37. National Housing Corporation
38. National Insurance Board
39. National Petroleum Corporation
40. National Sports Council
41. Needham's Point Development Inc.
42. Needham's Point Holdings Ltd.
43. New Life Investment Company Inc.
44. Queen Elizabeth Hospital
45. Resolution Life Assurance Company Ltd.
46. Rural Development Commission
47. Sanitation Service Authority
48. Southern Meats Inc.
49. Student Revolving Loan Fund Management Committee
50. Technical and Vocational Education and Training Council
51. Transport Authority

- 52. Transport Board
- 53. Urban Development Commission

THIRD SCHEDULE

(Sections 11, 15, 18, 23 and 55)

FORMS FOR PARTS III, IV AND V

CONFIDENTIAL



Form 1
Integrity in Public Life Act, 2023
(Act 2023-)

**DECLARATION OF INCOME, ASSETS AND LIABILITIES
FOR THE YEAR ENDED 31ST DECEMBER, 20...**

(Pursuant to section 11 of the Integrity in Public Life Act, 2023)

(If there is insufficient space for the items falling under any PART of this Form, additional information may be provided on separate sheets.)

WARNING: Under section 17 of the *Integrity in Public Life Act, 2023* it is an offence punishable by a fine of \$50 000 or imprisonment for one year or both to knowingly file a declaration that is incomplete or false in any material particular.

Third Schedule - (Cont'd)

PART I
IDENTIFICATION SECTION

1. DECLARANT

NAME OF DECLARANT (*Surname, Other Names*)

DATE OF BIRTH OF DECLARANT (*yyyy/mm/dd*)

POSITION HELD

HOME ADDRESS OF DECLARANT

OFFICE ADDRESS OF DECLARANT

DECLARANT'S CONTACT INFORMATION

(a) Telephone — (Home) — (Office) — (Mobile)

(b) Email

(c) Fax

Third Schedule - (Cont'd)

2. DECLARANT'S EMPLOYMENT HISTORY (for the last 5 years)

[illegible]

Third Schedule - (Cont'd)

3. DECLARANT'S SPOUSE

NAME OF DECLARANT'S SPOUSE (*Surname, Other Names*)

DATE OF BIRTH OF DECLARANT'S SPOUSE (*yyyy/mm/dd*)

HOME ADDRESS OF DECLARANT'S SPOUSE

OFFICE ADDRESS OF DECLARANT'S SPOUSE

SPOUSE 'S CONTACT INFORMATION

(a) Telephone _____ (Home) _____ (Office) _____ (Mobile)

(b) Email _____

(c) Fax _____

NOTE: Under section 2 of the *Integrity in Public Life Act, 2023* "spouse" includes a person with whom the declarant is in a union other than marriage as defined by section 39 of the *Family Law Act*, Cap. 314.

Third Schedule - (Cont'd)

4. DECLARANT'S CHILDREN

Name (Surname, Other Names)	Date of Birth (yyyy/mm/dd)	Address	Is this child a dependent child? (Yes/No)

NOTE: Under section 2 of the *Integrity in Public Life Act, 2023*
 “child”, in relation to a person, means any child of the person and includes a stepchild and an adopted child and, in respect of a man, includes a child
 (a) in respect of whom the man has been adjudged the father by a court of competent jurisdiction; or
 (b) who the man has acknowledged to be his child;
 “dependent child”, means any child of a person, whether a minor or not, who is unmarried and is being maintained by the person.

DETAILS OF INCOME (OF DECLARANT, SPOUSE AND DEPENDENT CHILDREN)[illegible]

Third Schedule - (Cont'd)

2. INCOME FROM TRADE, PROFESSION OR VOCATION
(Please state Net Income—after deduction of expenses)

Name and Address of Business	Nature of Business	Recipient's Name <i>(Declarant/Spouse/Dependent Child)</i>	Annual Net Income \$

3. INCOME FROM PROPERTY

(Please state Net Income—after deduction of expenses)

[illegible]

4. INTEREST INCOME

Name and Address of Organisation/ Persons from whom Interest Received	Recipient's Name <i>(Declarant/Spouse/Dependent Child)</i>	Annual Income \$

5. DIVIDED INCOME (*from shares and stock*)

Name and Address of Organisation from which Dividend Received	Recipient's Name <i>(Declarant/Spouse/Dependent Child)</i>	Annual Income \$

Third Schedule - (Cont'd)

6. GAINS/PROFITS

Description of Any Assets Sold	In Whose Name Held (Declarant/Spouse/ Dependent Child)	Purchase Price and Additional Capital Expenditure (a) \$	Expenses Relative to Sale (b) \$	Proceeds of Sale (c) \$	Gains/Profits [c - (a + b)] \$

7. OTHER BENEFITS FROM EMPLOYMENT (including Housing, Travelling)

Name and Address of Employer	Recipient's Name (Declarant/Spouse/Dependent Child)	Description of Benefit	Value \$

Third Schedule - (Cont'd)

8. OTHER INCOME (not herein previously declared - including receipts by way of commissions, bonuses, pensions, trust, annuities) - See Note below.

Source of Income and Address	Recipient's Name (Declarant/Spouse/Dependent Child)	Description of Income	Value \$

NOTE: Under section 2 of the *Integrity in Public Life Act, 2023* "income" includes
(a) money or money's worth derived from whatever source or acquired in Barbados or elsewhere, whether directly or indirectly; and
(b) all receipts by way of salary, fees, wages, requisitions, profits, grants, emoluments, rents, interest, commissions, bonuses, pensions, annuities or benefits.

PART III

DETAILS OF ASSETS (OF DECLARANT, SPOUSE AND DEPENDENT CHILDREN)

1. REAL PROPERTY

(a) LAND AND BUILDINGS (including townhouses and condominiums)

[illegible]

Third Schedule - (Cont'd)

[illegible]

Third Schedule - (Cont'd)

2. AMOUNTS HELD IN BANKS AND OTHER FINANCIAL INSTITUTIONS
(not including Unit Trust and Mutual Funds)

[illegible]

Third Schedule - (Cont'd)

[illegible]

Third Schedule - (Cont'd)

4. CASH AND VALUABLES HELD IN SAFETY DEPOSIT BOXES

[illegible]

Third Schedule - (Cont'd)

5. LIFE INSURANCE POLICIES

[illegible]

Third Schedule - (Cont'd)

6. COMPANY SHARES AND STOCK

(a) COMPANY SHARES AND STOCK [(Quoted), i.e., Traded on the Stock Exchange)]

[illegible]

Third Schedule - (Cont'd)

(b) COMPANY SHARES AND STOCK *(Unquoted)*

Name and Address of Company	Nature of Business	Stock Units/ Shares Held	In Whose Name Held <i>(Declarant/Spouse/Dependent Child)</i>	Estimated Value \$

7. INVESTMENT IN PARTNERSHIPS, JOINT VENTURES AND OTHER BUSINESSES

Name and Address of Company or Business	Nature of Business	Percentage Ownership	In Whose Name Held <i>(Declarant/Spouse/Dependent Child)</i>	Investment as at Dec. 31, 20.... \$

Third Schedule - (Cont'd)

8. OTHER ASSETS

(a) MOTOR VEHICLES

Make and Model	Registration Number	Year of Acquisition	Purchase Price \$	In Whose Name Held (Declarant/Spouse/Dependent Child)	Estimated Value as at Dec. 31, 20... \$

(b) MONEY LOANED

Name and Address of Borrower	Amount Lent \$	Date Lent	Name of Lender (Declarant/Spouse/Dependent Child)	Balance Due as at Dec. 31, 20.... \$

Third Schedule - (Cont'd)

(c) GOVERNMENT AND CORPORATE BONDS

Issuing Organisation	In Whose Name Held (Declarant/Spouse/Dependent Child)	Date of Purchase	Interest Rate	Maturity Date	Face Value \$

(d) CREDIT UNIONS

Name and Address of Credit Union	Type of Account (Shares/Savings/ Fixed Deposit)	In Whose Name Held (Declarant/Spouse/Dependent Child)	Account Number	Balance as at Dec. 31, 20... \$

Third Schedule - (Cont'd)

(e) ANY OTHER ASSETS
(not herein previously declared - including Boats, Jewelry, Paintings, Coin Collections etc.)
 -See Note Below

Description	Location	In Whose Name Held <i>(Declarant/Spouse/Dependent Child)</i>	Value as at Dec. 31, 20... \$

NOTE: Under section 2 of the *Integrity in Public Life Act, 2023* “assets” means all property, including any right or interest in property, held by a person in Barbados or elsewhere.

DETAILS OF LIABILITIES (OF DECLARANT, SPOUSE AND DEPENDENT CHILDREN)

[illegible]

Third Schedule - (Cont'd)

2. OTHER LIABILITIES (including Judgment Debts) - See Note below.

Name and Address of Organization/Person Owed	Name of Debtor (Declarant/Spouse/ Dependent Child)	Date Debt Incurred (yyyy/mm/dd)	Original Debt \$	Amount Repaid during Year \$	Amount Owning as at Dec. 31, 20 ... \$

NOTE: Under section 2 of the *Integrity in Public Life Act, 2023* "liabilities" means all the obligations of a person to pay money or to provide goods or services in Barbados or elsewhere.



Form 2
Integrity in Public Life Act, 2023
(Act 2023-)

CERTIFICATE OF COMPLIANCE
(Pursuant to section 15 of the Integrity in Public Life Act, 2023)

This is to certify that the declaration required under section 11 of the *Integrity in Public Life Act, 2023* has been submitted by _____ and has been satisfactorily made.

Dated this _____ day of _____ 20_____.

Chairman of the Integrity Commission/President

NOTE: The statement of registrable interests required under section 18 of the Act has not*been filed.

* Delete as applicable.



Form 3
Integrity in Public Life Act, 2023
(Act 2023-)

STATEMENT OF REGISTRABLE INTERESTS FOR THE YEAR ENDED 31ST DECEMBER, 20...

(Pursuant to section 18 of the Integrity in Public Life Act, 2023)

Complete this Form and file it together with the Declaration of Income, Assets and Liabilities which you are required to file with the Integrity Commission under section 11 of the *Integrity in Public Life Act, 2023*.

NOTE: There is no requirement to disclose in this Statement the actual amount or extent of any financial benefit, contribution or interest. Please notify the Secretary to the Commission of any change which occurs in your interests as set out in this Statement within 6 weeks of the change occurring.

(If there is insufficient space for the items falling under any section, additional information may be provided on separate sheets.)

WARNING: Under section 20 of the *Integrity in Public Life Act, 2023* it is an offence punishable by a fine of \$50 000 or imprisonment for one year or both to knowingly file a statement of registrable interests that is incomplete or false in any material particular.

NAME OF DECLARANT (<i>Surname, Other Names</i>)
DATE OF BIRTH OF DECLARANT (<i>yyyy/mm/dd</i>)
POSITION HELD (<i>Tick one</i>) ☐ Member of the House of Assembly ☐ Senator
DATE ELECTED/APPOINTED (<i>yyyy/mm/dd</i>)

The following information is provided pursuant to section 18 of the Act:

- [illegible]

Third Schedule - (Cont'd)

4. I/MY SPOUSE/MY CHILD HOLD(S) THE POSITION OF TRUSTEE IN THE FOLLOWING TRUSTS:

Name of Trust	Brief Particulars of Trust

5. I/MY SPOUSE/MY CHILD HOLD(S) THE POSITION OF BENEFICIARY IN THE FOLLOWING TRUSTS:

Name of Trust	Brief Particulars of Trust

Third Schedule - (Cont'd)

10. I/MY SPOUSE/MY CHILD HAVE (HAS) THE FOLLOWING OTHER SUBSTANTIAL INTERESTS WHICH MAY APPEAR TO RAISE A MATERIAL CONFLICT BETWEEN MY PRIVATE INTEREST AND MY PUBLIC DUTY:

Name of Interest (Pecuniary or Non-Pecuniary)

Dated this _____ day of _____ 20____.

Signature of Declarant: _____

CONFIDENTIAL



Form 4

Integrity in Public Life Act, 2023
(Act 2023-)

REPORT OF GIFT

(Pursuant to section 23 of the Integrity in Public Life Act, 2023)

WARNING:

Under section 24 of the *Integrity in Public Life Act, 2023*, it is an offence punishable by a fine of not more than 3 times the value of the gift involved or imprisonment for 6 months or both, to knowingly make a report pursuant to section 23 that is incomplete or false in any material particular.

Third Schedule - (Concl'd)

NAME OF DECLARANT <i>(Surname, Other Names)</i>			
POSITION HELD			
DESCRIPTION AND VALUE OF GIFT (\$)			
IN YOUR OPINION, IS THE GIFT <i>(Tick one)</i> ☐ A PERSONAL GIFT ☐ AN OFFICIAL GIFT			
NAME OF RECIPIENT <i>(Surname, Other Names)</i>			
RELATIONSHIP TO DECLARANT <i>(Tick one)</i> ☐ SPOUSE ☐ CHILD ☐ N/A			
NAME OF DONOR <i>(Surname, Other Names)</i>			
ADDRESS OF DONOR			

Dated this _____ day of _____ 20____.

Signature of Declarant: _____

FOURTH SCHEDULE*(Section 25)***CODE OF CONDUCT FOR PERSONS IN PUBLIC LIFE****Use of office**

- 1.** A person exercising public functions
 - (a)* shall
 - (i) ensure that he performs his functions and administers the public resources for which he is responsible in an effective and efficient manner;
 - (ii) be fair and impartial in exercising his public functions; and
 - (iii) afford no undue preferential treatment to any person;
 - (b)* shall not
 - (i) use his office for the improper advancement of his own or his family's personal or financial interests or the interest of any other person;
 - (ii) engage in any transaction, acquire any position or have any commercial or other interest that is incompatible with his office, function and duty or the discharge thereof;
 - (iii) use or allow the use of public property or services for activities not related to his public functions;
 - (iv) directly or indirectly use his office for private gain; and
 - (v) use his official influence in support of any scheme or in furtherance of any contract or proposed contract with respect to which he or a member of his immediate family has an interest.

Use of information

2. A person exercising public functions shall not, for his personal advantage, benefit or gain, communicate to anyone or make use of any information or the contents of any document which was acquired in his official capacity and is not in the public domain.

Private interests and conflicts of interest

3.(1) A person exercising public functions shall not allow his private interest to conflict with or interfere with the proper discharge of his public functions or improperly influence his conduct in the discharge of his public functions.

(2) A conflict of interest is deemed to arise where a person exercising public functions makes or participates in the making of a decision in the execution of his office and at the same time knows or ought reasonably to have known that in the making of the decision there was an opportunity either directly or indirectly to further his private interests or that of a member of his family or of any other person associated with him.

(3) Where there is a possible or perceived conflict of interest, the person exercising public functions involved shall disclose his interest in accordance with such procedures as may be appropriate and disqualify himself from any decision-making process.

FIFTH SCHEDULE

(Section 54)

FORM OF OATHS

PART I

MEMBERS OF INTEGRITY COMMISSION



Form 1

Integrity in Public Life Act, 2023
(Act 2023-)

OATH OF OFFICE

I _____do swear/affirm that I will exercise the functions of member of the Integrity Commission under the *Integrity in Public Life Act, 2023* (Act 2023-) without fear or favour, affection or ill-will according to the Laws of Barbados. So help Me God.

Dated this _____day of _____, 20__ .

Signature

Fifth Schedule - (Cont'd)

PART I - (Concl'd)

MEMBERS OF INTEGRITY COMMISSION



Form 2

Integrity in Public Life Act, 2023
(Act 2023-)

OATH OF SECRECY

I _____ member of the Integrity Commission do swear/affirm that I shall treat all declarations filed with the Integrity Commission under the *Integrity in Public Life Act, 2023* (Act 2023-) and all records and information relating thereto as secret and confidential and I shall not disclose or communicate to any unauthorized person or allow any unauthorized person to have access to any such record, information or declaration. So help Me God.

Dated this _____ day of _____, 20_____.

Signature

Fifth Schedule - (Cont'd)

PART II

EMPLOYEES AND OTHER PERSONS PERFORMING FUNCTIONS
IN THE SERVICE OF THE INTEGRITY COMMISSION



Form 3

Integrity in Public Life Act, 2023
(Act 2023-)

OATH OF OFFICE

I _____do swear/affirm that I will exercise my functions (in the service of/as employee of) the Integrity Commission under the *Integrity in Public Life Act, 2023* (Act 2023-) without fear or favour, affection or ill-will according to the Laws of Barbados. So help Me God.

Dated this _____day of _____, 20____.

Signature

Fifth Schedule - (Cont'd)

PART II - (Concl'd)

EMPLOYEES AND OTHER PERSONS PERFORMING FUNCTIONS
IN THE SERVICE OF THE INTEGRITY COMMISSION



Form 4

Integrity in Public Life Act, 2023
(Act 2023-)

OATH OF SECRECY

I _____ employee/performing a function in the service of the Integrity Commission do swear/affirm that I shall treat all declarations filed with the Integrity Commission under the *Integrity in Public Life Act, 2023* (Act 2023-) and all records and information relating thereto as secret and confidential and I shall not disclose or communicate to any unauthorized person or allow any unauthorized person to have access to any such record, information or declaration. So help Me God.

Dated this _____ day of _____, 20____.

Signature

Fifth Schedule - (Cont'd)

PART III

PERSONS APPOINTED AS TRIBUNAL MEMBERS



Form 5

Integrity in Public Life Act, 2023
(Act 2023-)

OATH OF OFFICE

I _____ do swear/affirm that I will exercise my functions as a member of a tribunal under the *Integrity in Public Life Act, 2023* (Act 2023-) without fear or favour, affection or ill-will according to the Laws of Barbados. So help Me God.

Dated this _____ day of _____, 20____.

Signature

Fifth Schedule - (Concl'd)

PART III - (Concl'd)

PERSONS APPOINTED AS TRIBUNAL MEMBERS



Form 6

Integrity in Public Life Act, 2023
(Act 2023-)

OATH OF SECRECY

I _____ appointed as a member of a tribunal under the *Integrity in Public Life Act, 2023* (Act 2023-) do swear/affirm that I shall treat all declarations filed with the President and all records and information relating thereto as secret and confidential and I shall not disclose or communicate to any unauthorized person or allow any unauthorized person to have access to any such record, information or declaration. So help Me God.

Dated this _____ day of _____, 20____.

Signature

Read three times and passed the House of Assembly this
day of _____, 2023.

Speaker

Read three times and passed the Senate this _____ day of
_____, 2023.

President

PARLIAMENT

FIRST SESSION OF 2022-2027

BILL

cited as the Integrity in Public Life
Act, 2023

Government Printing Department

VALUE ADDED TAX (AMENDMENT) ACT, 2023

OBJECTS AND REASONS

This Bill would amend the *Value Added Tax Act*, Cap. 87 to temporarily reduce the rate of tax payable on the supply of electricity for domestic premises.

VALUE ADDED TAX (AMENDMENT) ACT, 2023

Arrangement of Sections

1. Short title
2. Amendment of section 7 of Cap. 87

BARBADOS

A Bill entitled

An Act to amend the *Value Added Tax Act*, Cap. 87 to temporarily reduce the rate of tax payable on the supply of electricity for domestic premises.

ENACTED by the Parliament of Barbados as follows:

Short title

1. This Act may be cited as the *Value Added Tax (Amendment) Act, 2023*.

Amendment of section 7 of Cap. 87

2. *Section 7 of the Value Added Tax Act, Cap. 87 is amended by inserting immediately after subsection (13), the following new subsections:*

“(14) Notwithstanding subsection (1), the tax imposed by that subsection on the supply of electricity for domestic premises shall be 7.5 per cent of the value of such supply of electricity not exceeding 250 kilowatt hours, inclusive of the customer charge.

(15) For the purposes of subsection (14), the tax imposed for the supply of electricity in excess of 250 kilowatt hours for domestic premises shall be 17.5 per cent.

(16) The tax imposed by subsections (14) and (15) is payable by the registrant at the time the supply is made.

(17) Subsections (14) and (15) shall be deemed to have come into effect on the 1st day of August, 2022 and shall cease to have effect on the 30th day of September, 2023.

(18) The Minister may, by order, extend the expiration date referred to in subsection (17). ”.

Read three times and passed the House of Assembly this
day of _____, 2023.

Speaker

Read three times and passed the Senate this _____ day of
_____, 2023.

President

PARLIAMENT

FIRST SESSION OF 2022-2027

BILL

cited as the Value Added Tax
(Amendment) Act, 2023

Government Printing Department

CHILD PROTECTION ACT, 2023

OBJECTS AND REASONS

This Bill makes provision for the reform of the law on the care and protection of children.

CHILD PROTECTION ACT, 2023

Arrangement of Sections

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4. Principles to be applied in the administration of the Act
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7. Participation of a child

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FIRST SCHEDULE

Constitution and Procedure of the Child Protection Board

SECOND SCHEDULE

Consequential Amendments

BARBADOS

A Bill entitled

An Act to make provision for the reform of the law on the care and protection of children.

