CRFM / CARICOM

MODEL AQUATIC ANIMAL HEALTH BILL

These notes refer to the model Aquatic Animal Health Bill, as introduced before the Forty-Second Meeting of the Legal Affairs Committee, held on 7 August 2026 and endorsed by the Forty-Third Meeting of the Legal Affairs Committee, held on 28 August 2026.

Explanatory Notes

INTRODUCTION

1. These Explanatory Notes are intended to assist the reader in understanding the Bill and to help inform consideration of the Bill. They do not form part of the Bill.
2. These notes must be read in conjunction with the Bill. **The Explanatory Notes are not, nor are they intended to be, a comprehensive description of the Bill**.
3. The Aquatic Animal Health Bill is intended to address fisheries-specific aspects of agricultural health regulation as part of an overall framework of legislation addressing sanitary and phytosanitary (SPS) measures covering food safety, animal health and plant health. The Bill facilitates the enacting country in its compliance with the mandate set out in Article 74 paragraph 2 of the Revised Treaty of Chaguaramas Establishing the Caribbean Community including the CARICOM Single Market and Economy (the Revised Treaty). Article 74 paragraph 2 mandates Member States to harmonise their laws and administrative practices in relation to sanitary and phytosanitary (SPS) measures. Further, Article 57 paragraph 1(k) of the Revised Treaty provides that the Community shall, through competent Organs and Bodies promote and support the establishment of an effective regime of SPS measures. The Bill provides for collaboration among Government ministries and departments and regional and international organisations responsible for veterinary public health.
4. Additionally, the Bill establishes a minimum standard for aquatic animal welfare in the enacting country and is designed to implement the Codex Code of Practice for

Fish and Fishery Products (2016) and the OIE Aquatic Animal Health Code (22nd edition, 2019) and takes into consideration the obligations set out in the World Trade Organization (WTO) Agreement in the Application of Sanitary and Phytosanitary Measures (SPS Agreement).

5. The Bill fits into a developing legislative environment in the CARICOM region, which includes the CARICOM model laws entitled the Animal Health Act, the Plant Protection Act and the Food Safety Act, respectively. All three models have been approved by the Legal Affairs Committee (LAC) for enactment by Member States. Whereas the Animal Health Bill applies to fish, their eggs and fish products, the regulation of the fisheries sector in the context of aquatic animal health necessitated fisheries specific provisions that are not captured in the Animal Health Bill. Further, the Aquatic Animal Health Bill does not seek to regulate aquatic animals in all circumstances. Where categories of aquatic animals and circumstances are outside of the scope of coverage of the Aquatic Animal Health Bill, the Animal Health Bill will apply to the sanitary and phytosanitary regulation of the fisheries sector.

OVERVIEW OF THE STRUCTURE OF THE BILL

6. The Bill consists of fifteen parts and schedules, as follows –

I. Preliminary
II. Administration
III. Aquaculture Establishments
IV. Notifiable Diseases of Aquatic Animals and Control
V. Production, Marketing and Transportation
VI. Import, Export and Transit
VII. Aquatic Animal Quarantine
VIII. Aquatic Animal Welfare
IX. Enforcement
X. General Provisions as to Notices
XI. Reconsideration of Decisions
XII. Offences and Penalties
XIII. Administrative Penalties
XIV. Jurisdiction, Evidence and Liability

XV. Miscellaneous

Schedule 1 – Constitution of the Advisory Committee

Schedule 2 – Application Form to Register an Aquaculture Establishment

Schedule 3 – Fees

Schedule 4 – Registered Aquaculture Establishment Certificate

Schedule 5 – Information to be kept in Public Register of Aquaculture Establishments

Schedule 6 – Listed Diseases

BACKGROUND

7. The Bill was produced under the Sanitary and Phytosanitary Measures programme which was a component of the 10th EDF Programme entitled "*Support to the Caribbean Forum of ACP States in the Implementation of Commitments Undertaken Under the Economic Partnership Agreement (EPA): Sanitary and Phytosanitary Measures (SPS)*". The project aims to facilitate CARIFORUM States in gaining and improving international market access and maintaining and expanding the trade in fish and fisheries products locally, regionally and internationally by –

   (a) building equivalence with European Union (EU) and other export markets' sanitary and phytosanitary (SPS) measures; and

   (b) helping CARIFORUM States to better develop their own regionally harmonised SPS measures and institutional capability.

CONSULTATIONS

8. The draft model *Aquatic Animal Health Bill* was considered at the Technical Expert Review Consultation of the Revised Draft Model Sanitary and Phytosanitary (SPS) Legislation held on 13-14 September 2021. There the draft was considered by animal health experts familiar with SPS management from Member States and CARICOM Institutions. The participants provided both oral and written comments on the draft.

The draft was further revised and went through additional rounds of technical consideration until no further comments were received from Member States.

STRUCTURE OF THE BILL

9. This Bill consists of fifteen parts and six schedules.

CONSISTENCY WITH FUNDAMENTAL LEGISLATIVE PRINCIPLES

10. This Bill is consistent with fundamental legislative principles.

NOTES ON CLAUSES

PART I

PRELIMINARY

Clause 1 states that, when enacted, the Bill will be cited as the Aquatic Animal Health Act and states the commencement date.

Clause 2 provides the definitions for the words that are used throughout the Act for which the lexical meaning is either insufficient or not entirely appropriate.

Clause 3 sets out the scope of application of the Act and identifies the types of aquatic animals to which, and the circumstances in which, the Act does not apply.

PART II

ADMINISTRATION

Clause 4 establishes the National Aquatic Animal Health Organisation ("the NAAHO"). The NAAHO has primary responsibility for the administration of the Act. The clause also sets out the functions of the NAAHO.

Clause 5 establishes the Advisory Committee. The constitution of the Advisory Committee is set out in Schedule 1. The clause also sets out the functions and powers of the Advisory Committee.

Clause 6 empowers the [Minister] to appoint a Chief Veterinary Officer and sets out the responsibilities of the Chief Veterinary Officer for the purposes of the Act. The Chief Veterinary Officer may be appointed under other legislation already in effect in the enacting Member State. As this is a model, the appointment of the CVO is included in this clause for completeness. The clause also stipulates how instances of potential or actual conflicts of interest on the part of the Chief Veterinary Officer are to be addressed.

Clause 7 empowers the Chief Veterinary Officer to delegate functions to a veterinarian or an inspector, subject to the terms and conditions set out in an agreement between the Chief Veterinary Officer and the veterinarian or inspector. The clause also specifies the functions which cannot be delegated.

Clause 8 empowers the Minister to designate official laboratories and to prescribe standards and criteria for the designation of official laboratories.

Clause 9 empowers the Minister to designate reference laboratories and sets out certain requirements that are specific to reference laboratories. The clause also empowers the Minister to prescribe additional standards and criteria for the designation of reference laboratories.

Clause 10 empowers the Minister to appoint and employ as many official veterinarians as the Minister considers necessary for the purposes of the Act.

Clause 11 empowers the Minister to employ and appoint as many inspectors as the Minister considers necessary for the purposes of the Act and to prescribe the qualifications and experience required of an inspector.

Clause 12 requires an inspector to perform the duties assigned or delegated to him in accordance with the Chief Veterinary Officer's instructions. The clause also makes provision for an inspector to be accompanied by another person who is authorised to provide assistance to the inspector in the performance of the inspector's functions.

Clause 13 makes provision for the immunity of an inspector, and a person who accompanies and assists him pursuant to section 12, in relation to acts and omissions in good faith in the

execution of his powers and duties under the Act. No immunity is granted for acts or omissions arising from negligence or wilful misconduct.

Clause 14 sets out the obligation of an inspector to avoid conflicts of interest. The clause makes provision for circumstances involving an inspector's actual or perceived interest in any matter falling within the purview of the NAAHO and empowers the Chief Veterinary Officer to take specified actions where it appears to the Chief Veterinary Officer that the interest of an inspector conflicts with the duties and functions of the NAAHO.

Clause 15 requires the Chief Veterinary Officer to issue appointed inspectors with identification cards and sets out the circumstances in which an inspector is required to produce his identification card.

PART III

AQUACULTURE ESTABLISHMENTS

Clause 16 prohibits anyone from operating, or causing or permitting another person to operate, an aquaculture establishment, unless the requirements set out in the clause are met. The clause also sets out the steps to be taken by the Chief Veterinary Officer where he reasonably suspects that a processing establishment is not being operated in accordance with the Food Safety Act or the Aquatic Food Safety Regulations[1].

Clause 17 sets out the application requirements to be met by a person who is desirous of registering a commercial or non-commercial aquaculture establishment. The clause requires an inspector to carry out an inspection of the premises indicated in the application.

Clause 18 stipulates that the Chief Veterinary Officer is required to register an establishment where the application relates to a commercial aquaculture establishment once he is satisfied that the conditions specified in subsection 1(a) are met. The clause also requires the Chief Veterinary Officer to register an aquaculture establishment where the application relates to a non-commercial establishment once he is satisfied that the conditions specified in

[1] The Food Safety Act is an approved CARICOM model law. The Aquatic Food Safety Regulations is a CARICOM model law subsidiary to the CARICOM model Food Safety Act.

subsection 1(b) are met. Further, the clause sets out the information to be included in a registration certificate.

Clause 19 sets out the conditions of registration to be met by an operator of an aquaculture establishment in relation to which a registration certificate is granted.

Clause 20 specifies the validity period of one year for a registration certificate issued under this Act.