ENACTED by the Parliament of Barbados as follows:

PART I

PRELIMINARY

Short title

1. This Act may be cited as the *Child Protection Act, 2023*.

Interpretation

2. In this Act,

“abuse” includes

- (a) child labour;
- (b) cyber-abuse;
- (c) emotional abuse;
- (d) financial abuse;
- (e) physical abuse;
- (f) sexual abuse;
- (g) verbal abuse;

“attorney-at-law” has the meaning assigned to it under section 2 of the *Legal Profession Act, Cap. 370A*;

“assessment” means an assessment performed pursuant to a child assessment order made under section 35;

“assessment order” means an order made under section 35;

“Authority” means the Child Protection Authority established by section 8;

“best interest” means the best interest of the child as described under section 3(2);

“Board” means the Child Protection Board established by section 10;

“care application” means an application for a care order made under section 37;

“care order” means an order made under section 37;

“care plan” means a plan made by the Director under section 38(2);

“care responsibility” means the authority of the Authority to

- (a) consent to the medical treatment not involving surgery for the child on the advice of a medical practitioner;
- (b) consent to the medical treatment involving surgery that a medical practitioner certifies in writing needs to be carried out as a matter of urgency and in the best interest of the child;
- (c) determine the educational needs of the child, including the school or educational institution that the child attends;
- (d) approve travel outside of Barbados;
- (e) correct and manage the behaviour of the child;
- (f) give permission for the child to participate in activities;
- (g) make alternative visiting or contact arrangements that are not provided for in an existing care plan; and
- (h) make any other decisions that are required to be made with respect to the day-to-day care of the child;

“child” means a person who is under the age of 18 years;

“Child Care Board” means the Board established by section 3 of the former Act;

“child care centre”

- (a) means a place
 - (i) where a child is cared for; or
 - (ii) approved by the Minister to provide for the care of a child; and

(b) includes

- (i) an assessment centre;
- (ii) a foster home;
- (iii) a children's home;
- (iv) a residential care centre;
- (v) a secure residential treatment centre;
- (vi) a training centre;
- (vii) such other centre;

“child in need of care and protection” means a child referred to in section 5;

“child labour” means any work undertaken by a child which harms or exploits the child whether physically, mentally, morally or prevents him from obtaining academic education or vocational training;

“compulsory assistance order” means an order made under section 44;

“contact order” means an order made under section 47;

“counselling or treatment order” means an order made under section 46;

“court” means

- (a) the Family Division of the High Court; and
- (b) the Magistrate's Courts having jurisdiction to hear an application;

“cyber-abuse” includes cyber-bullying, cyber-harrassment and exposure to harmful images by electronic means;

“danger” means physical, sexual, verbal or emotional harm;

“delegated care responsibility” means the authority delegated to a child care centre by the court pursuant to section 39 to

- (a) consent to medical treatment not involving surgery for the child on the advice of a medical practitioner;

- (b) correct and manage the behaviour of the child;
- (c) give permission for the child to participate in activities; and
- (d) make any other decisions that are required to be made with respect to the day-to-day care of the child;

“Director” means the Director of Child Protection appointed in accordance with section 12;

“emergency protection order” means an order made under section 34;

“emotional abuse”

- (a) means any act by a perpetrator which causes psychological pain or injury to a child or is likely to cause significant harm to the welfare or development of the child; and
- (b) includes harassment, the use of threatening words or behaviour;

“financial abuse” means the exercise of control by a perpetrator over a child’s access to financial resources through coercion, deception or intimidation, the effect of which is to hinder the ability to maintain a child and includes withholding the financial support necessary to maintain a child;

“former Act” means the *Child Care Board Act*, Cap. 381 repealed by section 68;

“guardian” means a person who assumes or has the legal responsibility and authority for making decisions with respect to a child;

“Minister” means the Minister with responsibility for the care, protection and welfare of children;

“neglect of a child” means

- (a) the failure of a parent of a child to provide the child with adequate care and guidance; or
- (b) any other act or omission by the parent with respect to a child that is inappropriate for the child or likely to be harmful to the child;

“order to accept undertakings” means an order made under section 48;

“parent”

- (a) means any person at law liable to maintain a child or entitled to his custody and includes
 - (i) a child’s birth parent where the child has not been adopted;
 - (ii) a child’s adoptive parent where the child has been adopted; and
 - (iii) a child’s guardian;
- (b) does not include a person acting as care giver on behalf of the Director or the Director;

“parental responsibility”

- (a) means the rights, duties, powers, responsibilities and obligations that by law a parent has in relation to a child; and
- (b) does not include the right to consent or withhold consent to the making of an order under the *Adoption Act*, Cap. 212;

“perpetrator” means a person who commits an act of abuse;

“physical abuse” means any act or omission by a perpetrator which causes pain or injury to the body of a child and includes bullying;

“police officer” means a member of the Barbados Police Service;

“recovery order” means an order made under section 43;

“relative” in relation to a child means a grandparent, brother, sister, uncle or aunt of the child, whether the relationship is by blood, affinity or adoption;

“removal” means the taking of a child and placing the child in the care and protection of the Director in accordance with this Act;

“residential protection and treatment centre” means a centre where a child may be placed to reside pursuant to section 33;

“residential protection and treatment centre order” means an order made under section 33;

“sexual abuse”

- (a) means the performance by a perpetrator of a sexual act on a child by the use of force, threats, fear, manipulation or guile;
- (b) includes
 - (i) grooming for the purpose of sexual exploitation, pornograghy, sexting or cyber abuse;
 - (ii) sexual harassment;
 - (iii) the actual or attempted commission of any of the offences stated in Part I of the *Sexual Offences Act*, Cap. 154;

“sexual harassment” has the meaning assigned to it under section 3(1) of the *Employment Sexual Harassment (Prevention) Act, 2017* (Act 2017-21);

“social inquiry report” means the report to be produced pursuant to section 36;

“supervision order” means an order made under section 40;

“support services order” means an order made under section 45;

“verbal abuse”

- (a) means the use of derogatory or negative language or communication to harm, manipulate or control another person, whether communicated by silence, damaging gossip, and other passive-aggressive behaviours; and
- (b) includes shouting, insulting, intimidating, threatening, shaming, demeaning, or name calling.

Purpose

3.(1) The purpose of this Act shall be to

- (a) ensure compliance with
 - (i) the United Nations Convention on the Rights of the Child;
 - (ii) the Universal Declaration of Human Rights; and
 - (iii) all other international instruments to which Barbados is a party with special regards to those which afford a child the necessary protection and assistance so that he can assume his eventual responsibilities within the community and for the full and harmonious development of his personality and to grow up in a family environment imbued with happiness, love and understanding;
- (b) promote the welfare of a child;
- (c) provide care and protection for a child;
- (d) protect a child from abuse and neglect; and
- (e) ensure that the best interest of the child is given paramount consideration in all matters.

(2) In determining what is in the best interest of the child, the following matters shall be taken into account:

- (a) the safety of the child;
- (b) the capacity of a parent to properly discharge his parental responsibility;
- (c) the physical, mental, emotional or psychological needs and development of the child;
- (d) the appropriate care or treatment required to meet the needs or development of the child;

- (e) where appropriate, the views of the child;
- (f) a secure place for the child;
- (g) the positive development of the child as a member of a family;
- (h) the love affection and ties between the child and other persons in the life of the child;
- (i) the capacity of persons, other than a parent, to exercise custody rights and duties in relation to the child; and
- (j) the continuity of the care for the child and the possible effect of disruption of that care on the child.

Principles to be applied in the administration of the Act

4. The following principles shall be applied in the administration of this Act:

- (a) the safety and welfare of a child shall be given paramount consideration in all actions and decisions in relation to the child;
- (b) the safety and welfare of a child who has been removed from his parent shall be paramount to the rights of the parent;
- (c) where a child is able to form his own views on a matter concerning his safety or welfare
 - (i) he shall be afforded an opportunity to freely express his views; and
 - (ii) his views are to be given due weight in accordance with his developmental capacity and the circumstances;
- (d) the least intrusive intervention in the life of a child and his family shall be taken in order to
 - (i) protect the child from harm; and
 - (ii) promote the development of the child;

- (e) where a child is temporarily or permanently deprived of his family environment or cannot be allowed to remain in that environment in his best interest
 - (i) the child shall be entitled to special protection and assistance from the Government of Barbados; and
 - (ii) his name and identity shall, where practicable, be kept confidential;
- (f) where a child is removed from the home of his parent under this Act, whether temporarily or permanently,
 - (i) he shall be entitled to a safe, nurturing, stable and secure environment; and
 - (ii) the child may retain relationships with people significant to the child, including his parents, relatives, peers, family friends and community, unless it is contrary to his best interest; and
- (g) where a child is placed in an approved child care centre, arrangements shall be made in a timely manner to ensure the provision of a safe, nurturing, stable and secure environment.

Child in need of care and protection

- 5.(1) A child is in need of care and protection where the child
- (a) does not have a parent;
 - (b) does not have a parent who is fit to exercise care or guardianship owing to
 - (i) mental or bodily disease;
 - (ii) infirmity or other incapacity; or
 - (iii) any other circumstances,
 providing for his up-bringing, and there is no available person or persons capable, fit or willing to undertake the care of such child;

- (c) has suffered harm caused by
 - (i) neglect of a child; or
 - (ii) the failure of a parent to
 - (A) supervise or protect the child; or
 - (B) adequately supervise or protect the child;
- (d) is a victim of abuse or exploitation, has been exposed to abuse or is likely to suffer abuse or exploitation;
- (e) has been abandoned or deserted by his parent;
- (f) has been exposed to danger, moral or otherwise;
- (g) has suffered physical, emotional or psychological harm caused by being exposed to domestic violence by or towards a parent or other person residing with the child;
- (h) suffers from a mental, emotional, physical or developmental condition that requires treatment to cure, prevent or ameliorate the effects of the condition or harm suffered and the parent
 - (i) does not, or refuses to, obtain treatment; or
 - (ii) is unable or unavailable to consent to services or treatment to remedy or ameliorate the effects of the condition or harm suffered by the child;
- (i) is in the custody of the Director or another person and the parent of the child refuses or is unable to resume custody of the child;
- (j) is a child beyond the control of his parent;
- (k) is a child who is a threat to himself or to others;
- (l) is less than 12 years old and has committed acts which would ordinarily constitute an offence as listed in the *Second Schedule* or the *Third Schedule* to the *Child Justice Act, 2023* (Act 2023-); or

(m) has been determined by the court to be in need of care and protection pursuant to section 39 of the *Child Justice Act, 2023* (Act 2023-).

(2) A child in need of care or protection may seek assistance from the Director.

Request for services from other agencies

6.(1) In promoting or ensuring the safety or welfare of a child, the Director may request a service to a child or the family of a child from the following:

- (a) a government department;
- (b) an agency in receipt of government funding;
- (c) a non-governmental organization; or
- (d) any other person that promotes the care and protection of children.

(2) A government department, an agency, organization or any person to which a request is made under subsection (1), shall use their best endeavours to comply with the request where

- (a) the request is consistent with their own responsibilities; and
- (b) does not prejudice the discharge of their functions.

Participation of a child

7.(1) A child shall be entitled to participate in a decision that is likely to have a significant impact on his life.

(2) In order to ensure that a child is able to participate in a decision that is likely to have a significant impact on his life, the Director shall provide the child with the following:

- (a) adequate information in a manner and language that he can understand including
 - (i) the decision to be made;

- (ii) the reasons for the intervention by the Director;
 - (iii) the ways in which the child may participate in the decision making process; and
 - (iv) any relevant complaint mechanisms;
 - (b) the opportunity to freely express his views according to his abilities, age, maturity and developmental capacity;
 - (c) any assistance that is necessary for the child to express his views;
 - (d) information as to how the views of the child will be recorded and taken into account;
 - (e) information with respect to the outcome of any decision concerning the child and an explanation of the reasons for the decision; and
 - (f) an opportunity to respond to a decision made concerning the child.
- (3) For the purposes of this section, a decision that is likely to have a significant impact on the life of a child shall include:
- (a) any plan for emergency or ongoing care;
 - (b) the development or review of a care plan in relation to the child;
 - (c) any care application in relation to the child;
 - (d) the provision of counselling or treatment services; or
 - (e) any contact with a parent, relative or other persons connected with the child.
- (4) A child shall be entitled to legal representation by an attorney-at-law in any proceedings or hearings in relation to the child.
- (5) Where the views of the child differ from the position of the Director, the child may, within 30 days of the notification of the position, appeal to a Judge in chambers.

PART II

ADMINISTRATION

Establishment of Authority

8.(1) There is established an Authority to be known as the Child Protection Authority.

(2) The Authority is a body corporate to which section 21 of the *Interpretation Act*, Cap. 1 applies.

Powers and duties of the Authority

9.(1) The Authority shall

- (a) provide care, protection and rehabilitation of a child;
- (b) investigate a complaint or report made in relation to a child or the mistreatment of a child;
- (c) remove a child from his home, child care centre or environment where it is shown that the child is in danger;
- (d) monitor the operation of a child care centre and conduct reviews to determine its compliance with any statutory provision;
- (e) issue guidelines to child care centres;
- (f) establish, with the approval of the Minister, policies and procedures respecting all aspects of child care centres;
- (g) provide consultation and direction to relevant authorities respecting child care centres in accordance with this Act;
- (h) provide services and promote the development, adoption and evaluation of policies and procedures that accord with the purposes of this Act;
- (i) promote and safeguard the safety and welfare of a child;

- (j) assess and investigate a complaint or report and provide an assessment of any such complaint or report;
- (k) act as an advocate to promote the rights of children;
- (l) take all necessary steps to prevent children from suffering abuse or neglect;
- (m) promote and facilitate contact between a child and his parent, relative, friend or other person connected with him unless it is not in the best interest of the child or where it is not reasonably practicable;
- (n) inspect a place or premises where a child resides;
- (o) approve any programme or service in relation to the development, rehabilitation or welfare of a child;
- (p) establish procedures for the delegation of its duties and to establish policies respecting the direction and supervision of such delegation;
- (q) exercise such powers as are conferred on it by this Act and as may be necessary with respect to any child so as to serve the best interests of that child;
- (r) make use of such facilities and services available for children that are provided by other agencies or institutions, as appears reasonably necessary to the Authority;
- (s) advise the Minister and other persons on matters relating to child care centres, programmes, facilities and resources necessary to carry out the requirements under this Act;
- (t) report to the Minister
 - (i) the operation and administration of this Act; and
 - (ii) whether or not the purpose and the principles of this Act are being achieved;

- (u) perform such other functions as may be necessary to carry out the provisions of this Act or as may be determined by the Minister; and
 - (v) do all such things as may be necessary or expedient for the proper performance of its duties.
- (2) In the course of exercising its powers under subsection (1), the Authority may provide the following services to a child:
- (a) advice, guidance and counselling;
 - (b) occupational, social, cultural or recreational activities; and
 - (c) any other service as may be required for the care and protection of a child.
- (3) In determining what is in the best interest of a child, the Authority shall, in addition to the principles set out in section 3(2), take into consideration the following:
- (a) the love, affection, and other emotional ties existing between the parties involved and the child;
 - (b) the capacity and disposition of the parties involved to
 - (i) give the child love, affection and guidance and to continue the education and raising of the child in his or her religion, if any; and
 - (ii) provide the child with food, clothing, medical care or other remedial care;
 - (c) the length of time the child has lived in a stable, satisfactory environment, and the desirability of maintaining the status quo;
 - (d) where appropriate, preserving the family unit and reuniting the child with his relatives at the earliest opportunity;
 - (e) the right of the child to the enjoyment of family life;
 - (f) the right of the child to be heard;
 - (g) the right of the child to representation and a fair hearing;

- (h) any other relevant support necessary for the well being of the child;
- (i) the permanence of the family unit;
- (j) the home, school and community record of the child;
- (k) the willingness and ability of each parent to facilitate and encourage a close parent-child relationship between the child and the other parent or the child and the parents;
- (l) the willingness and ability of relatives to facilitate and encourage familial relationships between the child and other family members;
- (m) any other form of abuse, regardless of whether it was directed against or witnessed by the child;
- (n) the reasonable preference of the child, if the Authority considers the child to be of an age and maturity to express such preference; and
- (o) any other factor that the Authority may consider relevant to the particular child.

Establishment of Board

10.(1) There is established a Board, to be known as the Child Protection Board, which shall be responsible for the formulation of the policy of the Authority and for the general administration of the Authority.

(2) The *First Schedule* has effect with respect to the constitution of the Board and otherwise in relation thereto.

Remuneration

11. The Directors of the Board are entitled to such remuneration and allowances as the Minister determines.

Director of Child Protection

12.(1) The Board may with the approval of the Minister, appoint a person to be the Director of Child Protection, who shall be an employee of the Authority

at such remuneration and on such terms and conditions as the Minister approves in writing.

(2) The Director is subject to the directions of the Board and is responsible to the Board for the execution and management of the affairs of the Authority.

(3) Notwithstanding the generality of subsection (2) the Director shall have the following duties:

- (a) to promote and safeguard the safety, welfare and well-being of a child;
- (b) to intervene, investigate or prepare reports pursuant to Part III;
- (c) to oversee the operation of child care centres and the delivery of child care services;
- (d) to establish, with the approval of the Minister, policies and procedures respecting all aspects of child care services;
- (e) to provide consultation and direction to relevant authorities respecting child care services in accordance with this Act;
- (f) to establish procedures for the delegation of his duties and to establish policies respecting the direction and supervision of such delegation;
- (g) to make arrangements for and in relation to the placement of a child;
- (h) to take appropriate measures to ensure confidentiality of the records of a child and the parent of a child;
- (i) to issue guidelines to child care services in giving effect to this Act; and
- (j) to perform such other functions as may be necessary to carry out the provisions of this Act.

(4) The Director may delegate to a member of staff or to any other person his functions other than his power of delegation under this Act.

Staff

13.(1) Subject to subsections (2) and (3), the Board may appoint and employ such officers, agents and servants as it considers necessary for the proper carrying into effect of the provisions of this Act, at such remuneration and on such terms and conditions as the Minister approves in writing.

(2) Notwithstanding subsection (1), no post shall be established and no salary in excess of such amount as the Minister may determine.

(3) Subject to this Act and to the *Statutory Boards (Pensions) Act*, Cap. 384 no provision shall be made for the payment of any pension, gratuity or other like benefit to any person employed by the Authority without the prior approval in writing of the Minister.

Pension rights and service with Authority

14.(1) Where a public officer is seconded or temporarily transferred from a pensionable office within the meaning of section 2(1) of the *Pensions Act*, Cap. 25 to perform any service with the Authority, his service with the Authority shall, unless the President otherwise decides, count for pension under that Act as if the officer had not been so seconded or transferred.

(2) Where the services of a person employed by the Authority are on loan to the Government that person is entitled to such benefits and terms of employment as are applicable to the post which he occupies, and the service with the Authority shall be taken into account as continuous service with the Government and the *Pensions Act* and *Pensions Regulations, 1947* shall apply to him as if his service with the Authority were service within the meaning of that Act.

(3) Where a public officer is transferred to the service of the Authority in accordance with subsection (2), the Authority shall refund to the Consolidated Fund all moneys payable as pension in respect of the service of that officer with the Authority.

Savings of pension etc.

15. Where a public officer who has pensionable service is transferred to or becomes employed in the service of the Authority, his service with the Authority shall, whether or not there was a break in service, be aggregated with his service in the public service and his pension shall be calculated in accordance with the *Pensions Act*, Cap. 25 and *Pensions Regulations, 1947* as if all of his service was service in the public service.

Role of the Minister

16.(1) The Minister shall promote a partnership approach with families, the government, non-governmental agencies, organisations, corporations, business agencies and the community in taking responsibility for and dealing with a child who is in need of care and protection.

(2) In giving effect to subsection (1), the Minister shall

- (a) promote the care of children;
- (b) promote the development of procedures and protocols with families, government, non-governmental agencies, organisations, corporations, business agencies and the community; and
- (c) ensure that these procedures and protocols are implemented and reviewed regularly.

(3) The objects of the procedures and protocols referred to in subsection (2) shall be for the

- (a) care and protection of children;
- (b) provision of support services directed towards strengthening and supporting families; and
- (c) promotion and the development of co-ordinated strategies.

(4) The Minister shall have the power to give the Board directions with respect to a policy.

Child Protection Report

- 17.(1)** The Authority shall, in respect of every calendar year, submit a report of its proceedings in respect of child care and protection to the Minister.
- (2) The Minister shall cause the report referred to in subsection (1) to be laid before Parliament with any comments he thinks fit.
- (3) The report referred to in subsection (1) shall be published by the Authority after consultation with the Minister.

Funds of the Authority

- 18.** The funds of the Authority shall comprise
- (a) such amounts as may be voted for the purpose by Parliament;
 - (b) all amounts payable to or vested in the Authority; and
 - (c) gifts to the Authority from any person, organisation or body.

Application of funds

- 19.** The Authority shall apply its moneys for
- (a) the payment of its officers and employees;
 - (b) the maintenance of its child care centres;
 - (c) the making of grants to private child care centres; and
 - (d) such other purposes as are necessary for the performance of its functions under this Act.

Accounts

- 20.** The Authority shall keep proper books of account of its revenues, expenditures, assets and liabilities and implement International Accounting Standards and practices in accordance with the accounting standards and standing

instructions issued by the Accountant-General under the *Public Finance Management Act, 2019* (Act 2019-1).

Financial reports

21. The Authority shall submit such reports and information as required by Part IX of the *Public Finance Management Act, 2019* (Act 2019-1).

PART III

INTERVENTIONS, REPORTS AND INVESTIGATIONS

Intervention

22.(1) The Director may intervene where

- (a) a request for assistance in relation to a child is made to the Director;
- (b) he receives a report that a child is a child in need of care and protection;
or
- (c) it appears to the Director that a child is in need of care and protection.

(2) In determining the appropriate response to a request for assistance or to a report concerning a child, the Director shall have regard to the following:

- (a) the immediate safety and welfare of the child and any other child in the usual residential setting of the child;
- (b) the age or maturity of the child;
- (c) any disability of the child; and
- (d) the existing circumstances of the family.

(3) The removal of a child from his parents shall only occur where it is necessary to protect the child from the risk of serious harm or danger.

Request for intervention

23.(1) A person may seek assistance in the form of an intervention from the Director where

- (a) there is a serious or persistent conflict between a child and a parent of a child of such nature that the safety or welfare of the child is in jeopardy; or
- (b) a parent is unable to provide adequate care, supervision or protection for a child to such an extent that the safety or welfare of the child is in jeopardy.

(2) In responding to a request made under subsection (1), the Director shall consider the appropriateness of providing or arranging such assistance as is necessary to

- (a) enable the child and parent of the child to resolve the conflict without recourse to legal proceedings;
- (b) ensure that the child is adequately cared for, supervised or protected; or
- (c) enable the child and his parent to have access to appropriate services.

(3) In making provision for the receipt of any assistance under subsection (2), the Director shall ensure that the child, if sufficiently mature, has

- (a) been counselled about the assistance necessary to resolve the conflict with his parent; and
- (b) given consent to such assistance.

(4) The Director shall cause a child to be brought before the court where he is of the opinion that, despite the assistance provided under subsection (2), the safety or welfare of the child continues to be in jeopardy.

(5) The Director may apply to the court for any order under this Act.

(6) On an application by the Director, the court may make a care order vesting care responsibility in the Director where the court is satisfied that

- (a) the child refuses to adhere to the guidance and control of a parent;
- (b) it is in the best interests of the child; and
- (c) the parent understands the results which will follow from the making of the order.

(7) Notwithstanding subsection (5), the court may make any order it thinks fit having regard to the circumstances in relation to the child.

Mandatory reporting

24.(1) This section shall apply to

- (a) a parent;
- (b) a medical practitioner, a health practitioner, a dental practitioner, a nurse or mental health practitioner;
- (c) an administrator of a hospital or medical facility;
- (d) a school principal, teacher or other teaching professional;
- (e) a social worker or other social service professional;
- (f) a law enforcement officer;
- (g) an internet provider, film technician, computer technician or telecommunications technician;
- (h) any person who provides health care, welfare, education, religious, child care or law enforcement services, wholly or partly to a child; and
- (i) any other person who by virtue of the nature of their work, owes a duty of care to a child.

(2) A person listed under subsection (1) who has knowledge or has reasonable grounds to suspect that a child is in need of care and protection shall be under a duty to

- (a) immediately report or cause to be reported the circumstances to the Director or a police officer; and
- (b) provide the Director or a police officer with such additional information as is known or available to the person.

(3) Where a person makes a report to a police officer under subsection (2) (a), the police officer shall transmit the report to the Director within 24 hours.

(4) Subsection (2) shall apply notwithstanding the confidential nature of the information on which the report is based.

(5) Nothing in this section abrogates any attorney-client privilege.

(6) A report made under subsection (2) may be made anonymously.

(7) A person who fails to comply with subsection (2) is guilty of an offence and is liable on summary conviction to a fine of \$20 000 or to a term of imprisonment of 2 years or to both.

(8) A person who makes a report in good faith shall not be liable for prosecution.

(9) A person who intentionally makes a false report or provides false or misleading information is guilty of an offence and is liable on summary conviction to a fine of \$10 000 or imprisonment for one year or to both.

Investigation of report

25. Where a report is made under section 24, the Director shall immediately conduct an investigation to determine whether the child is a child in need of care and protection.

Records of reports and subsequent action

- 26.(1)** The Director shall keep a record of
- (a) all reports made to or by the Director;
 - (b) any action taken in response to a report received under section 24; and
 - (c) any disposition of and dealings with a child to whom the report and action referred to in paragraph (b) relate.
- (2) The record of reports shall be kept
- (a) in physical or digital format; and
 - (b) in accordance with any relevant enactment.

Protection of persons who make reports

- 27.(1)** Where a person makes a report under section 24
- (a) the making of the report shall not constitute a breach of any professional etiquette or ethics or a departure from any accepted standards of professional conduct;
 - (b) no liability shall be incurred for defamation as a consequence of the report;
 - (c) the making of the report shall not constitute a ground for civil proceedings for malicious prosecution or for conspiracy;
 - (d) the report, or evidence of its contents, is not admissible in any proceedings, other than in proceedings relating to the care and protection of a child in the court;
 - (e) he shall not be compelled in any proceedings to
 - (i) produce the report, a copy of the report or an extract from the report; or
 - (ii) disclose or give evidence of any of contents of the report; and

- (f) the identity of the person who made the report or information from which the identity of that person may be deduced shall not be disclosed to any person without
 - (i) the consent of the person who made the report; or
 - (ii) the leave of the court.
- (2) Where consent is not granted under subsection (1)(f), a party or witness in any such proceedings shall not be asked or required to answer any question that cannot be answered without disclosing the identity or leading to the identification of that person.
- (3) A report made under section 24 shall be admissible in any proceedings relating to the care and protection of a child where the report is certified by the Director.
- (4) The court shall not grant leave under subsection (1)(f)(ii) unless the court is satisfied that
 - (a) the report is of critical importance in the proceedings; and
 - (b) failure to admit the report would
 - (i) prejudice the proper administration of justice; or
 - (ii) prevent the proper investigation of the report.
- (5) Where leave is granted under subsection (1)(f)(ii), the court shall
 - (a) state the reasons; and
 - (b) inform the Director that the identity of the person who made the report will be disclosed.

Investigation and assessment

- 28.(1)** The Director shall conduct an investigation and assessment of the circumstances relating to a child where
- (a) a request for intervention is made under section 23(1)(a);

- (b) a report is made under section 24; or
 - (c) where it appears to the Director that a child is a child in need of care and protection.
- (2) Where an investigation and assessment have been undertaken under subsection (1), the Director may determine that
 - (a) no further action is necessary;
 - (b) a further investigation is necessary;
 - (c) the removal of the child is necessary; or
 - (d) a care application is to be made.
- (3) An investigation by the Director may include an analysis of the following matters in relation to a child:
 - (a) medical;
 - (b) health;
 - (c) social;
 - (d) residential;
 - (e) educational;
 - (f) economic; and
 - (g) any other factors affecting the life of the child.
- (4) In conducting an investigation under this section, the Director may
 - (a) visit the residence of the child and other places frequented by the child;
 - (b) transport the child to a place considered by the Director to be appropriate;
 - (c) interview
 - (i) the child;
 - (ii) a parent or relative of the child;

- (iii) any person who cares for the child or any person who has had an opportunity to observe the child; or
 - (iv) any person who provides health, social, educational and other services to the child or a parent of the child;
 - (d) cause an examination to be made of the physical, mental and emotional health and development of the child by a medical practitioner or other medical professional;
 - (e) require information to be provided to the Authority from medical, social, educational and other service records concerning the child, a parent of the child or both;
 - (f) request that a parent of a child undergo a physical, mental or psychological examination or any other assessment; or
 - (g) consult with such other persons and gather such other evidence as may be necessary to complete the investigation.
- (5) In conducting an investigation or assessment under this section, the Director shall have regard to any wish of the child taking into account
- (a) the age and maturity of the child; and
 - (b) the extent to which the child appears to be in need of care and protection.
- (6) The Director may apply to the court for an order requiring any person to
- (a) provide such information under subsection (5) to the Director;
 - (b) allow the Director access to a person, place or record; or
 - (c) cooperate with any investigation by the Director.
- (7) Subject to subsection (9), the Director shall provide a report of the results of an investigation to
- (a) the parent of the child or any person who is the subject of the investigation; and

- (b) the child where he is
 - (i) no less than 12 years; and
 - (ii) capable of understanding the circumstances of the investigation.
- (8) A report shall not be provided under subsection (7) unless
 - (a) the Director has reasonable grounds to believe that the report will endanger the safety of the child or any other person; or
 - (b) a criminal investigation related to the matter has been initiated or is likely to occur.
- (9) A person who intimidates, threatens or obstructs the Director in the exercise of his functions under this section is guilty of an offence and is liable on summary conviction to a fine of \$10 000 or to a term of imprisonment of one year or to both.

Action taken by Director

- 29.(1) Where after an investigation or assessment the Director is of the opinion that a child is in need of care and protection, the Director shall take whatever action is necessary to safeguard or promote the safety and welfare of the child.
- (2) Without limiting subsection (1), the Director may take the following actions:
 - (a) provide or arrange for the provision of support services for the child, his family or both;
 - (b) develop, in consultation with the parents of the child, whether jointly or separately, a care plan to meet the needs of the child or his family which does not involve taking the matter before the court;
 - (c) ensure the protection of the child by removing the child from his parents;

- (d) ensure the protection of the child by removing the child from any place or premises where he is resident;
 - (e) seek an alternative dispute resolution procedure; or
 - (f) seek an appropriate order from the court.
- (3) The Director shall consider the appropriateness of using an alternative dispute resolution procedure prior to applying to the court for an order under subsection (2)(f).
- (4) The Director shall consider the appropriateness of an alternative dispute resolution procedure that is designed to
- (a) ensure intervention so as to resolve problems which may exist at an early stage;
 - (b) develop a care plan;
 - (c) reduce the likelihood that an application for an order will need to be made;
 - (d) reduce the incidence of breakdown in relationships between a child and his parent; and
 - (e) work towards the making of decisions that are in the best interests of the child concerned where an application for a care order is made.
- (5) The participation by a child or a parent of a child in any form of alternative dispute resolution procedure shall be voluntary.
- (6) Where a care plan is developed pursuant to subsection (2)(b) that care shall be signed by the parent of the child who is the subject of the care plan.

Decision against taking action

- 30.(1) The Director may decide against taking any action where he considers that
- (a) proper arrangements exist for the care and protection of the child; and

- (b) the circumstances which led to the investigation or assessment have been or are being adequately addressed.

(2) Where the Director decides not to take any action, it shall make a record of the reasons for its decision.

Removal of child by Director

31.(1) Where the Director has reasonable grounds to believe that

- (a) the health or safety of the child is in immediate or imminent jeopardy; and
- (b) there is not enough time to apply to the Court for an order under section 32

the Director may, if necessary with the assistance of a police officer, and without the need for any further authority other than that conferred on him by this subsection, enter any place or premises where the child is believed to be present or to reside, and search for, locate and take the child into custody.

(2) Where a child is removed from a place or premises pursuant to subsection (1) and the care responsibility of the child is assumed by the Director, he shall, within 24 hours after the child has been removed,

- (a) apply to the court for order specified in section 32; and
- (b) inform the parent.

(3) The Director may place the child referred to in subsection (1) in a child care centre and the child care centre shall have delegated care responsibility in relation to a child as delegated to that child care centre by the Director.

PART IV

CARE AND PROTECTION ORDERS

Court orders where child in need of care and protection

32. Where the court is satisfied that a child brought before it by the Director is a child in need of care and protection, the court may make the following orders:

- (a) a care order;
- (b) a child assessment order;
- (c) a compulsory assistance order;
- (d) a contact order;
- (e) a counselling or treatment order;
- (f) a custody care order;
- (g) an emergency protection order;
- (h) a recovery order;
- (i) a residential protection and treatment centre order;
- (j) a supervision order;
- (k) a support services order;
- (l) an order to accept undertakings; or
- (m) any other order the court thinks fit.

Residential protection and treatment centre order

- 33.(1)** Where the court is satisfied that a child brought before it is
- (a) less than 12 years old and has committed acts which would ordinarily constitute an offence as listed in the *Second Schedule* or the *Third Schedule* to the *Child Justice Act, 2023* (Act 2023-);
 - (b) a significant threat to themselves or others; or
 - (c) in need of care and protection pursuant to section 39 of the *Child Justice Act, 2023* (Act 2023-)

the court may make a residential protection and treatment centre order to have such a child reside in a residential protection and treatment centre for a period not exceeding 3 years.

(2) Pursuant to subsection (1), the court may make such orders as are necessary to assist in determining the period of residence for a child in a residential protection and treatment centre.

(3) A residential protection and treatment centre order made under subsection (1) shall be reviewed by the court every 3 months or where the period of residence ordered by the court is less than 3 months, at such interval as the court determines.

Emergency protection order

34.(1) The court shall make an emergency protection order where it is satisfied, on the basis of an *ex parte* application by the Director, that

- (a) the child is suffering or is likely to suffer physical, emotional, mental or psychological harm and is in urgent need of care and protection; or
- (b) enquiries as to whether the child is suffering or is likely to suffer physical, emotional, mental or psychological harm are being frustrated by access to the child being unreasonably refused and the applicant has reason to believe that access to the child is required as a matter of urgency.

- (2) An emergency protection order may
- (a) direct a person named in the order and who is in *de facto* control of the child or who is in a position to do so, to produce the child to the applicant;
 - (b) authorise the removal of a child from any place at any time;
 - (c) prohibit the removal of the child from any place at which he was being accommodated immediately before the order was made;
 - (d) give the applicant parental responsibility for the child;
 - (e) limit the applicant to the exercise only of those powers which are specified in the order;
 - (f) determine the contact which is or is not allowed with any named person; and
 - (g) require the medical, psychiatric and psychological examination of the child.
- (3) An order made under this section shall have effect for a period not exceeding 14 days, unless the order is extended in accordance with subsection (4).
- (4) An order made under this section may, while the order remains in force, be extended once for a period not exceeding 14 days.

Assessment order

35.(1) A child assessment order shall be made for the purpose of assessing the following:

- (a) a child's state of health;
- (b) a child's development; or
- (c) the manner in which the child has been treated.

- (2) The court may make a child assessment order where it is satisfied that
 - (a) the applicant has reasonable cause to suspect that the child is suffering or is likely to suffer physical, emotional, mental or psychological harm;
 - (b) such an assessment is required to enable the applicant to determine whether or not the child is suffering or is likely to suffer harm; and
 - (c) it will be unlikely that an assessment will be made or be satisfactory in the absence of the order.
- (3) A child assessment order
 - (a) shall specify the period of assessment and the date on which the assessment is to begin;
 - (b) may require the medical, psychiatric and psychological examination of the child; and
 - (c) shall require the person conducting the assessment to
 - (i) do so in accordance with the terms of the order;
 - (ii) prepare a report of the assessment; and
 - (iii) submit the report to the court.
- (4) The carrying out of a medical examination under an assessment order may include the taking and analysis of samples and the use of any machine or device that enables or assists in the examination of a person.
- (5) The court may, for the purposes of an assessment order, appoint a person to assess the capacity of a person having parental responsibility, or who is seeking parental responsibility for a child, to carry out that responsibility.
- (6) The assessment to be carried out under subsection (5), must be carried out only with the consent of the person whose capacity is to be assessed.
- (7) Where a child assessment order states that a child is to be kept away from his home, it shall specify the conditions under which the child may be so kept,

including the degree of contact with other persons that he may be allowed during that period.

(8) Where the court makes a child assessment order, the person who is in *de facto* control of the child or who is in a position to produce the child, shall comply with any direction in the order and produce the child to the person named in the order.

(9) A child shall be informed about the reasons for the assessment in a language and a manner that he understands, having regard to his age, maturity and circumstances.

Social inquiry report

36.(1) The court shall require a written social inquiry report in respect of a child before it makes an order under this Part.

(2) The Director shall prepare a social inquiry report and he shall comply with the request of the court whenever required to produce a social inquiry report.

(3) The Director shall make a home visit to interview the parent of the child concerned and carry out his or her investigations concerning the child before making a social inquiry report.

(4) Where the child in respect of whom the social inquiry report is made is considered by the Director to be of sufficient age and understanding, he shall be interviewed by the Director.

(5) A social inquiry report shall contain matters relating to the welfare of the child and recommendations as to any action to be taken by the court.

(6) The court shall take the information contained in the social inquiry report into account in so far as it is relevant to the order being made.

(7) Where the court is not satisfied with any recommendation made by the Director in the social inquiry report, the court shall state and record its reasons for not complying with the recommendation.

Care order

- 37.(1)** A care order shall be made for the purpose of removing a child who is in need of care and protection and placing such child in the care of the Director.
- (2) The court may make a care order where it is satisfied that a child is a child in need of care and protection.
- (3) The court may, on the application of the Director, make an order placing a child in the care of the Director.
- (4) Where a Director makes an application to the court for a care order pursuant to subsection (3) he shall furnish the court with details on the following:
- (a) the support and assistance provided for the safety, welfare and well-being of the child; and
 - (b) any alternative action to a care order that were considered, prior to the making of the application for the care order and the reasons why the alternative action was rejected.
- (5) An application for a care order shall be accompanied by a care plan.
- (6) The Director shall make all reasonable efforts to notify
- (a) the parents of a child of the making of a care application in relation to the child; and
 - (b) the child who is the subject of a care application of the making of the application in a language and in a manner that the child can understand having regard to his development and the circumstances.
- (7) The Director shall, within 7 days, after a care application is made in relation to a child, cause a copy of the application, together with copies of all supporting affidavits and other documentary evidence, to be served on the parent of the child.
- (8) A care order may be made as an interim order or a final order.

- (9) A care order shall, depending on the age of the child, be for a period not exceeding 3 years or until the child attains the age of 18 years, whichever is the earlier.
- (10) A care order shall be reviewed at least once every 90 days by the Director or a person designated by the Director who may make recommendations as to any action to be taken having regard to the outcome of the review.
- (11) The court may, upon an application, vary a care order.

Care plan

38.(1) The court shall not make a final order for the removal of a child from the care and protection of his parent or allocation of parental responsibility in respect of the child unless the court has considered a care plan.

- (2) A care plan shall be made by the Director and submitted to the court.
- (3) A care plan shall provide for the following:
 - (a) the allocation of parental responsibility for the duration of the period for which the child is removed from the care of his parent;
 - (b) the kind of placement proposed to be sought for the child including
 - (i) any interim arrangement that is proposed for the child pending permanent placement; and
 - (ii) the timetable proposed for achieving a permanent placement;
 - (c) residential arrangements for the child;
 - (d) supervision of the child;
 - (e) the child care centre designated to supervise the placement of the child;
 - (f) the contact arrangements between the child and his parent, relatives, friends and other persons connected with the child;
 - (g) education and training for the child;
 - (h) medical care for the child;

- (i) the services that need to be provided to the child; and
 - (j) any other relevant matter.
- (4) A care plan shall be made as far as possible with
- (a) the agreement of the parent of the child concerned; and
 - (b) the child concerned pursuant to section 7.

Care responsibilities and duties under care order

- 39.(1)** The child care centre where a child is placed under a care order has delegated care responsibility in relation to a child as delegated to it by the court pursuant to section 37.
- (2) The contact of the child with his parent, relatives and friends while he is in a child care service shall be encouraged unless it is not in the best interests of the child.
- (3) The child care centre shall ensure that the development of the child while in their care, particularly his health and education, is given paramount attention.
- (4) The Director shall work with the parent of the child before and after the termination of the care order, so that the child can be returned to his family or community after the termination of the care order.
- (5) The Director shall be responsible for
- (a) providing and encouraging family and child counselling, before, during and after the return of the child; and
 - (b) seeking the assistance of persons in the family or community who can, as far as practicable, help the process of resolving the problems which caused the care order to be made.
- (6) Where a child is placed with a foster family, the Director shall inform the parent of the progress of the child and to arrange a trial period for the child to be reunited with the parent.

Supervision order

40.(1) The court may, on the application of the Director, make an order for the supervision of a child by the Director or a person recommended by the Director to perform the duties of a supervisor.

(2) The court may make a supervision order where it is satisfied that a child is in need of care and protection.

(3) A supervision order may require a child, his parent or the child and his parent

(a) to report to the supervisor at a place and at intervals stated by the supervisor; and

(b) to take part in discussions with the supervisor in relation to the welfare, safety and well-being of the child, in particular whether the child should be engaged in some form of educational, vocational or recreational activity or other activity.

(4) The court may require the submission of a report by the supervisor detailing

(a) the progress or outcome of the supervision;

(b) whether the purpose of the supervision has been achieved; and

(c) whether any other order should be made for the care and protection of the child.

(5) A supervision order shall be for a period not exceeding one year.

(6) A supervision order made under this section may, while the order remains in force, be extended once for a period not exceeding one year.

Duties of supervisor

41. A supervisor shall

(a) mentor, advise and assist the child;

- (b) advise the parent of the child;
- (c) make plans for the future of the child in consultation with the child and his parent; or
- (d) take such other reasonable steps as may be necessary to reduce any harm to the child.

Custody care order

42.(1) Where the Director assesses that

- (a) there is not a realistic possibility of restoring a child to the custody of a parent pursuant to the provisions of this Act;
- (b) it is in the best interest of the child that he no longer live with his parent; and
- (c) a least restrictive option is not available;

the Director shall make an application to the court for a custody care order.

(2) An application under subsection (1) shall be accompanied by a permanency plan which does not involve restoration and shall be submitted to the Court for its consideration.

(3) In preparing the permanency plan under subsection (2), the Director shall determine the type of placement which shall be suitable for the child.

(4) Where the court upon examination of the application and permanency plan made pursuant to this Part finds that the grounds upon which the application is made has been substantiated and it is necessary to provide the best interest of the child, the court shall grant the custody care order.

(5) A custody care order places a child in the custody of the Authority.

(6) Where a child is placed in the custody of the Authority, the Authority shall have the rights and responsibilities of a parent for the purposes of the care of the child and those duties shall be assessed and performed by any person caring for

the child until the custody care order is terminated by any action which results in the permanent placement of the child.

(7) For the purposes of this section “permanency plan” means a plan that aims to provide a child with a stable placement which offers long term security and that

- (a) has regard, in particular, to
 - (i) the environment of the placement being safe, nurturing, stable and secure;
 - (ii) the best interests of the child; and
 - (iii) the wishes of the child, this may include the retention by the child of relationships with people significant to the child, including his or her birth or adoptive parents, siblings, extended family, peers, family, friends and community;
- (b) meets the needs of the child; and
- (c) avoids the instability and uncertainty arising through a succession of different placements.

Recovery order

43.(1) A recovery order shall be made where it appears to the court that there is reason to believe that a child

- (a) has been unlawfully taken or is being unlawfully taken away from the person who has care responsibility for the child;
- (b) has run away or is staying away from the person who has care responsibility for him; or
- (c) is missing.

- (2) A recovery order shall
- (a) direct any person, who is in a position to do so, to produce the child to any of the following persons:
 - (i) any person specified in the order;
 - (ii) a police officer; or
 - (iii) the Director;
 - (b) authorise the removal of the child by any of the persons under paragraph (a), or
 - (c) authorise a police officer to enter premises specified in the order to search for the child.

Compulsory assistance order

44.(1) A compulsory assistance order shall be made for the purpose of providing assistance in the form of intensive care and support that is necessary to protect the child from suicide or any other life threatening or serious self destructive behaviour.

- (2) The court shall make a compulsory assistance order where
- (a) the child will receive treatment, therapy or other services that will assist the child to deal with the problems that have led the child to be a danger to himself;
 - (b) the programme offered to the child is likely to lead to a significant improvement in his circumstances; and
 - (c) the necessary resources have been allocated by the person who will be required to provide intensive supervision of the child.
- (3) A compulsory assistance order shall provide for the following matters:
- (a) the person who is to be responsible under the order for the child;
 - (b) the place at which the child is to reside;

- (c) a description of the therapeutic programme and other support to be provided to the child;
- (d) the maintenance of 24 hour supervision of the child;
- (e) the duration of the order; and
- (f) such other matters as the court may determine.

Support services order

45.(1) The court may make an order directing a person or child care centre named in the order to provide support for a child.

- (2) The court shall not make an order under subsection (1) unless
- (a) it gives notice of its intention to consider making the order to the person or child care centre who would be required to provide support under the order;
 - (b) the person or child care centre is given an opportunity to appear and be heard by the court before the court makes that order;
 - (c) the person or child care centre consents to the making of the order; and
 - (d) the views of the child in relation to the proposed order have been taken into account having regard to the age and maturity of the child.
- (3) The court may require the submission of a report by such person or child care centre detailing
- (a) the progress or outcome of the supervision; and
 - (b) whether the purpose of the supervision has been achieved.

Counselling or treatment order

46.(1) A counselling or treatment order shall be made for the purpose of providing counselling, therapy or any form of treatment necessary for the well-being of the child.

- (2) The court may make an order requiring
 - (a) a child to attend counselling, a therapeutic or treatment programme relating to an abusive behaviour; and
 - (b) the parent of the child to take whatever steps are necessary to enable the child to participate in counselling, a therapeutic or treatment programme.
- (3) The court shall not make an order under this section
 - (a) if the child is or has been the subject of criminal proceedings arising from the same abusive behaviour; or
 - (b) unless the court has been presented with and has considered the provisions of a plan that outlines the therapeutic programme proposed for the child.

Contact order

47. Where a child is the subject of proceedings before a court, the court may, on an application made by any party to the proceedings, make an order for the following:

- (a) stipulating minimum requirements concerning the frequency and duration of contact between the child and his parent, relatives or other persons of significance to the child;
- (b) requiring that contact with a specified person be supervised;
- (c) denying contact with a specified person if contact with that person is not in the best interest of the child;
- (d) requiring that contact be supervised by the Director.

Order to accept undertakings

48.(1) Where parents make or agree to an undertaking in relation to the proper care and guardianship of a child, the court may make an order to accept such undertaking.

- (2) An undertaking shall be in writing and signed by the person who gives the undertaking.
- (3) The Director may, at any time, discharge a child from its care with or without an undertaking being given by the parent of the child.
- (4) In determining whether or not to exercise the power under subsection (3), the Director shall have regard to the following:
 - (a) any views expressed by the child as to whether he wishes the power to be exercised;
 - (b) any views expressed by the child as to whether he intends to return to the care and under the protection of his parents; and
 - (c) whether the exercise by the Director of that power is likely to protect the safety, welfare and well-being of the child.

Provision of accommodation

- 49.(1) The Authority may support, provide, equip and maintain a child care centre for the accommodation of children in its care.
- (2) The Authority may discharge its functions under this section by making arrangements with private bodies for the accommodation of children in its care.

Maintenance of children

- 50.(1) The Director may arrange with the parents of a child for a contribution according to their means towards the maintenance of the child who is in the care of the Authority.
- (2) Where an agreement cannot be reached in relation to subsection (1), the Director may apply to the court for an order for the maintenance of the child, having regard to the means of the parent.
- (3) Where a person, other than the parent is liable to maintain a child, an order under this section may be made against that person.

- (4) The court may direct that any amount payable under this section is paid to the Director.
- (5) An order made under this section shall remain in force as long as the child is in the care of the Authority.
- (6) A person may, at any time, apply to the court to vary or discharge an order made under this section.

PART V

CHILD CARE CENTRES

Principles guiding the operation of child care centres

51. A decision made under this Part shall be made in accordance with the following principles:

- (a) the best interests of the child shall be of paramount consideration;
- (b) a child care centre shall provide care that is safe, positive and nurturing;
- (c) a child care centre shall promote the educational, social and developmental well being of a child; and
- (d) a child shall receive services that meet his individual needs, including the needs of a child with a disability, and enhance his or her physical, emotional, cognitive, social and cultural development.

Foster care

52.(1) Where an order made by a court under this Act, the Director may place the child with a person who is willing to undertake the care and protection of the child.

(2) An application to foster a child shall be made to the Director in the prescribed form.

- (3) Foster care placements shall be made in accordance with such regulations as may be prescribed.
- (4) A foster parent shall have care responsibility for the child.
- (5) Where a foster child
 - (a) leaves a foster home; or
 - (b) is unlawfully taken from a foster home,
 the foster parent shall immediately notify the Director.
- (6) A person shall not induce or attempt to induce a child to
 - (a) leave a foster home; or
 - (b) remain away from or not return to a foster home.
- (7) A person who contravenes subsection (2), (3), (5) or (6) is guilty of an offence and is liable on summary conviction of \$25 000 or to imprisonment for a term of 5 years or to both.

Approved child care centres

53. The Minister may grant approval for child cares in accordance with such regulations as may be prescribed.

Purpose of approved child care centre

- 54.(1) An approved child care centre shall provide substitute family care for a child until such time as
- (a) the parent is able to provide adequate care to meet the basic needs of the child; or
 - (b) the child can be reunited with his family or arrangements are made for the custody or other permanent placement of the child.
- (2) The staff of the approved child care service and the Director shall assist the child to become reunited with his parent.

(3) Where a child has been returned from an approved child care centre, the Director shall keep in regular contact with the child and his family until the completion of any order made under this Act or until the discharge of that order.

Delegated care responsibility at approved child care service

55. Where a child has been placed in an approved child care centre pursuant to the provisions of this Act, the child care centre shall have delegated care responsibility for the child.

Contact with parents and relatives

56.(1) The approved child care centre and the Director shall maintain contact

(a) with the parent or relatives of the child in the approved child care centre; and

(b) between the child and the parent or relatives of the child.

(2) A person shall not remove a child from an approved child care centre without the consent of the manager of the centre.

(3) A person shall not induce or attempt to induce a child to

(a) leave a child care centre; or

(b) remain away from, or not return to a child care centre.

(4) Where a child

(a) leaves an approved child care centre; or

(b) is unlawfully taken from a approve child care centre,

the manager of the centre shall immediately notify the Director.

(5) A person who contravenes subsection (2), (3) or (4) is guilty of an offence and is liable on summary conviction of \$25 000 or to imprisonment for a term of 5 years or to both.

Application for a recovery order

57.(1) Where a child

- (a) leaves a foster home or a child care centre; or
- (b) is unlawfully taken from a foster home or a child care centre,

the Director, the foster parent or the manager of a child care centre may apply for a recovery order under section 43.

(2) Where a child leaves a foster home or a child care centre, the court shall

- (a) order the Director to conduct an investigation into the reasons for the child leaving the foster home and a child care centre; and
- (b) pending the investigation under paragraph (a) place the child into a place of safety to be determined by the Director.

(3) The findings of the investigation conducted by the Director pursuant to subsection (2)(a) shall be submitted to the court within 2 months of the order made under subsection (2)(a).

(4) Upon receipt of the findings of the Director from the investigation conducted pursuant to subsection (3) the court shall make the order or make the decision required in the circumstances.

Order to contribute

58.(1) The court may order a parent of a child placed in a child care centre to contribute towards the maintenance of the child.

(2) The amount contributed pursuant to subsection (1) shall be reasonable and within the means of the parent and may be varied by the court if there is a change in the circumstances of the

- (a) parent; or
- (b) child.

(3) An order for contribution made under subsection (1) shall remain in force as long as the child is in the child care centre, but a parent contributing may, at any time, apply to the court for the order to be varied or discharged on the ground that the circumstances have changed since the order was made.

Corporal punishment in child care centres

59.(1) Corporal punishment, severe or frightening measures shall not be inflicted on a child placed in a child care centre in accordance with the provisions of this Act.

(2) A person who imposes corporal punishment, severe or frightening measures on a child placed in a child care centre is guilty of an offence and is liable on summary conviction of \$10 000 or to imprisonment for a term of 2 years or to both.

PART VI

OFFENCES

Unsupervised or unattended child

60.(1) Any person having the care, custody or control of a child under 12 years of age who leaves the child unsupervised or unattended for an unreasonable period of time without making reasonable provision for the supervision and safety of the child is guilty of an offence and liable on summary conviction to a fine of \$25 000 or to imprisonment for a term of 5 years or to both.

(2) For the purpose of this section, “unsupervised or unattended” refers to a situation where a child is engaged in behaviour or activity which may be considered potentially dangerous to himself or others in a setting where no evidence of adult supervision exists.

Cruelty to children

61. A parent or any person over the age of 18 years who having the custody, charge or care of any child

- (a) abuses or exposes a child to abuse;
- (b) exposes a child to danger;
- (c) fails to protect a child from abuse;
- (d) abandons or deserts a child;
- (e) neglects a child;
- (f) mistreats a child; or
- (g) causes, whether by act or omission, a child to be in need of protection,

is guilty of an offence and is liable on summary conviction to a fine of \$100 000 or to imprisonment for a term of 10 years or to both.

Personation

62. A person who personates a member of the Board, the Director or a member of the staff of the Authority is guilty of an offence and is liable on summary conviction to a fine of \$10 000 or to imprisonment for a term of 2 years or to both.

Obstruction

63. A person who obstructs or threatens the Director or a member of staff of the Authority while executing his duty under this Act is guilty of an offence and is liable on summary conviction to a fine of \$25 000 or to imprisonment for a term of 5 years or to both.

PART VII

MISCELLANEOUS

Exemption from duties and taxes

64. Notwithstanding any other enactment, the Authority is exempt from the payment of

- (a) customs duties and any other duties or taxes on goods imported for its own use;
- (b) any tax in respect of lands owned by the Authority;
- (c) stamp duty on its documents; and
- (d) income tax and any other tax imposed on income or profits of persons.

Regulations

65. The Minister may make Regulations generally for the purposes of giving effect to this Act.

Amendment of Schedule

66. The Minister may by order amend the *First Schedule*.

Savings and transitional

67.(1) With effect from the commencement of this Act

- (a) any contract entered into, by or on behalf of the Child Care Board, shall be deemed to have been entered into, by or on behalf of the Authority;
- (b) any right, privilege, duty or obligation conferred or imposed on the Child Care Board, and existing immediately before the commencement of this Act, shall be deemed to be conferred or imposed on the Authority;

- (c) the services of a person who immediately before the commencement of this Act was employed by the Child Care Board, and who is employed by the Authority, shall be treated as continuous for purposes of calculating pensionable service;
 - (d) all assets and liabilities of the Child Care Board are deemed to be transferred to the Authority; and
 - (e) any powers and remedies as to the taking and resisting of legal proceedings for the ascertaining, perfecting or enforcing of all rights or liabilities vested in the Child Care Board before the commencement of this Act shall be deemed to be conferred or imposed on the Authority.
- (2) Subject to this Act, the officers and other employees who, immediately before the commencement of this Act, were members of the staff of the Child Care Board established by the former Act shall upon that date comprise the staff of the Authority.
- (3) The officers and employees referred to in subsection (2) shall retain all rights in respect of pension, gratuity or other like benefit accruing to them immediately before the commencement of this Act.
- (4) Private child care centres registered under the former Act shall continue to function as if they were registered under this Act.

Repeal and savings

68.(1) The following Acts are repealed:

- (a) the *Child Care Board Act*, Cap. 381;
 - (b) the *Prevention of Cruelty Act*, Cap. 145;
 - (c) the *Protection of Children Act*, Cap. 146A; and
 - (d) the *Young Persons Protection Act*, Cap. 193.
- (2) The
- (a) *Child Care Board Regulations, 1985* (S.I. 1985 No. 39); and

- (b) *Child Care Board (Private Child Care Centres) Regulations, 1986*
(S.I. 1986 No. 69)

shall remain in force as if made under this Act in so far as they are not inconsistent with this Act, until revoked by any regulation made under this Act.

Consequential amendments

69. The enactments set out in Column 1 of the *Second Schedule* are amended in the manner specified in Column 2 of the *Second Schedule*.

Commencement

70. This Act shall come into operation on a date to be fixed by proclamation.

FIRST SCHEDULE*(Section 10)**Constitution and Procedure of the Child Protection Board***Constitution of Board**

1. The Board shall comprise
 - (a) a Chairman and Deputy Chairman; and
 - (b) such other members as the Minister may appoint by instrument in writing.

Temporary appointment of Board

2. The Minister may, in accordance with paragraph 1(b), appoint any person to act temporarily in the place of any director who is absent from Barbados or is unable to act.

Tenure

- 3.(1) A director holds office for such period as the Minister determines unless he resigns or his appointment is revoked before the end of that period.
- (2) Every director is, on the expiration of the period of his appointment, eligible for re-appointment for a further period.
- (3) Where a vacancy is created by the death, resignation or removal from office of a director, a person may be appointed in accordance with paragraph 1(b) to fill that vacancy.

Resignation of Chairman and Deputy Chairman

4. The Chairman or Deputy Chairman may at any time resign his office by instrument in writing addressed to the Minister and, upon the receipt by the Minister of the instrument, the Chairman or Deputy Chairman ceases to be

Chairman or Deputy Chairman and, if the instrument so specifies, also ceases to be a director.

Resignation of Director

5. A director, other than the Chairman or Deputy Chairman may at any time resign his office by instrument in writing addressed to the Minister and transmit the instrument through the Chairman and, from the date of the receipt by the Minister of the instrument, the director ceases to be a director.

Automatic termination of membership

6. Any director who fails, without reasonable excuse, to attend 3 consecutive meetings of the Board ceases to be a director and is not eligible for appointment to the Board until the expiry of 3 years from the date when he ceased to be a director.

Revocation of membership

7. The Minister may at any time by instrument in writing revoke the appointment of any director.

Notice in *Official Gazette*

8. The appointment and the cessation of appointment of a director shall be notified in the *Official Gazette*.

Seal

9.(1) The seal of the Board shall be kept in the custody of the Chairman or Deputy Chairman, or such officer of the Board as the Board approves, and may be affixed to documents or instruments pursuant to a resolution of the Authority in the presence of the Chairman or Deputy Chairman and the Secretary.

(2) The seal of the Board shall be authenticated by the signature of the Chairman and the Secretary.

(3) All documents or instruments, other than those required by law to be under seal, and all decisions of the Authority may be signified under the hand of the Chairman or Deputy Chairman.

Meetings

10. The Board shall meet at least once a month and at such other times as may be necessary or expedient for the transaction of its business.

Special meetings

11. The Chairman or, in the event of his absence from Barbados or inability to act as such, the Deputy Chairman may at any time call a meeting of the Board and shall call a meeting within 7 days of

- (a) the receipt by him of a request for that purpose addressed to him in writing and signed by 3 other directors;
- (b) receiving a direction to that effect addressed to him in writing and signed by the Minister.

Presiding at meetings

12. The Chairman or, in his absence, the Deputy Chairman shall preside at all meetings of the Board and, in the case of the absence of both, the directors present and constituting a quorum shall elect a temporary Chairman from among their number who shall preside at the meeting.

Quorum

13. The majority of the directors shall constitute a quorum.

Decisions

14. The decisions of the Board shall be by a majority of votes and, in any case in which the voting is equal, the Chairman, the Deputy Chairman or temporary Chairman presiding at the meeting has, in addition to an original vote, a second or casting vote.

Minutes

15.(1) Minutes in proper form of each meeting shall be kept by the Secretary or such officer as the Board appoints for the purpose and shall be confirmed in writing at the next meeting by the Chairman or Deputy Chairman.

(2) Confirmed minutes of meetings shall be submitted to the Minister within one month of the date of the meeting at which they were confirmed.

Attendance of non-members at meetings

16.(1) The Chairman may invite any person to attend a meeting of the Board where the Board considers it necessary to do so.

(2) A person referred to in subparagraph (1) may take part in the deliberations of the Board but shall not vote on any matter.

Appointment of committees

17.(1) The Board may appoint committees to assist with the proper discharge of its functions subject to such conditions or restrictions as the Board imposes.

(2) The number of members of a committee appointed by the Board and the terms of office of the members shall be fixed by the Board.

(3) A committee appointed by the Board under this paragraph may include persons who are not directors but such persons shall not comprise more than one third of the membership of the committee.

Remuneration

18. Where a person other than a director is appointed to a committee under paragraph 17, the Board may, with the approval of the Minister, determine the remuneration and allowances to be paid to that person.

Validity of decisions of the Board

19. Any act done or proceeding taken by the Board under this Act or any regulations made thereunder may not be questioned on the ground of

- (a) the existence of any vacancy in the membership of or of any defect in the constitution of the Board;
- (b) any omission, defect or irregularity that does not affect the merits of the case.

SECOND SCHEDULE

(Section 69)

CONSEQUENTIAL AMENDMENTS

Column 1	Column 2
<i>Enactments</i>	<i>Amendments</i>
1. <i>Adoption Act</i> , Cap. 212	1. Section 2 is amended by inserting the following in the appropriate alphabetical order: "Director" means the Director of Child Protection appointed in accordance with section 12 of the <i>Child Protection Act, 2023</i> (Act 2023-);". 2. All references to the words "Child Care Board" are deleted and the word "Director" is substituted. 3. Section 12 is deleted.
2. <i>Education Act</i> , Cap. 41	Insert immediately after section 53: "Day Nurseries 53A.(1) All day nurseries shall be under the control and management of the Minister. (2) All day nurseries shall be maintained out of moneys voted by Parliament. (3) Corporal punishment, severe or punishing measures shall not be inflicted on a child attending a day nursery.

Second Schedule - (Concl'd)

CONSEQUENTIAL AMENDMENTS - (Concl'd)

Column 1	Column 2
<i>Enactments</i>	<i>Amendments</i>
2. <i>Education Act</i> , Cap. 41 - (Concl'd)	(4) A person who contravenes subsection (3) is guilty of an offence and is liable on summary conviction to a fine of \$10 000 or to a term of imprisonment for 2 years or to both. (5) The Minister may make regulations in respect of the control and management of day nurseries. (6) For the purposes of this section "day nursery" means an establishment or place providing temporary care, training or guidance for a child between the ages of 3 months to 5 years. (7) This section shall come into operation on a date to be fixed by Proclamation."
3. <i>Public Finance Management Act</i> (Act 2019-1)	The <i>First Schedule</i> is amended by deleting paragraph 9 and substituting the following: "9. Child Protection Authority".
4. <i>Statutory Boards (Pensions) Act</i> , Cap. 384	1. The <i>First Schedule</i> is amended in paragraph 7 by deleting the words "Child Care Board" and substituting the words "Child Protection Authority". 2. The <i>Second Schedule</i> is amended by deleting paragraph 7 and substituting the following: "The Child Protection Authority established by the <i>Child Protection Act, 2023</i> (Act 2023-).".

Read three times and passed the House of Assembly this
day of _____, 2023.

Speaker

Read three times and passed the Senate this _____ day of
_____, 2023.

President

PARLIAMENT

FIRST SESSION OF 2022-2027

BILL

cited as the Child Protection Act,
2023

Government Printing Department



BARBADOS

ANIMAL HEALTH AND VETERINARY PUBLIC HEALTH ACT, 2023–1

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FIRST SCHEDULE

Notifiable diseases for terrestrial animals

SECOND SCHEDULE

Notifiable diseases for aquatic animals

BARBADOS

I assent
S. MASON
President of Barbados
10th February, 2023.

2023–1

An Act to provide for the establishment of a Veterinary Authority to regulate terrestrial and aquatic animal health in Barbados by the implementation of animal health and animal welfare standards in accordance with the World Organization for Animal Health; and for related matters.

[Commencement: by Proclamation]

ENACTED by the Parliament of Barbados as follows:

PART I

PRELIMINARY

Short title

1. This Act may be cited as the *Animal Health and Veterinary Public Health Act, 2023*.

Interpretation

2. In this Act,

“animal” means a terrestrial or aquatic animal, including semen, ova and embryos;

“animal carcass” includes the carcass and meat of an animal and such of its offal as are intended for human or animal consumption;

“animal feed” means anything that is capable of being used as a nutrient for animals and includes any of the constituent elements of an animal ration;

“animal health status” means the status of a country or a zone with respect to an animal disease in accordance with the criteria listed in the WOAHP Terrestrial Animal Health Code dealing with the disease;

“animal identification” means the combination of the identification and registration of an animal

(a) individually, with a unique identifier; or

(b) collectively by its epidemiological unit or group, with unique group identifier;

“animal product” means any material derived from the body of an animal;

“animal-related item” includes,

(a) animal fodder;

- (b) litter manure or other waste;
- (c) any packaging, container, equipment or other appliances; or
- (d) animals and other objects or material,

that is capable of harbouring or spreading animal diseases;

“animal traceability” means the ability to follow an animal or group of animals during all stages of its life until euthanasia, slaughter or death;

“aquaculture establishment” means a facility in which aquatic animals for breeding, stocking or marketing are raised or kept

- (a) for farming purposes;
- (b) for release into the aquatic environment; or
- (c) for human consumption;

“aquatic animal” means all life stages, including egg and gamete, of fish, molluscs crustaceans and amphibians

- (a) originating from an aquaculture establishment; or
- (b) removed from the wild, for farming purposes, for release into the aquatic environment or for human consumption;

“aquatic animal health certificate” means a certificate, issued in conformity with the provisions of the WOAHA Aquatic Animal Health Code, describing the aquatic animal health or public health requirements that should be fulfilled prior to the export of the commodity;

“aquatic animal product” means a non-viable aquatic animal and product derived from an aquatic animal, and includes fresh fish, processed whole fish or edible products of fish that have been subjected to treatment such as cooking, drying, salting, brining, smoking or freezing;

“aquatic zone”

- (a) means a clearly defined part of the aquatic environment of Barbados containing an aquatic animal subpopulation with a distinct health status

with respect to a specific disease for which required surveillance, control and animal health measures are applied; and

(b) includes an aquaculture establishment and aquaculture site;

“captain” includes the master or person in charge or control of a vessel;

“compartment” means an animal subpopulation contained in one or more establishment under a common biosecurity management system with a distinct health status with respect to a specific disease for which required surveillance, control and biosecurity measures have been applied for the purpose of international trade;

“containment zone” means a defined zone around and including suspected or infected establishments, taking into account the epidemiological factors and results of investigations where control measures to prevent the spread of the infection are applied;

“detain” means to keep a consignment of animals, animal products or animal-related items in official custody or confinement as a sanitary measure;

“disease” means the clinical or pathological manifestation of infection or infestation;

“disinfection” means the application, after thorough cleansing, of procedures intended to destroy the infectious or parasitic agents of animal diseases, including zoonoses to

(a) premises;

(b) vehicles; or

(c) any object,

which may have been directly or indirectly contaminated;

“early detection system” means a system under the control of the Veterinary Authority for the timely detection and identification of an incursion or emergence of diseases or infections throughout Barbados or within a zone or compartment in Barbados;

“emerging disease” means a new occurrence in an animal of a disease, infection or infestation causing a significant impact on animal health or public health resulting from

- (a) a change of a known pathogenic agent or its spread to a new geographic area or species; or
- (b) a previously unrecognized pathogenic agent or disease diagnosed for the first time;

“establishment” means any premises in which animals are grown, kept or slaughtered;

“euthanasia” means the act of inducing death using a method that causes a rapid and irreversible loss of consciousness with minimum pain and distress to the animal;

“export” means to send any animal, animal product or animal-related item to a country outside Barbados;

“exporter” means any person who is in possession of or is entitled to the custody or control of an animal, animal product or animal-related item to be taken out of Barbados for arrival in another country;

“fallowing” means, for disease management purposes, an operation where an aquaculture establishment is emptied of

- (a) the aquatic animals
 - (i) susceptible to a disease of concern; or
 - (ii) known to be capable of transferring a pathogenic agent; or
- (b) the carrying water;

“free compartment” means a compartment where the animal pathogen causing the disease under consideration is absent and has met the requirements for free status specified in the WOAHP Code;

- “free zone ” means a zone where the disease under consideration is absent and has met the requirements for free status specified in the WOAH Code;
- “import” means to bring any animal, animal product or animal related item into Barbados from another country;
- “importer” means a person who, is in possession of or in any way is entitled to the custody or control of an animal, animal product or animal-related item that is landed or is likely to be landed in Barbados from a country outside Barbados;
- “infected zone” means a zone in which a disease is diagnosed;
- “inspection facility” means any premises established by, or under the oversight of, the Veterinary Authority for the purposes of the entry or exit of any animal, animal product or animal-related item into or out of Barbados;
- “inspector” means a person appointed or designated under section 10;
- “international veterinary certificate” means a certificate which describes the animal health requirements that are fulfilled by an exported animal, animal product or animal-related item;
- “killing” means any procedure that causes the death of an animal;
- “litter” means straw or any other substance commonly used as bedding or otherwise used in respect of animals;
- “Minister” means the Minister responsible for the Veterinary Authority;
- “notifiable disease” means a disease set out in the *First and Second Schedule*;
- “occupier” in relation to any land or building, means the person in actual occupation thereof, or if there is no person in actual possession, the owner of the land or building;
- “official control programme” means a programme which is approved and managed or supervised by the Veterinary Authority for the purpose of controlling a vector, pathogen or disease by specific measures applied throughout Barbados, or within a zone or compartment in Barbados;

“owner” means a person having for the time being the possession, custody or control of an animal, animal product or animal-related item;

“package” means any container, box, covering, wrapper or other thing in which an animal, animal product or animal-related item may be imported, exported, kept or conveyed from one point to another;

“port of entry” means an airport or seaport;

“port of exit” means an airport or seaport;

“premises” includes any building or other structure, permanent or otherwise, together with the land on which the same is situated and any adjoining land which is used for activities relating to animals, animal products or animal-related items;

“quarantine station” means an establishment under the control of the Veterinary Authority where animals are maintained in isolation with no direct or indirect contact with other animals,

(a) to prevent the transmission of a specified pathogen outside the establishment while the animals are undergoing observation for a specified length of time;

(b) to be tested; or

(c) to be treated.

“re-emerging disease” means a notifiable disease that

(a) has previously been present in the country;

(b) was subject to an official control programme;

(c) was eliminated; and

is diagnosed as being present again;

“risk analysis” means a process composed of hazard identification, risk assessment, risk management and risk communication in accordance with internationally accepted procedures and standards;

“risk assessment” means the processes of identifying and evaluating the risks associated with a commodity and evaluating the biological and economic consequences of those risks;

“sell” includes to offer, advertise, keep, store, display, transmit, consign, convey or deliver for sale, or to exchange or dispose of to any person in any manner whether for consideration or otherwise;

“slaughter” means any procedure that causes the death of an animal by bleeding;

“slaughterhouse” means the premises used for the slaughter of terrestrial animals for the production of meat and other products for human consumption;

“stray animal” means an animal that

- (a) is not under the direct control or ownership of a person; or
- (b) is not prevented from roaming;

“terrestrial animal” means a mammal, bird or bee;

“vector” means an organism that transmits pathogens or parasites from one infected animal or person to another animal or person;

“vehicle” means any vessel, aircraft, cart, container, motor vehicle, animal or other thing used to transport animals, animal products or animal-related items from one place to another;

“vessel” means any ship or aircraft;

“Veterinary Authority” means the competent authority for Barbados established under section 3;

“veterinary certificate” means a certificate, issued in conformity with WOAHC recommendations;

“veterinary medicinal product” means any product with an approved claim

- (a) to having a prophylactic, therapeutic or diagnostic effect when administered or applied to an animal; or

- (b) to alter physiological functions when administered or applied to an animal;

“veterinary paraprofessional” includes animal health assistants, meat inspectors, livestock inspectors or any other persons authorised by the Chief Veterinary Officer to carry out any designated tasks under the responsibility and direction of a veterinarian;

“WOAH” means the World Organization for Animal Health;

“WOAH Code” means the World Organization for Animal Health Terrestrial Animal Health Code and Aquatic Animal Health Code;

“WOAH Standard” means the Terrestrial Animal Health Code, the Manual of Diagnostic Tests and Vaccines for Terrestrial Animals, the Aquatic Animal Health Code and the Manual of Diagnostic Tests for Aquatic Animals, as adopted and published by the WOAH;

“zone” means

- (a) for terrestrial animals, a clearly defined part of a territory containing an animal subpopulation with a distinct health status with respect to a specific disease for which required surveillance, control and biosecurity measures have been applied for the purpose of international trade; or
- (b) for aquatic animals, a portion of one or more countries comprising
 - (i) an entire water catchment from the source of a waterway to the estuary or lake;
 - (ii) more than one water catchment;
 - (iii) part of a water catchment from the source of a waterway to a barrier that prevents the introduction of a specific disease or diseases;
 - (iv) part of a coastal area with a precise geographical delimitation; or
 - (v) an estuary with a precise geographical delimitation;

“zoonosis” means any disease or infection which may be transmitted from animals to humans.

PART II

ADMINISTRATION

Establishment of Veterinary Authority

3.(1) There is established a Veterinary Authority for Barbados which shall be the competent authority for the regulation of terrestrial and aquatic animal health in Barbados.

(2) The Veterinary Authority shall be responsible for the administration of this Act.

Chief Veterinary Officer

4.(1) The Chief Veterinary Officer shall be the head of the Veterinary Authority.

(2) The Chief Veterinary Officer shall be responsible for the day-to-day operations of the Veterinary Authority.

(3) The post of Chief Veterinary Officer shall be established in accordance with the *Public Service Act*, Cap. 29.

(4) The Chief Veterinary Officer shall be assisted by such staff, appointed in accordance with subsection (5), as is required for the purpose of carrying out the functions of the Authority under this Act.

(5) The offices of the staff required for the purposes of subsection (4) shall be established in accordance with the *Public Service Act*, Cap. 29.

Functions of the Veterinary Authority

5. The functions of the Veterinary Authority are as follows:
- (a) to prevent and control the entry, establishment or spread of notifiable, emerging or re-emerging diseases into Barbados;
 - (b) to establish lists of notifiable diseases for Barbados and to keep them current;
 - (c) to carry out inspections and certification of animals, animal products and animal-related items for export and issue a veterinary certificate relating to the health or to any period of quarantine of an animal in Barbados, and any other information as is required by a country importing an animal, animal product, or animal-related item from Barbados;
 - (d) to carry out activities to detect animal diseases and maintain current information on the animal health status for Barbados;
 - (e) to carry out inspections at any place where animals are held temporarily or permanently;
 - (f) to carry out ante-mortem and post-mortem inspections;
 - (g) to distribute information regarding notifiable animal diseases and the means of their prevention and control;
 - (h) to establish free zones and free compartments and designate infected zones and containment zones based on disease surveillance and control activities;
 - (i) to develop a system of requirements and controls for animals and animal products produced, imported, distributed and sold in Barbados;
 - (j) to provide for the early detection of and rapid response to animal disease outbreaks;

- (k) to develop and implement a system for animal identification and traceability;
- (l) to notify the WOAHA of outbreaks of notifiable diseases and comply with other international reporting requirements under regional and international bodies;
- (m) to participate in the work of the WOAHA and its subsidiary organizations, other international organizations, regional and non-governmental organizations;
- (n) to provide information regarding import requirements relating to the import and export of animals, animal products and animal-related items on request from any interested organization or person;
- (o) to inform and collaborate with the ministry responsible for public health on any actions required to mitigate an animal-related risk to public health;
- (p) to establish a system for the authorization and control of veterinary medicinal products;
- (q) to carry out risk analyses;
- (r) to evaluate the equivalence of sanitary measures taken by trading partners;
- (s) to impose quarantine where required;
- (t) to prescribe animal welfare requirements;
- (u) to regulate animal feed, including feed ingredients of animal origin and feed ingredients containing veterinary medicinal products;
- (v) to ensure that ministries and departments of Government, statutory bodies and private organizations have access to required animal health diagnostic and analytical capabilities;
- (w) to train inspectors;

- (x) to develop manuals, standard operating procedures and other guidelines for the effective implementation of its duties; and
- (y) to recommend to the Minister the quarantine stations, ports of entry, ports of exit, official and reference laboratories to be used for the purposes of this Act.

Delegations and authorizations

6.(1) The Minister may, by order, delegate to the Chief Veterinary Officer, any power or function conferred or imposed on him under this Act except the power to make subsidiary legislation.

(2) The Chief Veterinary Officer may authorize any public or private veterinarian or veterinary paraprofessional to perform such of the functions of the Veterinary Authority, except the following functions:

- (a) official liaison duties with other ministries, foreign authorities or any responsibilities relating to notifications to trading partners;
- (b) the approval of standards, requirements, rules or sanitary measures; or
- (c) the designation of emergencies, free compartments, free zones, containment zones or infected zones.

(3) Where the Chief Veterinary Officer authorizes the functions of the Veterinary Authority in accordance with subsection (2), to be performed by any public or private veterinarian or veterinary paraprofessional, the authorization shall include the following:

- (a) the scope of any authorized functions to be performed including the duration and the geographic area to be covered by such services;
- (b) the remuneration arrangements;
- (c) reporting and record keeping requirements;
- (d) the means of supervision by the Veterinary Authority;

- (e) the minimum qualifications required to perform the authorized function; and
- (f) the conditions of withdrawal of authorizations including any evidence of conflicts of interest.

Designation of official and reference laboratories

7.(1) The Minister may, on the recommendation of the Chief Veterinary Officer, designate by notice, any diagnostic, research or other laboratory as

- (a) an official laboratory for the purposes of carrying out an analysis of official samples under this Act; or
- (b) a reference laboratory that
 - (i) performs the reference analyses on which all official analyses are based; and
 - (ii) conducts quality control analyses.

(2) A reference laboratory shall be used

- (a) for comparative testing in the case of conflicting results or contested results;
- (b) to collaborate with official laboratories in their area of competence;
- (c) to disseminate information relating to testing procedures to official laboratories;
- (d) to provide scientific and technical assistance to the Veterinary Authority for the implementation of this Act; and
- (e) to carry out such other duties as may be prescribed.

(3) A laboratory designated under subsection (1) shall be impartial and independent.

Designation of facilities

8. The Chief Veterinary Officer may, in consultation with the Minister, designate by notice areas, offices, laboratories or other premises for a specified purpose or generally for the administration of this Act.

Appointment of official veterinarians

9.(1) The Veterinary Authority may enter into a contract for services with such number of veterinarians as may be necessary for the purposes of this Act.

(2) Pursuant to subsection (1), a contract for service shall be at such remuneration and on such terms and conditions as the Minister thinks fit.

Appointment of inspectors

10.(1) There shall be inspectors for the purposes of this Act.

(2) The post of inspector shall be established in accordance with the *Public Service Act*, Cap. 29.

(3) Notwithstanding subsection (2), the Veterinary Authority may enter into a contract for services with such number of persons as may be necessary to be inspectors for the purposes of this Act.

(4) Where a person who is appointed as an inspector, in accordance with subsection (2), any actual or reasonably perceived interest in a matter or other action to be taken by the Veterinary Authority, whether such interest is direct or indirect that interest shall be communicated to the Chief Veterinary Officer, and where such interest is in conflict with the impartiality, integrity, objectivity or independence of an inspector, the *Third Schedule* to the *Public Service Act*, Cap. 29 shall apply.

(5) Where a person who is employed as an inspector under a contract for services in accordance with subsection (3), has any actual or reasonably perceived interest in a matter or other action to be taken by the Veterinary Authority, whether such interest is direct or indirect that interest shall be communicated to

the Chief Veterinary Officer, and where such interest is in conflict with the impartiality, integrity, objectivity or independence of an inspector, the contract shall be terminated.

Identification of inspectors

11.(1) The Chief Veterinary Officer shall issue an identification card to each person appointed as an inspector under section 10.

(2) An inspector shall have in his possession at all times the identification card issued under subsection (1) and, in the course of performing an enforcement action under this Act, shall produce that identification card to all relevant persons.

Review and audit

12.(1) The Veterinary Authority shall arrange for its own performance to be subject to review, evaluation and audit by an external body or shall carry out a self-audit.

(2) The Veterinary Authority shall periodically review the effectiveness of the sanitary measures issued under this Act every 3 years.

(3) The Veterinary Authority shall in collaboration with any entity responsible for agricultural health and food control

(a) monitor and evaluate the implementation of this Act; and

(b) set out the conclusions from the evaluation conducted under paragraph (a) in a report.

(4) The first report prepared under this section shall be published no later than 5 years after this Act comes into force and thereafter shall be published at intervals not exceeding 3 years.

PART III

CONTROL OF ANIMAL DISEASES AND ZOOONOSES

Lists of notifiable diseases

13.(1) The Veterinary Authority shall develop and maintain a list of notifiable diseases based on risk analyses for

- (a) terrestrial animals; and
- (b) aquatic animals.

(2) The *First Schedule* and *Second Schedule* apply for the purposes of subsection (1).

Surveillance and animal health status

14.(1) The Veterinary Authority shall establish a surveillance system for notifiable or other animal diseases to demonstrate the absence or distribution of a disease.

(2) The Veterinary Authority shall determine, report on and make available to the public, the animal health status of Barbados with respect to animal diseases.

Early detection system

15.(1) The Veterinary Authority shall establish an early detection system to detect animal diseases which shall have, at minimum, the following characteristics:

- (a) a representative coverage of target animal populations;
- (b) an effective disease investigation and reporting system; and
- (c) laboratories capable of diagnosing and differentiating relevant diseases.

(2) An effective disease investigation and reporting system referred to in subsection (1)(b) shall include the participation of the following persons to detect and report unusual animal health incidents:

- (a) veterinarians, veterinary paraprofessionals, livestock owners and other stakeholders involved in the management and handling of terrestrial animals;
- (b) fish inspectors and any other person involved in the handling of aquatic animals; and
- (c) owners and operators of abattoirs.

(3) Where a person detects or suspects the presence of a notifiable disease he shall report the disease and symptoms directly to the Veterinary Authority or to the nearest representative of the Veterinary Authority as soon as may be reasonably practicable.

(4) A person who

- (a) should reasonably have known of or suspected that a notifiable disease is present in an animal; and
- (b) failed to report in accordance with subsection (3),

is guilty of an offence and liable on summary conviction to a fine of \$10 000 or to imprisonment for a term of 6 months.

(5) The Veterinary Authority shall establish requirements and lines of reporting for a chain of command for the detection, response and reporting of terrestrial and aquatic animal diseases and animal health hazards.

Suspicion of notifiable disease

16.(1) Where an inspector suspects that a notifiable disease or an emerging disease may be present in any premises or area, he

- (a) shall issue to the owner or occupier of the premises, without delay, a written notice that specifies the provisional measures that shall be taken in order to prevent the spread of the disease;
- (b) may issue to the owner or occupier of any adjacent premises, a written notice that specifies the provisional measures that shall be taken in order to prevent the spread of the disease; and
- (c) shall provide a copy of any notices issued in accordance with paragraph (a) or (b) to the Veterinary Authority.

(2) Where an inspector issues a notice of provisional measures in accordance with subsection (1), that notice shall be subject to confirmation by the Chief Veterinary Officer who shall conduct an investigation taking into account the collection and testing of samples taken by the inspector.

(3) Where the Chief Veterinary Officer confirms the presence of a notifiable disease or an emerging disease, the Veterinary Authority shall issue a written notice to the owner or person in charge of the premises stating the measures that are to be taken and the time within which those measures are to be implemented to prevent the spread of the disease.

Declaration of infected area

17.(1) Where the presence of a notifiable disease or an emerging disease is confirmed in accordance with section 16(3), the Minister, on the advice of the Chief Veterinary Officer, shall by order declare an area to be infected with a specified disease and shall specify

- (a) the limits of the infected area and, where necessary, a buffer zone;
- (b) the duties of persons in the area; and

- (c) any restrictions or prohibitions of the movement of animal products or animals of the species affected by the disease, into or out of the area.
- (2) Where a declaration has been made in accordance with subsection (1), the Chief Veterinary Officer shall, as the case requires,
 - (a) inform the competent authority for veterinary matters in the countries with which Barbados trades of the status of the infected area;
 - (b) notify and collaborate with the ministry responsible for public health in the case of zoonotic and emerging diseases;
 - (c) review the issuance of any veterinary certificates in light of the requirements of countries to which Barbados exports;
 - (d) suspend the issuance of veterinary certification for exports.
- (3) The Veterinary Authority shall carry out operational activities to contain and eradicate the disease according to the animal disease contingency plan developed in accordance with section 19.
- (4) The Chief Veterinary Officer shall advise the Minister on any matters arising from the declaration including revisions, modified measures, extensions and revocations as necessary.

Revocation of declaration of an infected area

- 18.(1)** Where the Chief Veterinary Officer determines that the circumstances that gave rise to the declaration of an infected area are no longer present, he shall recommend to the Minister that the order made pursuant to section 17(1), declaring the area to be an infected area, be revoked.
- (2) Where the Minister revokes an order pursuant to subsection (1), the Chief Veterinary Officer shall issue a notice to the owner or occupier of the affected area or premises stating that the order has been revoked.

Animal disease contingency plans

- 19.(1)** The Veterinary Authority may, in relation to notifiable diseases,
- (a) develop animal disease contingency plans for emergencies affecting animal health; and
 - (b) apply animal disease control procedures that are consistent with WOAHA guidelines.
- (2) An animal disease contingency plan for notifiable diseases shall
- (a) be based on risk management;
 - (b) take into account
 - (i) the different disease control strategies available;
 - (ii) the implications of the use of different control strategies; and
 - (iii) the most appropriate strategy based on different circumstances or disease outbreak scenarios.
- (3) An animal disease contingency plan for notifiable diseases shall include
- (a) the special and temporary measures to address all identified risks to human and animal health;
 - (b) the administrative and logistic organization of the institutions and the persons responsible for responding to a disease outbreak;
 - (c) the command structure for mounting a response, including the duty of the Veterinary Authority to provide technical direction and co-ordination and relevant information to involved entities including public and private stakeholders; and
 - (d) the specific measures needed to address any risks to human and animal health, including measures for the humane destruction of animals and the disposal of carcasses and animal parts in a biosecure manner.

- (4) The Veterinary Authority shall
- (a) develop training programmes to ensure that the capacity for disease diagnosis and control are maintained; and
 - (b) undertake notifiable disease simulation exercises to test the effectiveness of the contingency plans and to maintain readiness for an emergency disease response.

Declaration of animal disease emergency

20.(1) The Minister, on the advice of the Chief Veterinary Officer, shall by order, declare an animal disease emergency where the Chief Veterinary Officer has confirmed that there is an outbreak resulting from any of the following situations which require an elevated response by the Veterinary Authority:

- (a) a notifiable disease;
 - (b) an emerging disease of national or international concern; or
 - (c) a re-emerging disease of national or international concern.
- (2) With respect to subsection (1), the Veterinary Authority shall implement the appropriate animal disease contingency plan.
- (3) The declaration of an animal disease emergency shall be based on
- (a) the detection of the specific notifiable diseases listed in the *First Schedule* or *Second Schedule*; or
 - (b) a technical evaluation carried out by the Veterinary Authority that provides scientific justification for the elevated response.
- (4) A declaration order relating to an animal disease emergency shall
- (a) initiate the activation of the relevant animal disease contingency plan;
 - (b) be limited to the extent necessary to minimize the threat;
 - (c) be for such a period as shall be prescribed in the declaration; and
 - (d) be subject to periodic review and evaluation.

- (5) Any animal health measures approved by the Veterinary Authority in the case of an animal disease emergency shall
- (a) be proportionate to the threat that gave rise to the declaration of the emergency;
 - (b) be published in the *Official Gazette*; and
 - (c) be disseminated by available electronic and other means to ensure that stakeholders are informed of the risks, requirements and obligations.
- (6) The Minister shall on the advice of the Chief Veterinary Officer, revoke the order declaring an animal disease emergency, where the circumstances that gave rise to the threat no longer justify the continuing status of an emergency.
- (7) The Chief Veterinary Officer shall notify and collaborate with the Chief Medical Officer in the case of an outbreak of a zoonotic and emerging disease.
- (8) The Minister, on the advice of the Chief Veterinary Officer, may request assistance from ministries and departments of Government, statutory bodies and private organizations to respond to the animal disease emergency in accordance with the policies of the Veterinary Authority on the control of animal diseases.

Designation of containment zones, free zones and free compartments

21. Where the Veterinary Authority has established the necessary measures to set up a free zone, containment zone or free compartment, the Minister, on the advice of the Chief Veterinary Officer, shall by order declare a zone to be a free zone, free compartment or a containment zone, as the case may be.

Control measures

22. For the purposes of controlling or eradicating animal diseases and to prevent the introduction or spread of animal diseases, the Veterinary Authority may

- (a) prohibit or regulate the movement of animals, animal products, animal-related items, persons and vehicles, within, into or out of an infected area or zone, free zone or containment zone;
- (b) provide for the establishment of compartments and associated control measures;
- (c) seize, treat or dispose of animals, animal products or animal-related items;
- (d) order the seizure, treatment or disposal of animals, animal products or animal-related items;
- (e) apply biosecurity measures including sanitation and disinfection of premises, vaccination schemes and movement control.

Movement permit

23.(1) No person shall, without a permit issued by an inspector,

- (a) remove from an infected area, infected zone, containment zone or compartment, any animal, animal product or animal-related item or other thing covered under a movement restriction or prohibition in accordance with section 22; or
- (b) take into a disease-free zone or compartment, any animal, animal product or animal-related item or other thing covered under a movement restriction or prohibition in accordance with section 22.

(2) Where an inspector has reasonable grounds to believe that an animal, animal product, animal-related item or other thing has been moved in contravention of subsection (1), the inspector may

- (a) seize the animal, animal product or animal-related item or other thing, where there is an animal health risk;
- (b) return the animal, animal product or animal-related item or other thing to an infected zone, infected area, compartment or containment zone;
- (c) remove the animal, animal product or animal-related item or other thing from an infected zone, infected area, compartment or containment zone;
- (d) move the animal, animal product or animal-related item or other thing to any other place;
- (e) require the owner of the animal, animal product or animal-related item or other thing to return or remove it to or from an infected zone, infected area, compartment or containment zone or to move it to any other place; or
- (f) take any other measure required to manage any risks to the animal or to public health.

(3) The inspector shall issue a notice stating the measures taken under subsection (2) specifying the period within which and the manner in which the animal, animal product or animal-related item is to be returned, removed or moved.

(4) The notice issued under subsection (3) shall be served personally on the owner or the person having the possession, care or control of the animal, animal product or animal-related item or other thing.

Management of animals affected by a notifiable disease

24. Any person having in his possession or under his care an animal that is suffering or suspected of suffering from a notifiable disease shall

- (a) keep the animal separate from other animals which are not diseased or suspected of being diseased; and
- (b) report the disease and symptoms directly to the Veterinary Authority or to the nearest representative of the Veterinary Authority.

Disinfection

25.(1) Where the Chief Veterinary Officer has confirmed the presence of a notifiable disease, the Veterinary Authority shall determine the choice of disinfectants and the procedures for disinfection.

(2) The Veterinary Authority shall choose the disinfectants and the procedure for disinfection based on the following:

- (a) the nature of the premises, including aquaculture establishments;
- (b) the equipment;
- (c) the vehicles; and
- (d) any other object,

which is to be treated.

Killing of animals infected with a notifiable disease

26.(1) An inspector may cause

- (a) any animal infected or reasonably suspected of being infected with a notifiable disease; or
- (b) any animal which has been in the same place, facility, tank, herd, flock or group as an animal infected or reasonably suspected of being

infected with a notifiable disease, whether or not the place, facility, tank, or area has been declared to be an infected area or zone,

to be humanely killed in order to prevent the spread of an animal disease; and for that purpose, the inspector may give all necessary directions.

(2) An inspector may, for the purpose of observation and treatment, take possession of and retain any animal liable to be killed under this section, or order the removal of that animal to a place where control and observation may be carried out.

Disposal of dead animals

27.(1) An animal that is killed for the purpose of disease control or that dies as a result of infection with a notifiable disease, shall be destroyed, buried or otherwise properly disposed of in a manner that avoids the spread of pathogenic organisms.

(2) The destruction and disposal of an animal infected with a notifiable disease pursuant to subsection (1) shall be carried out as soon as practicable and in accordance with the directions issued by the Veterinary Authority.

(3) The Veterinary Authority shall collaborate with the ministries responsible for public health and the environment and any other organization, where required, for the disposal of dead animals.

(4) An animal that is killed for the purposes of disease control or that dies as a result of infection with a notifiable disease shall be regarded as not fit for human consumption.

Compensation

28.(1) The Minister may, on the advice of the Chief Veterinary Officer, out of monies voted for that purpose by Parliament, order compensation to be paid to owners of animals destroyed in order to achieve eradication, control or prevention of the further spread in Barbados or introduction into Barbados of a

notifiable animal disease, where the owners of such animals have complied with

- (a) orders and directions lawfully given; and
 - (b) the requirements of this Act.
- (2) The amount of compensation for each animal killed pursuant to section 26 shall not exceed the fair market value of the animal immediately before its destruction.
- (3) The amount of compensation may be reduced or refused where the owner or the person having charge of the animal has been found guilty of an offence under this Act.
- (4) No compensation shall be payable in respect of an animal that is imported and subsequently dies or is compulsorily euthanized while in a quarantine station.

PART IV

VETERINARY PUBLIC HEALTH

Veterinary medicinal products

- 29.(1)** No veterinary medicinal product shall be imported, offered for sale, advertised, distributed or used in Barbados unless it is registered by the Veterinary Authority.
- (2) Notwithstanding subsection (1), the Veterinary Authority may authorize the importation, sale, advertisement, distribution or use of unregistered veterinary medicinal products where,
- (a) there is an animal disease emergency declared under section 20 that justifies the importation, production or use of unregistered veterinary medicinal products;

- (b) the availability or affordability of registered veterinary medicinal products is recognized by the Veterinary Authority as insufficient to meet a veterinary need; or
 - (c) required for the purposes of testing, trials or research.
- (3) Subsection (1) shall not apply to traditional animal remedies which are prepared and administered in accordance with their customary usage.
- (4) The Veterinary Authority shall co-ordinate with the ministry responsible for public health on the registration and labelling of veterinary medicinal products.
- (5) The Veterinary Authority shall determine the standards and requirements for authorized uses, sale and prescription of veterinary medicinal products, including
 - (a) the categories of professionals that are entitled to prescribe veterinary medicinal products;
 - (b) the conditions and the forms to be used for veterinary prescriptions;
 - (c) the permitted uses, with special attention to minimizing or phasing out non-therapeutic uses;
 - (d) the obligations in relation to record-keeping and the provision of reports to the Veterinary Authority;
 - (e) the labelling, packaging and advertising of veterinary medicinal products;
 - (f) the distribution of veterinary medicinal products;
 - (g) the disposal of veterinary medicinal products and wastes from the manufacture or use of such products;
 - (h) the use of manure on crops from animals that have been treated with antimicrobials;

- (i) the time-frame within which animals may be slaughtered for human food after treatment with antimicrobials;
 - (j) the time-frame within which animal products may be distributed, after an animal is treated with antimicrobials;
 - (k) the advertising, sale, distribution and use of animal feed containing veterinary medicinal products, with special attention to antimicrobials, used in human medicine.
- (6) The Minister may, on the recommendation of the Chief Veterinary Officer,
 - (a) prohibit, at any time, the use of ingredients and substances to be used as veterinary medicinal products;
 - (b) prohibit, at any time, the use of ingredients and substances to be used for the production of veterinary medicinal products;
 - (c) prohibit or restrict non-therapeutic uses of antimicrobials; and
 - (d) co-ordinate with the ministry responsible for public health to establish the maximum residue levels of veterinary medicinal products in foods of animal origin and in animal feed used for animals for human consumption.
- (7) For the purposes of this Act, animal feed containing veterinary medicinal products shall be considered as a veterinary medicinal product.

Veterinary ante-mortem and post-mortem inspections

30.(1) The Veterinary Authority shall carry out veterinary ante-mortem and post-mortem inspections at slaughterhouses for the purposes of animal disease control and veterinary public health.

(2) Any person who operates a slaughterhouse facility shall comply with the required standards on location, design, operational systems, hygiene standards and other requirements for registration in accordance with the *Markets and Slaughterhouses Act*, Cap. 265.

- (3) Where the operator of a slaughterhouse facility fails to comply with the conditions of registration or with the requirements of this Act, an inspector shall
- (a) issue a notice stating that the facility fails to comply with conditions or with requirements established under this Act; or
 - (b) where such failure may result in an immediate risk to animal, human or environmental health, suspend the operations at the slaughterhouse facility and issue a notice to that effect.
- (4) Where the failure in subsection (3) creates a serious risk to animal health, animal welfare or public health, the inspector may recommend that the registration be revoked.
- (5) The Minister may, on the advice of the Veterinary Authority, make regulations for the following:
- (a) hygiene at slaughterhouses;
 - (b) animal welfare at slaughterhouses;
 - (c) inspections at slaughterhouses including ante-mortem and post-mortem inspections;
 - (d) the procedures and methods of the slaughter of animals;
 - (e) the procedures for cleaning, sanitation and disinfection at slaughterhouses;
 - (f) disease detection and control at slaughterhouses;
 - (g) the management of disease-related information at slaughterhouses; and
 - (h) any other matter relating to the slaughter of animals.
- (6) For the purposes of subsection (5), the Veterinary Authority shall collaborate with
- (a) the ministry responsible for public health to ensure that the requirements and inspections systems established meet public health and food safety requirements; and

- (b) the Markets Division, under the *Markets and Slaughterhouses Act*, Cap. 265 to ensure that inspections meet the requirements under that Act.

Knackeries and rendering facilities

31. The Veterinary Authority shall collaborate with the ministry responsible for public health and the Markets Division under the *Markets and Slaughterhouses Act*, Cap. 265 on the control of animal diseases at knackeries and rendering facilities used for

- (a) the extraction of an animal by-product; or
- (b) the production of animal feed of animal origin.

Zoonotic and emerging diseases

32.(1) The Veterinary Authority shall take measures to prevent the introduction and spread of zoonotic and emerging diseases, in particular through the implementation of Part III of this Act.

(2) The Veterinary Authority shall co-ordinate with the ministry responsible for public health for the control of zoonotic and emerging diseases.

PART V

HEALTH PROVISIONS RELATING TO ANIMAL PRODUCTION

Animal feed

33.(1) No animal feed shall be imported, produced, manufactured, sold or distributed in Barbados unless it is registered by the Veterinary Authority.

- (2) Notwithstanding subsection (1), animal feed that is not registered by the Veterinary Authority may be imported where,
- (a) there is an animal disease emergency declared under section 20 that justifies the importation, production or use of unregistered animal feed;
 - (b) the availability or affordability of registered animal feed is recognized by the Veterinary Authority as insufficient to meet needs; or
 - (c) required for the purposes of testing, trials or research.
- (3) The Minister, on the advice of the Veterinary Authority, may make regulations establishing the standards and requirements for
- (a) the production, manufacture, import and export of animal feed;
 - (b) the ingredients and composition of animal feed;
 - (c) the raw materials, substances and additives used in the manufacture or mixing of animal feed;
 - (d) animal feed safety, food safety relating to feed, contaminants and maximum residue limits in feed;
 - (e) the sale, storage, transport, packaging, re-packing, labelling and advertising of feed; and
 - (f) the keeping of prescribed records.
- (4) Animal feed and animal feed ingredients shall not be used for food for human consumption unless those products meet the safety standards issued by the Veterinary Authority.
- (5) The Veterinary Authority in collaboration with the ministry responsible for public health shall establish limits and tolerance levels for biological, chemical or physical hazards in animal feed and feed ingredients.

Animal identification and traceability

- 34.(1) The Veterinary Authority shall establish a system for the identification and traceability of prescribed species of animals.

(2) The Veterinary Authority shall collaborate with the ministry responsible for food safety

- (a) to trace animals and animal products to be used for food for human consumption;
- (b) to ensure the confidentiality of information collected under paragraph (a); and
- (c) to ensure that the information collected under paragraph (a) is used solely for the purposes of ensuring animal health and veterinary public health.

Animal reproduction

35. The Veterinary Authority shall establish conditions and requirements by regulations for

- (a) artificial insemination centres, semen and embryo collection facilities including laboratories to prevent the spread of pathogenic micro-organisms;
- (b) testing procedures to ensure that semen and embryos produced in or imported to Barbados are free of pathogenic micro-organisms; and
- (c) procedures for the import and export of semen, ova and embryos.

PART VI

IMPORT, EXPORT AND TRANSIT

Inspection facilities

36.(1) The Minister shall, on the advice of the Chief Veterinary Officer, establish standards and requirements for inspection facilities.

(2) The owner or operator of an inspection facility shall, where required in writing by the Minister, provide and maintain adequate areas, offices,

examination areas for inspection, including buildings, furnishings and fixtures for inspection or for any other purpose related to the administration of this Act.

(3) The Minister may, where the inspection facility is other than at a private residence,

- (a) serve notice on the owner or operator of any improvements that he considers desirable to any area, office, or other facility provided pursuant to subsection (1); or
- (b) post, on or about the area, office, or other facility for as long as is required, a notice of compliance in relation to subsection (1).

Restrictions on importation

37.(1) No animal, animal products or animal-related items shall be imported into Barbados except through a designated port of entry.

(2) No person shall import an animal, animal product or animal-related item except

- (a) the importation is in accordance with an import permit issued by the Veterinary Authority under section 39; and
- (b) the animal, animal product or animal-related item is accompanied by an international veterinary certificate or other documentation that may be required by the Veterinary Authority.

(3) The Minister may, on the recommendation of the Veterinary Authority, at any time, prohibit or restrict the importation into Barbados of any animal, animal product or animal-related item, where such importation is considered likely to result in the introduction or spread of any vector, pathogen, disease or toxic substance.

(4) The Veterinary Authority shall by order establish a list of species and breeds of animals or animal products which are restricted or expressly prohibited by international agreement or by a decision of the Veterinary Authority from being imported, based on a risk analysis.

(5) A person who contravenes subsection (2) is guilty of an offence and is liable on summary conviction to a fine of \$10 000 or to imprisonment for a term of 2 years or to both.

Import requirements

38.(1) A person who intends to import an animal, animal product or animal-related item into Barbados shall require the following:

- (a) an international veterinary certificate;
 - (b) an import permit; and
 - (c) written approval from the Veterinary Authority.
- (2) The Veterinary Authority shall by order prescribe
 - (a) the animals and animal products that require an international veterinary certificate or an import permit; and
 - (b) the animal-related items that require the written approval of the Veterinary Authority.
- (3) The import requirements for animals, animal products and animal-related items shall be based on international standards or a science-based risk assessment and shall be kept under review by the Veterinary Authority.
- (4) The Minister shall, on the recommendation of the Chief Veterinary Officer, prescribe by regulations,
 - (a) import requirements for animal products for human consumption in co-ordination with the ministries responsible for food safety, for public health and for animal health;
 - (b) import requirements for veterinary medicinal products in collaboration with the Ministry responsible for public health; and
 - (c) import requirements for other animal-related items.

Import permit

39.(1) A person who intends to import animals, animal products or animal-related items into Barbados shall require an import permit issued by the Veterinary Authority.

(2) A person who intends to import animals, animal products or animal-related items shall apply to the Veterinary Authority in the prescribed manner and may be granted an import permit on the payment of the prescribed fee.

(3) The Veterinary Authority shall by order prescribe the animal products that require an import permit.

(4) In evaluating an application for an import permit under subsection (1), the Veterinary Authority shall consider the prescribed requirements to determine whether the import permit shall be issued and the conditions, if any, under which it shall be issued.

(5) The Veterinary Authority shall keep a record, for the prescribed period of

- (a) all applications for import permits; and
- (b) all import permits issued under this Act.

Arrival notifications

40. An importer shall notify the Veterinary Authority in advance of the arrival of any animal, animal product or animal-related item in Barbados from another country.

Inspections of imported animals, animal products and animal-related items

41.(1) Animals, animal products and animal-related items shall be subject to inspection at the designated port of entry on arrival from another country.

(2) Notwithstanding subsection (1), where a container has been sealed and marked as required by the Veterinary Authority, an importer may apply for an inspection at a facility approved by the Veterinary Authority other than a quarantine station or an inspection facility, on the payment of the prescribed fee.

(3) An inspection of an animal, animal product or animal-related item shall be carried out

- (a) at the designated port of entry during the normal business hours of the Veterinary Authority or at any other reasonable time agreed to by the Veterinary Authority and the importer; or
- (b) at the final destination subject to the written approval of the Veterinary Authority.

(4) Where the importation of an animal-related item does not require the prior written approval of the Veterinary Authority, the importer shall submit the animal-related item directly for inspection at the designated port of entry.

(5) Where the inspector determines that an imported animal, animal product or animal-related item does not present any risk for the introduction and spread of disease, he shall release the imported shipment for clearance,

- (a) to a customs officer; or
- (b) to the importer or person in charge of the shipment,

as the case may be.

(6) Where the inspector determines that an imported animal, animal product or animal-related item presents a risk of the introduction and spread of disease, or where the documentation accompanying the shipment fails to meet the prescribed requirements, he shall

- (a) inform the Veterinary Authority in a written report; and
- (b) provide written notice to the importer of the measures to be applied within 2 days of inspection together with the grounds for imposing such measures.

- (7) The measures referred to in subsection (6)(b) shall be
 - (a) to take samples of the animal, animal product or animal-related item for submission to an official laboratory for analysis;
 - (b) to transfer the animal, animal product or animal-related item to a quarantine station or any other location identified by the Veterinary Authority for observation, testing or disinfection;
 - (c) to carry out treatment or disinfection on the animal, animal product or animal-related item in order to remove the risk;
 - (d) to return the shipment to the country of origin; or
 - (e) to destroy the shipment.
- (8) An inspector may forego notice and
 - (a) apply any of the measures under subsection (7), where required to prevent the introduction or spread of disease and where the giving of notice is impracticable; and
 - (b) where action is taken pursuant to paragraph (a), shall provide written notice to the importer subsequent to the action taken.
- (9) The Veterinary Authority may destroy a shipment where
 - (a) the imported shipment is unclaimed for a prescribed period after entry into Barbados;
 - (b) the risk of a prescribed or listed disease is still present after treatment; or
 - (c) the shipment is destroyed pursuant to subsection (7)(e).
- (10) Any action taken under this section shall be made on the basis of an assessment of the disease risk.
- (11) The Veterinary Authority shall bear no liability for actions taken in good faith for the destruction or disposal of any animal, animal product or animal-related item that has been imported to Barbados in contravention of this Act.

Importer to bear cost

- 42.** The importer shall bear the cost of
- (a) the care and welfare of any animal while undergoing a pre-shipment inspection; and
 - (b) any measure applied by the Veterinary Authority under section 41.

Animal health agreements

- 43.** The Veterinary Authority may determine with an exporting country
- (a) the arrangements relating to pre-shipment inspections in the country of origin; or
 - (b) the evaluation, and where feasible, the acceptance of alternative animal health measures proposed by the competent authority of an exporting country for veterinary matters as being equivalent to the animal health measures required by the Veterinary Authority.

Animal-related items

- 44.(1)** An inspector may prohibit the importation of any animal-related item which
- (a) has been used in connection with any animal; or
 - (b) has been used in connection with any thing, which in the opinion of the inspector, is capable of carrying any notifiable or other infectious or contagious disease affecting animals.
- (2) Where the inspector is satisfied that any such animal-related item in subsection (1) is capable of being disinfected, he may permit it to be landed in Barbados, subject to any conditions and directions, relating to its disinfection in the prescribed manner.
- (3) Where any animal-related item is landed in contravention of this section or of any condition or direction imposed by the Veterinary Authority, the animal-

related item may be seized by an inspector and detained, destroyed or otherwise disposed of as the Veterinary Authority may direct.

Transit of animals and animal products through Barbados

45.(1) No person shall transit an animal or animal product through Barbados without the written approval from the Veterinary Authority.

(2) A person who intends to transit an animal or animal product through Barbados shall apply to the Veterinary Authority in the prescribed form and pay the prescribed fee for a transit permit.

(3) Where the Veterinary Authority receives an application for a transit permit, the Veterinary Authority may, on evaluating the prescribed requirements, determine whether to grant the transit permit.

(4) The Veterinary Authority shall

- (a) approve the application where it meets the prescribed requirements and issue a transit permit which may be subject to conditions; or
- (b) deny the application where it fails to meet the prescribed requirements and inform the applicant in writing of the decision.

(5) Where a permit has been issued in accordance with section 45(4)(a), an animal, animal product or animal-related item that is in transit through Barbados may be inspected at the designated port of entry to verify its health status and

- (a) where the international veterinary certificate does not comply with the import requirements, the inspector may refuse entry to the animal, animal product or animal related-item; or
- (b) where the inspector has detected a notifiable disease or suspects the presence of a notifiable disease, the inspector may apply any of the following measures:
 - (i) refuse entry to the animal, animal product or animal related-item;

- (ii) detain or confiscate the animal, animal product or animal related-item;
- (iii) apply treatment to the animal, animal product or animal related-item; or
- (iv) destroy the animal, animal product or animal related-item.

(6) Where an inspector has cause to apply any of the measures under subsection (5), no compensation shall be paid to the owner or person in charge of the animal, animal product or animal-related item that is in transit.

(7) The captain of a vessel carrying animals, animal products or animal-related items shall comply with the conditions prescribed by the Veterinary Authority where the vessel stops in a port in Barbados or transits through a port in Barbados to a port outside Barbados.

Duty to report and detain certain imports

46.(1) A postal officer, customs officer, a member of the Police Service, a member of the Defence Force, a postal courier or any other person designated by the Veterinary Authority who has knowledge of the arrival or importation of any animal, animal product or animal-related item into Barbados shall, on the arrival of the animal, animal product or animal-related item and in the absence of an inspector,

- (a) notify the Veterinary Authority of the arrival or importation of the animal, animal product, or animal-related item; and
- (b) where practicable, detain the animal, animal product or animal-related item for inspection by an inspector.

(2) A detention carried out under subsection (1)(b) shall be deemed to be an action taken by or on the authorization of the Veterinary Authority.

(3) Where any item is detained in accordance with subsection (1), the Veterinary Authority shall take custody of that item within 3 days of it being detained.

Export of animals, animal products or animal-related items

47.(1) A person shall not export from Barbados, except through a designated port of exit, an animal, animal product or animal-related item unless that person has been granted an international veterinary certificate in the manner prescribed by the Veterinary Authority.

(2) A person who intends to export an animal, animal product or animal-related item from Barbados to a country outside Barbados shall

- (a) apply to the Veterinary Authority in the prescribed form and pay the prescribed fee; and
- (b) submit the animal, animal product or animal-related item for inspection, together with any document prescribed.

(3) Where on inspection, the Veterinary Authority, taking into consideration the requirements of the importing country

- (a) is satisfied that the animal, animal product or animal-related item intended to be exported meets the requirements of the importing country, the Veterinary Authority shall issue the international veterinary certificate; or
- (b) is not satisfied that the animal, animal product or animal-related item intended to be exported meets the requirements of the importing country, the Veterinary Authority shall
 - (i) subject the animal, animal product or animal-related item to the appropriate treatment in order to assure compliance with the requirements of the importing country; or
 - (ii) deny the issue of the international veterinary certificate.

(4) For the purposes of issuing an international veterinary certificate, the Veterinary Authority may

- (a) carry out biological tests, vaccinations or disinfection procedures;

- (b) carry out inspection, approval and certification procedures of animals, animal products and establishments;
- (c) observe the animal during transport to the designated port of exit; or
- (d) send advance notice to the importing country.

Quarantine stations

48.(1) The Minister may, on the recommendation of the Chief Veterinary Officer, designate quarantine stations for the quarantine of animals required to be quarantined under this Act or under an import permit issued under this Act.

(2) For the purposes of this Act, an inspector, or a veterinarian authorized by the Veterinary Authority shall be assigned to provide veterinary attention and supervision at a quarantine station, as required.

(3) The Minister shall prescribe standards for the reception and quarantine of animals at a quarantine station.

Quarantine of animals

49.(1) An animal may be placed in quarantine for such period and subject to such conditions as may be prescribed

- (a) for the purposes of trade,
 - (i) where required for certification prior to export; or
 - (ii) on being landed for import, except where exempt in writing in the import permit issued by the Veterinary Authority;
- (b) where an inspector has reason to believe that an animal
 - (i) may be suffering from a notifiable or other contagious animal disease;

- (ii) may have been in contact, during its transportation, with an animal which
 - (A) is or may be suffering from a notifiable disease or other contagious animal disease;
 - (B) has not been tested or inspected to determine if it is suffering from a notifiable disease or other contagious animal disease;
 - (C) is not exempt from the requirement of being placed in quarantine; or
 - (iii) has been exposed to the risk of contracting a notifiable or other contagious animal disease.
- (2) An animal which is removed from quarantine without written authorization from the Veterinary Authority may be seized by an inspector and detained, destroyed or otherwise disposed of as the Veterinary Authority may direct.
- (3) Where an animal,
- (a) develops a notifiable or other contagious animal disease while in a quarantine station; or
 - (b) in the opinion of the inspector, shows symptoms of any disease while in a quarantine station,
- the spread of which would endanger animal health in Barbados, an inspector may, subject to the approval of the Veterinary Authority, cause the animal in a quarantine station referred to in paragraph (a) or (b) to be destroyed without payment of any compensation to the owner of the animal.
- (4) Nothing in this section shall be construed as restricting the power of the Veterinary Authority to impose, as a condition of an import permit in respect of any animal to be imported into Barbados, the requirement that the animal be placed in quarantine for such period and subject to conditions as the Veterinary Authority may specify in the import permit.

Requirements for vehicles used to transit animals

50. A vehicle used to transit an animal shall be designed, constructed and fitted in a manner that meets the requirements of the Veterinary Authority

- (a) to protect the welfare and safety of the animal; and
- (b) to prevent the spread of disease.

Waste from vehicles

51. Any waste from foods of animal origin, animal-related items or other items associated with the transit of animals on board a vehicle coming into Barbados shall be,

- (a) destroyed at the expense of the importer at the port of entry;
- (b) reshipped to the country of origin at the expense of the importer; or
- (c) otherwise denied entry into Barbados,

in accordance with the requirements of the Veterinary Authority.

PART VII

ANIMAL WELFARE

Prohibition of cruelty to animals and their mistreatment

52.(1) No person shall

- (a) torture, beat, injure, mutilate, neglect or treat with cruelty any animal;
or
- (b) overload any working animal.

(2) An owner or person in charge of an animal shall not permit a person

- (a) to perform an act; or

(b) to neglect to perform an act,
that would result in the unnecessary suffering of an animal.

(3) A person who contravenes subsection (1) is guilty of an offence and is liable on summary conviction to a fine of \$50 000 or to a term of imprisonment for 2 years or to both.

Welfare of terrestrial animals

53.(1) A person who owns, or is in charge of a terrestrial animal shall provide that animal with

- (a) a sufficient and suitable diet;
 - (b) access to sufficient and clean water;
 - (c) proper shelter and housing which are
 - (i) appropriate for the behavioural patterns of the animal; and
 - (ii) sufficient to protect the animal from unsuitable weather conditions;
 - (d) veterinary care when needed to treat and prevent suffering and disease; and
 - (e) humane treatment and handling.
- (2) The Veterinary Authority may prescribe animal welfare standards for
- (a) farms for terrestrial animals;
 - (b) the transport of terrestrial animals;
 - (c) the slaughtering of terrestrial animals;
 - (d) the killing of terrestrial animals for disease control, stray dog population control or for other purposes;
 - (e) working terrestrial animals;
 - (f) research and testing on terrestrial animals;

- (g) recreation, entertainment and companionship for terrestrial animals; and
- (h) any other circumstance that the Veterinary Authority may consider necessary to ensure terrestrial animal welfare.

Welfare of aquatic animals

54. For farmed fish, the Veterinary Authority may prescribe animal welfare standards for

- (a) aquaculture facilities;
- (b) the transport of farmed fish;
- (c) killing of farmed fish for human consumption;
- (d) killing of farmed fish for disease control;
- (e) research and testing on farmed fish;
- (f) recreation, entertainment and companionship for farmed fish; and
- (g) any other circumstance that the Veterinary Authority may consider necessary to ensure the welfare of farmed fish.

PART VIII

MANAGEMENT OF STRAY ANIMALS

Stray terrestrial animals

55.(1) The Veterinary Authority shall establish programs and strategies to control animal diseases and to protect the welfare of stray animals.

- (2) For the purposes of subsection (1), the Veterinary Authority shall collaborate with
- (a) the ministry responsible for public health under the *Dogs (Licensing and Control) Act*, Cap. 177 for animal disease control and welfare matters relating to dogs; and
 - (b) the competent authority under the *Livestock (Control of Strays) Act*, Cap. 139A for animal disease control and welfare matters relating to livestock.
- (3) Pursuant to section 75, the Veterinary Authority shall collaborate with members of the Police Service, any government authority that interacts with animals, private veterinarians and other stakeholders to facilitate the control of diseases and to protect the welfare of stray animals.

PART IX

ENFORCEMENT

Powers of an inspector

56.(1) With the exception of a dwelling place, an inspector may, without a warrant and on presenting his identification card,

- (a) enter any premises, including a slaughterhouse or vehicle, port facility, or other place where activities in relation to animal health or veterinary public health are being conducted or are suspected of being conducted, and
- (i) inspect or search the premises, examine an animal or open and examine an animal product, animal-related item, object or substance which is, or is suspected of being, used in activities relating to animal health or veterinary public health;

- (ii) require the owner or person in charge of the premises to submit any information or documentation regarding the animal, animal product, animal-related item, object or substance;
- (iii) weigh, count, measure, mark, open, take photographs, read any values of any instruments and take samples in the prescribed manner of any thing on the premises and submit it to an official laboratory for analysis by an official analyst, or secure or prohibit access to the same;
- (iv) examine, make copies of or take extracts from any book, statement or other document found at the premises that the inspector believes on reasonable grounds contains any information relevant to this Act, and demand from the owner or any person in charge of the premises an explanation of any book, statement or other document found at the premises;
- (v) inspect any operation, process or system used or carried out on the premises;
- (vi) seize any animal, appliance, product, material, object, substance, book, statement or document which appears to provide proof of a contravention of any provision of this Act, and where such action is taken, provide a signed receipt in the prescribed form, detailing the reasons for the action, which shall be countersigned immediately by the owner or person in charge of the premises, animal or object;
- (vii) order the destruction of animals that are suspected of being infected with a pathogen and the disposal of carcasses of such animals;
- (viii) issue notices and directions with respect to actions to be taken at premises where an animal is held, has been or will be held;
- (ix) order the seizure, quarantine or segregation of an animal for the purpose of further testing and analysis;

- (x) prohibit the movement of or seize any animal; and
 - (xi) decontaminate or disinfect or order the decontamination or disinfection of any vehicle, premises or place;
 - (b) in relation to any animal, make examinations, apply tests, take samples or use vaccines and apply marks as may be reasonably necessary for the purposes of this Act;
 - (c) stop and search any container or vehicle, on entry into Barbados, movement within Barbados or exit from Barbados;
 - (d) for a prescribed period, stop the distribution, sale or use of any animal, animal product or animal-related item which the inspector has reason to believe is infected with or may spread a notifiable disease;
 - (e) require the owner or person in charge of animals, animal-related items or premises to give
 - (i) assistance or carry out instructions as may be reasonably necessary to facilitate the exercise of the inspector's functions or to implement the provisions of this Act; or
 - (ii) information as may be reasonably necessary in connection with the furtherance of the eradication of any animal disease or for the implementation of the provisions of this Act.
- (2) Where an inspector is satisfied that there has been a failure on the part of the captain of any vessel to comply with a requirement of this Act or with a condition imposed under this Act which poses an animal health risk, he may
- (a) detain the vessel and communicate the decision to the Chief Veterinary Officer and the Comptroller of Customs; and
 - (b) immediately provide a written and signed notice of detention justifying the particulars of the non-compliance to the captain of the vessel;

- (3) Where the Chief Veterinary Officer receives information pursuant to subsection (2), the Chief Veterinary Officer shall, without delay, take the appropriate action to prevent an animal health risk.
- (4) An inspector shall not enter any dwelling place for the purposes of subsection (1) without
- (a) the consent of the owner or occupier; or
 - (b) a warrant that has been issued by a magistrate.
- (5) An inspector shall in the course of the performance of his duties under this Act,
- (a) identify himself as an inspector by showing his identification card or other proof of his appointment or designation as an inspector; and
 - (b) maintain and secure any proprietary or confidential information, received or uncovered during the execution of his duties.
- (6) An inspector may, in the performance of his duties under this section, be accompanied and assisted by a member of the Police Service.

Sanitary measures

- 57.(1) The Veterinary Authority shall make regulations to develop and implement sanitary measures for Barbados which shall
- (a) be in harmony with international standards;
 - (b) be technically based on risk assessments and science-based decisions;
 - (c) be favourable to the development of regionalization;
 - (d) be favourable to trade; and
 - (e) be proportional to the risk.
- (2) The sanitary measures developed in accordance with subsection (1) shall be kept under review every 3 years.

Written notices

58.(1) Where an inspector has reasonable grounds to believe that an owner or person in charge of an animal, animal product, animal-related item or premises has failed to comply with this Act, he may serve a written notice on that owner or person in charge

- (a) stating the grounds on which he believes that the provisions of the Act have not been complied with;
- (b) specifying the measures that the owner or person in charge shall take in order to remedy the failures referred to in paragraph (a);
- (c) requiring the owner or person in charge to implement those measures, or measures which are at least equivalent, within the time period specified in the notice; or
- (d) where the case requires, give notice that proceedings have been instituted against the owner or person in charge, outlining the facts that gave rise to the offence committed, the date and the assessed sanction, and such other particulars as may be prescribed.

(2) Where no person is in actual occupation of any premises, or where the occupier or owner cannot be located, service of any notice under this Act shall be made by affixing the notice to a conspicuous place on the premises and such affixing shall be considered as good service of the notice.

Seizure and removal of animals, animal products and animal-related items

59. An inspector who seizes and detains an animal, animal product or animal-related item or any other thing under this Act, may

- (a) require its owner or the person having the possession, care or control of the animal, animal product or animal-related item or any other thing at the time of its seizure to remove it to any place; or

- (b) cause the animal, animal product or animal-related item or any other thing to be held at the place where it was seized or to be removed to any other place for holding.

Prohibition of interference with seized animals, animal products or animal related items

60. No person shall remove, alter or interfere in any way with an animal, animal product or animal-related item or other thing that is seized and detained under this Act unless authorized in writing by the Veterinary Authority.

Detention and disposal of animal, animal product or animal-related item

61.(1) Where an animal, animal product, animal-related item or other thing has been seized and detained and an inspector has determined that the animal, animal product or animal-related item or other thing,

- (a) is in conformity with the provisions of this Act; and
- (b) does not pose a risk of the spread of disease,

the Veterinary Authority shall return the animal, animal product, animal-related item or other thing to its owner or person in charge.

(2) Where the Veterinary Authority cannot identify and locate the owner or person in charge to return the animal, animal product, animal-related item or other thing in accordance with subsection (1), it shall institute proceedings to sell or destroy the animal, animal product or animal-related item or other thing within the prescribed period.

(3) The Veterinary Authority may dispose of an animal, animal product or animal-related item or other thing, or require its owner or person in charge to dispose of it, where the animal, animal product or animal-related item or other thing

- (a) has been in contact with or in close proximity to another animal, animal product or animal-related item or other thing that was, or is suspected

of having been, infected or contaminated by a notifiable disease or a causative agent of a disease;

- (b) is, or is suspected of being, infected or contaminated by a disease or a toxic substance; or
- (c) is, or is suspected of being the vector of a pathogen, the causative agent of a disease or a toxic substance.

(4) Where a detained animal is not claimed following a written notice served to the owner to claim the animal, the Veterinary Authority may sell the animal or destroy the animal within the prescribed period.

(5) In the case of an animal under subsection (2), the Veterinary Authority may be required to euthanize the animal to prevent suffering or otherwise ensure the welfare of the animal.

Appeals

62.(1) Any person aggrieved by an action or decision of an inspector or an official analyst may, within 7 days, appeal in writing to the Chief Veterinary Officer.

(2) The Chief Veterinary Officer shall give a decision within 14 days after receiving the appeal.

(3) Any person aggrieved by an action or decision of the Chief Veterinary Officer may, within 7 days after receiving the decision, appeal in writing to the Minister.

(4) The Minister shall give a final decision within 14 days of receiving the appeal.

(5) An aggrieved party may appeal to a Judge in Chambers from a decision given pursuant to subsection (2) or (4), on a matter of law.

(6) Notwithstanding subsection (1), (2), (3) and (4), the Chief Veterinary Officer shall act in a timely manner in response to a notifiable disease.

PART X

OFFENCES AND PENALTIES

Offences

- 63.(1)** A person who,
- (a) moves an animal, animal product or animal-related item out of a quarantine station, an infected area, place or zone, containment zone, or any other place following a prohibition to do so by the Veterinary Authority, without a written movement permit allowing such movement;
 - (b) possesses, sells, offers for sale, transports, imports or exports any animal, animal product or animal-related item knowing it is infected with, or may transmit, a notifiable disease, or intentionally permits or causes the introduction or spread of any notifiable disease;
 - (c) imports any animal, animal product or animal-related item without a permit, certificate or other authorization where required, or otherwise contrary to any requirements specified under this Act;
 - (d) imports any animal, animal product or animal-related item illegally or knowingly except through a designated port of entry;
 - (e) imports, distributes or offers for sale any veterinary medicinal products except in accordance with this Act;
 - (f) carries out activities which require a permit or other authorisation by the Veterinary Authority without receiving a permit or authorisation;
 - (g) tortures, cruelly treats, or treats an animal contrary to animal welfare requirements in Part VII; or
 - (h) exports any animal or animal product except in accordance with this Act,

is guilty of offence and shall be liable on summary conviction to a fine of \$100 000 or to imprisonment for a term of 2 years or to both.

- (2) A person who,
- (a) fails to comply with any order, direction or permit lawfully made or granted;
 - (b) attempts to improperly influence an inspector in the exercise of his official functions;
 - (c) fails to allow a search or inspection authorised under this Act;
 - (d) knowingly or recklessly provides information which is false, for the purpose of obtaining any document;
 - (e) assaults, resists, threatens, or wilfully obstructs any officer while exercising lawful powers under this Act;
 - (f) poses as an inspector; or
 - (g) otherwise contravenes the provisions of this Act,

is guilty of an offence and shall be liable on summary conviction to a fine of \$200 000 or to imprisonment for a term of 2 years or to both.

Offences by officials

64.(1) An inspector, official analyst or other official of the Veterinary Authority who,

- (a) agrees to do or abstains from doing, permits, conceals, or connives in doing any act or thing contrary to the proper execution of his official duties under this Act or any other enactment;
- (b) discloses any confidential information acquired in the performance of his official duties relating to any person, firm, or business, except when required to do so by his supervisor in the course of official duties, or where ordered to do so by any court; or
- (c) otherwise abuses his powers granted under this Act,

is guilty of an offence.

(2) An inspector who in connection with any official duty, asks for or takes any payment, gratuity or other reward to which that inspector is not entitled is guilty of an offence.

Procedure for offences

65.(1) Where an inspector reasonably believes that a person has contravened any of the provisions of this Act, he shall provide that information to the Chief Veterinary Officer.

(2) The Chief Veterinary Officer shall determine whether the matter shall be subject to

- (a) an administrative penalty;
- (b) criminal prosecution; or
- (c) both criminal prosecution and an administrative penalty.

Administrative penalty

66.(1) Where a person has not complied with the provisions of this Act, and the matter is not sufficiently serious as to warrant criminal prosecution, the Veterinary Authority may,

- (a) suspend or revoke any permit or other authorization;
- (b) suspend or close the operations at an establishment; or
- (c) seize or confiscate an animal, animal product or animal-related item.

(2) Where subsection (1) applies, an inspector shall issue a written notice to the owner of the animal, animal product or animal-related item, providing the reasons for the decision, and may include in the notice, an obligation to pay a fine not exceeding \$10 000 within a period of 14 days from the date of the notice.

- (3) A person to whom an administrative penalty notice is addressed and who wishes to challenge the notice, may make an appeal in accordance with section 62.
- (4) In cases of serious or repeated violations of this Act, or of a permit or other authorization issued by the Veterinary Authority, the Veterinary Authority shall recommend to the ministry responsible for the issue of a business license, that the business license be revoked.
- (5) Where the failure of a person to comply with the provisions of a notice issued under this Act results in either the spread of a disease or poses a serious risk to the animal health status of the country, the Veterinary Authority may order the person to close his establishment or revoke any license issued under this Act.

Powers of the Chief Veterinary Officer in administrative proceedings

67. Where a matter is to be dealt with administratively by the Chief Veterinary Officer, the Chief Veterinary Officer may

- (a) seize an animal, animal product or animal-related item;
- (b) stay the proceedings for condemnation of anything forfeited under this Act;
- (c) restore anything seized under this Act, subject to conditions, if any; or
- (d) impose penalties or fines as the case may be, in respect of a breach that does not warrant criminal prosecution but is the subject of an administrative penalty.

Fixed penalty notice for prescribed offences

68.(1) This section shall apply to any offence prescribed by regulations as a fixed penalty offence.

- (2) For the purposes of this Act a fixed penalty offence is any offence for which the maximum penalty, excluding any additional fines if the offence is a continuing one, does not exceed \$5 000.

(3) Where on any occasion an inspector finds a person who he has reason to believe is committing, or has committed, a fixed penalty offence, he may on the spot, issue that person a fixed penalty notice, and shall inform the person

- (a) to appear before the magistrate on the date specified; or
- (b) pay the fixed penalty, *in lieu* of appearance before a magistrate.

(4) Where a person is issued a fixed penalty notice in respect of a fixed penalty offence and

- (a) pays the fine within the time prescribed in the fixed penalty notice, no proceedings shall be instituted for that offence and he shall be treated for all purposes in law as a person who has not committed, been charged with, prosecuted for, convicted of or sentenced for the offence in respect of which the payment was made; or
- (b) does not pay the fine within the time prescribed in the fixed penalty notice, the Veterinary Authority shall decide whether to
 - (i) increase the fine to be paid through written notice, specifying a new time period for payment; or
 - (ii) take other action as established under this Act.

(5) A fixed penalty notice shall

- (a) be in the form set out in regulations;
- (b) give such reasonable particulars of the circumstances alleged to constitute the offence to which the notice relates; and
- (c) state
 - (i) the amount of the fixed penalty, which shall not exceed twenty per cent of the maximum amount of any fine that is specified under this Act in respect of the offences to which the fixed penalty notice relates;

- (ii) the period for paying the fixed penalty, which shall not exceed 21 days upon receipt of the fixed penalty notice; and
 - (iii) the person to whom, and the address at which
 - (A) the fixed penalty may be paid;
 - (B) any correspondence relating to the fixed penalty notice may be sent;
 - (iv) the method or methods by which payment may be made; and
 - (v) the consequences of not making a payment within the period for paying the fixed penalty.
- (6) The Chief Veterinary Officer may extend the period for paying the fixed penalty in any particular case if he considers it appropriate to do so by sending notice to the person to whom the fixed penalty notice was given.
- (7) The admission of guilt and the fixed penalty paid under this section shall be dealt with by the magistrate in the same manner as adjudication in court of an offence punishable on summary conviction and for which no conviction is recorded.

Evidence

- 69.** In any prosecution for an offence under this Act,
- (a) a declaration, certificate, report or other document of the Veterinary Authority or an analyst, inspector or member of the Police Service, purporting to have been signed on behalf of the Veterinary Authority or the analyst, inspector or member of the Police Service, is in the absence of evidence to the contrary, proof of the matters asserted in it; and
 - (b) a copy of an extract from any record or other document that is made by the Veterinary Authority or an analyst, inspector or member of the Police Service under this Act and certified as a true copy of the extract is admissible in evidence.

Limitation on liability

70. The State shall bear no liability for loss resulting from the destruction or disposal of any animal, animal product or animal-related item carried out in accordance with this Act.

Good faith defence

71. No member of staff of the Veterinary Authority, official analyst, official laboratory or other Government department shall be liable to suit or to prosecution in respect of anything done in good faith in the performance of official functions under this Act.

Unpaid administrative fine or fixed penalty to constitute a debt to the State

72. Any administrative fine or penalty that remains unpaid after the expiration of one month after it becomes due and payable under this Act is a debt due to the State and may be recovered as a debt due to the State in civil proceedings before a magistrate for District “A”, notwithstanding that the amount exceeds the monetary limit on the jurisdiction of a magistrate’s court.

General provisions as to prosecutions under Act

73. An inspector or other officer may, although not an attorney-at-law, prosecute or conduct before a court of summary jurisdiction any proceedings under this Act.

Forfeiture

74.(1) Where a person is convicted of an offence under this Act, the court may, on its own motion or at the request of any party to the proceedings, in addition to any penalty imposed, order that any animal, animal product or animal-related item or other thing by means of or in relation to which the offence was committed or any proceeds realized from its disposition, be forfeited to the State.

(2) Where the owner or person in charge of an animal, animal product or animal-related item or other thing is convicted of an offence under this Act and a fine is imposed, the animal, animal product, animal-related item or other thing may be

- (a) detained until the fine is paid;
- (b) sold in satisfaction of the fine; or
- (c) destroyed.

(3) Notwithstanding subsection (2), in the case of an animal, the owner or person in charge shall be liable for the cost associated with the welfare, food and shelter of the animal during its detention and prior to its sale or destruction.

(4) Where the court does not order the forfeiture of an animal, animal product or animal-related item or other thing, the animal, animal product or animal-related item or other thing, or any proceeds realized from its disposition shall be returned to the owner or person in charge at the time of its seizure.

(5) The Veterinary Authority shall determine the appropriate holding of any animal, animal product or animal-related item seized or forfeited under this Act prior to its disposition by a magistrate.

PART XI

MISCELLANEOUS

Assistance and co-operation

75.(1) The Veterinary Authority may request from public officers, ministries and departments of Government, statutory bodies and private organizations the provision of adequate facilities and services to assist inspectors in the performance of their functions and the exercise of their powers under this Act.

(2) The Veterinary Authority may enter into agreements to establish collaborative arrangements, for the purposes of subsection (1).

Documents may be submitted in electronic format

- 76.** For the purposes of this Act, where,
- (a) a notice is required to be furnished in writing; or
 - (b) a document is required to be furnished to the Minister or an inspector,
- such notice or document may be furnished in an electronic format.

Regulations

- 77.** The Minister may, after consultation with the Veterinary Authority, make regulations in relation to the following matters:
- (a) the designation of the ports of entry and exit in Barbados at which animals, animal products or animal-related items or other things, may be landed and imported;
 - (b) the movement of animals, animal products or animal-related items or other things into, within, or out of, any infected place, infected area, infected zone, infected compartment, containment zone, free zone or free compartment;
 - (c) the examination, inspection, cleansing, destruction, disposal, seizure and detention of any animal, animal product or animal-related item or other thing;
 - (d) prescribing risk assessment studies as the basis for approving measures under this Act;
 - (e) the requirements, procedures and forms required for the import, export and transit of animals, animal products and animal-related items into, within or from Barbados;
 - (f) the requirements for animal welfare;

- (g) animal identification and traceability systems, including any marking by tagging or in any other manner a condition of import to enable trace back to the country of origin;
- (h) the application of any test for any notifiable or other infectious or contagious disease or of any treatment, vaccination or inoculation of animals imported into Barbados;
- (i) the quarantine of animals, the duration of the quarantine to be imposed on each category of animal, the category of animals to be exempted, and the circumstances under which exemption may be granted;
- (j) the requirements relating to the operation of quarantine stations and facilities to be used for the purpose of animal quarantine;
- (k) the requirements relating to inspection facilities;
- (l) the requirements for disease prevention and control for aquaculture establishments;
- (m) the procedures to be followed by inspectors, official analysts, and official laboratories in the exercise of their functions under this Act;
- (n) the actions and treatments to decontaminate or disinfect any place or thing, including vehicles and ships, that is likely to be a vector of or to be contaminated by any disease or toxic substance;
- (o) the planning and preparedness for animal disease emergencies;
- (p) the time at which, and the conditions under which, animals may be destroyed and disposed of;
- (q) the diseases to be classified as notifiable diseases;
- (r) the inspection procedures and forms to be used by inspectors;
- (s) the regulation of the manufacture, import, sale, advertisement, use and waste disposal of veterinary medicinal products, including animal feeds containing veterinary medicinal products, as well as waste contaminated with veterinary medicinal products; and

- (t) any other matter for the better carrying out of the provisions of this Act.

Amendment of Schedules

78. The Minister may by order amend the *Schedules*.

Standards for animal health and welfare

79. The standards for animal health and welfare applied under this Act shall be consistent with the standards of the WOAHA and the Codex Alimentarius Commission which is the international standard setting body for food safety.

Repeal and savings

- 80.(1) The *Animal (Diseases and Importation Control) Act*, Cap. 253 is repealed.

- (2) Notwithstanding subsection (1), all statutory instruments made under the *Animal (Diseases and Importation Control) Act*, Cap. 253 shall continue in force with such modifications as are necessary to bring them into conformity with this Act and shall have effect as if made under this Act until revoked.

Conflict

81. Where there is a conflict between this Act and any of the following enactments, this Act shall prevail to the extent of the inconsistency:

- (a) *Animals (Civil Liability) Act*, Cap. 194A;
- (b) *Dog (Licensing and Control) Act*, Cap. 177;
- (c) *Health Services Act*, Cap. 44;
- (d) *Livestock (Control of Strays) Act*, Cap. 139A;
- (e) *Markets and Slaughter-houses Act*, Cap. 265;
- (f) *Prevention of Cruelty to Animals Act*, Cap. 144A; and
- (g) *Swine Fever Act*, Cap. 273.

Act to bind the State

82. This Act shall bind the State.

Commencement

83. This Act shall come into force on a date to be fixed by Proclamation.

FIRST SCHEDULE*(Section 9)**Animal Health and Veterinary Public Health Bill, 2023*
(Act 2023-)*List of notifiable animal diseases for terrestrial animals*

List of notifiable terrestrial animal diseases

Multiple species diseases, infections and infestations

Anthrax
Crimean Congo hemorrhagic fever
Dermatophilosis
Equine encephalomyelitis (Eastern)
Heartwater
Infection with Aujeszky's disease virus
Infection with bluetongue virus
Infection with *Brucella abortus*, *Brucella melitensis* and *Brucella suis*
Infection with *Echinococcus granulosus*
Infection with *Echinococcus multilocularis*
Infection with epizootic hemorrhagic disease virus
Infection with foot and mouth disease virus
Infection with *Mycobacterium tuberculosis* complex
Infection with rabies virus
Infection with Rift Valley fever virus
Infection with rinderpest virus
Infection with *Trichinella* spp.
Japanese encephalitis
New World screwworm (*Cochliomyia hominivorax*)
Old World screwworm (*Chrysomya bezziana*)
Paratuberculosis (Johne's disease)
Q fever
Surra (*Trypanosoma evansi*)
Tularemia
West Nile fever

First Schedule - (Cont'd)

Cattle diseases and infections

Bovine anaplasmosis
Bovine babesiosis
Bovine genital campylobacteriosis
Bovine spongiform encephalopathy
Bovine viral diarrhoea
Enzootic bovine leukosis
Epizootic abortion
Haemorrhagic septicaemia
Infection with lumpy skin disease virus
Infection with *Mycoplasma mycoides* subsp. *mycoides* SC
(Contagious bovine pleuropneumonia)
Infectious bovine rhinotracheitis/infectious pustular vulvovaginitis
Lumpy jaw (actinomycosis)
Theileriosis
Trichomonosis
Trypanosomosis (tsetse-transmitted)

Sheep and goat diseases and infections

Caprine arthritis/encephalitis
Caseous lymphadenitis
Contagious agalactia
Contagious caprine pleuropneumonia
Infection with *Chlamydia abortus* (Enzootic abortion of ewes, ovine chlamydiosis)
Infection with peste des petits ruminants virus
Maedi–visna
Nairobi sheep disease
Ovine epididymitis (*Brucella ovis*)
Salmonellosis (*S. abortusovis*)
Scrapie
Sheep pox and goat pox

First Schedule - (Cont'd)

Equine diseases and infections

Contagious equine metritis
Dourine
Equine encephalomyelitis (Western)
Equine infectious anaemia
Equine influenza
Equine piroplasmosis
Infection with *Burkholderia mallei* (Glanders)
Infection with African horse sickness virus
Infection with equid herpesvirus-1 (EHV-1)
Infection with equine arteritis virus
Venezuelan equine encephalomyelitis

Swine diseases and infections

Infection with African swine fever virus
Infection with classical swine fever virus
Infection with porcine reproductive and respiratory syndrome virus
Infection with *Taenia solium* (Porcine cysticercosis)
Nipah virus encephalitis
Transmissible gastroenteritis

Avian diseases and infections

Avian chlamydiosis
Avian infectious bronchitis
Avian infectious laryngotracheitis
Avian mycoplasmosis (*Mycoplasma gallisepticum*)
Avian mycoplasmosis (*Mycoplasma synoviae*)
Duck virus hepatitis
Fowl typhoid
Infection with avian influenza viruses
Infection with influenza A viruses of high pathogenicity in birds other than *poultry*
including wild birds
Infection with Newcastle disease virus
Infectious bursal disease (Gumboro disease)
Pullorum disease
Turkey rhinotracheitis

First Schedule - (Concl'd)

Lagomorph diseases and infections

Myxomatosis
Rabbit haemorrhagic disease

Bee diseases, infections and infestations

Infection of honey bees with *Melissococcus plutonius* (European foulbrood)
Infection of honey bees with *Paenibacillus larvae* (American foulbrood)
Infestation of honey bees with *Acarapis woodi*
Infestation of honey bees with *Tropilaelaps* spp.
Infestation of honey bees with *Varroa* spp. (Varroosis)
Infestation with *Aethina tumida* (Small hive beetle)

Other diseases and infections

Camelpox
Leishmaniosis.
Actinomycosis (lumpy jaw)
Strangles
Canine distemper
Epizootic lymphangitis

SECOND SCHEDULE

(Section 9)

Animal Health and Veterinary Public Health Bill, 2023
(Act 2023-)

List of notifiable animal diseases for aquatic animals

List of notifiable aquatic animal disease

Diseases of fish

- Infection with *Aphanomyces invadans* (epizootic ulcerative syndrome)
- Infection with epizootic haematopoietic necrosis virus
- Infection with *Gyrodactylus salaris*
- Infection with HPR-deleted or HPR0 infectious salmon anaemia virus
- Infection with infectious haematopoietic necrosis virus
- Infection with koi herpesvirus
- Infection with red sea bream iridovirus
- Infection with salmonid alphavirus
- Infection with spring viraemia of carp virus
- Infection with viral haemorrhagic septicaemia virus

Diseases of molluscs

- Infection with abalone herpesvirus
- Infection with *Bonamia ostreae*
- Infection with *Bonamia exitiosa*
- Infection with *Marteilia refringens*
- Infection with *Perkinsus marinus*
- Infection with *Perkinsus olseni*
- Infection with *Xenohaliotis californiensis*

Second Schedule - (Concl'd)

Diseases of crustaceans

- Acute hepatopancreatic necrosis disease
- Infection with *Aphanomyces astaci* (crayfish plague)
- Infection with *Hepatobacter penaei* (necrotising hepatopancreatitis)
- Infection with infectious hypodermal and haematopoietic necrosis virus
- Infection with infectious myonecrosis virus
- Infection with *Macrobrachium rosenbergii* nodavirus (white tail disease)
- Infection with Taura syndrome virus
- Infection with white spot syndrome virus
- Infection with yellow head virus genotype 1

Diseases of amphibians

- Infection with *Batrachochytrium dendrobatidis*
- Infection with *Batrachochytrium salamandrivorans*
- Infection with *Ranavirus* species

and such other diseases which the Minister may from time to time, by order made under section [], declare to be a disease within the meaning of this Act.