Clause 21 sets out the grounds upon which the Chief Veterinary Officer may refuse to grant a registration certificate and mandates the steps to be followed by the Chief Veterinary Officer if he refuses to grant a registration certificate or grants it subject to conditions. The clause also provides for the criteria to be taken into consideration by the Chief Veterinary Officer when determining whether an applicant is a fit and proper person to hold a certificate of registration.

Clause 22 sets out the grounds upon which the Chief Veterinary Officer may suspend or revoke a registration certificate. The clause also specifies the information to be reflected in a notice of suspension and a notice of revocation and the steps to be followed by the holder of a registration certificate that has been suspended or revoked.

Clause 23 sets out the circumstances in which the Chief Veterinary Officer may modify a registration certificate. It also sets out the procedure to be followed by the Chief Veterinary Officer when modifying a registration certificate.

Clause 24 sets out the procedure to be followed by a holder of registration certificate who wishes to surrender the certificate. It also specifies the criteria that the Chief Veterinary Officer must be reasonably satisfied have been met before he accepts an application to surrender a registration certificate. Further, the clause sets out the procedure to be followed by the Chief Veterinary Officer when he accepts or denies an application to surrender a registration certificate.

Clause 25 mandates the Chief Veterinary Officer to establish and maintain a public register of aquaculture establishments registered under the Act and dictates the level of access that

members of the public must have to the register for the purposes of inspections and the making of copies of information captured in the register.

PART IV

NOTIFIABLE DISEASES OF AQUATIC ANIMALS AND CONTROL

Clause 26 mandates the NAAHO to approve aquatic animal health measures and specifies the principles the NAHHO must take into consideration when approving the measures.

Clause 27 mandates the NAAHO to develop and submit to the Minister a list of notifiable diseases of aquatic animals based on risk analysis. The Minister is empowered to declare notifiable diseases of aquatic animals.

Clause 28 mandates the NAAHO to establish an aquatic animal disease surveillance system and specifies the characteristics of the system.

Clause 29 places an obligation on relevant persons to notify the Chief Veterinary Officer of the presence of, or a reasonable suspicion of the presence of, a notifiable disease of aquatic animals and makes failure to notify the Chief Veterinary Officer an offence.

Clause 30 sets the parameters for establishing an eradication area and requires persons in possession, care or control of an aquatic animal in an eradication area to permit an inspector to conduct tests for any diseases listed in Schedule 6. The clause makes the failure to comply with a request by an inspector to be permitted to conduct tests an offence.

Clause 31 specifies the circumstances in which the Minister may declare an eradication area, or a part of an eradication area, to be a containment zone, free zone or buffer zone. It also specifies the responsibilities of the NAAHO before declarations may be made.

Clause 32 imposes on a veterinarian who reasonably suspects that there is a notifiable disease of aquatic animals in an eradication area, part of an eradication area or in any premises, a responsibility to declare a provisional infected zone and take other specified steps. The clause also specifies the Chief Veterinary Officer's responsibilities when the NAAHO receives a notice of declaration of provisional infected zone. Further, the clause sets out the steps to be followed by an inspector who has been designated to investigate the

provisional infected zone. The clause makes it an offence to take specified actions in a provisional infected zone.

Clause 33 empowers an inspector to exercise specified powers in a provisional infected zone.

Clause 34 empowers an inspector to amend, suspend or withdraw a provisional infected zone notice.

Clause 35 specifies the circumstances of which the Chief Veterinary Officer must be reasonably satisfied before determining that a provisional infected zone is infected or not infected and the actions that he must take in each context.

Clause 36 addresses the circumstance in which the Chief Veterinary Officer decides to recommend to the Minister that an infected zone be declared. The clause also sets out what the Chief Veterinary Officer is to take into account when making the recommendation. Further, the clause stipulates the circumstances and manner which the Minister may declare an infected zone.

Clause 37 sets out the actions to be taken by an inspector, on the directive of the Chief Veterinary Officer, after the Minister has declared an infected zone. The clause also specifies the actions to be taken by the Chief Veterinary Officer after an infected zone has been declared. Further, subject to exceptions specified in an Order issued under section 36, the clause prohibits persons from doing specified acts in relation to an aquatic animal, aquatic animal product and an aquatic animal-related item where an infected zone is involved.

Clause 38 sets out the powers exercisable by an inspector in an infected zone. The clause also establishes the legal requirement for person to comply with measures that the inspector imposes under the section.

Clause 39 specifies when the Chief Veterinary Officer may recommend to the Minister that a declaration of infected zone be revoked and the actions to be taken by the Chief Veterinary Officer when the Minister revokes the declaration of an infected zone.

Clause 40 mandates the Chief Veterinary Officer to establish and maintain a register of zones and to make the register available to the public for inspection.

Clause 41 empowers the Chief Veterinary Officer to make a recommendation to the Minister to declare a notifiable disease of aquatic animals emergency where the Chief Veterinary Officer is reasonably satisfied that there is an outbreak of a notifiable disease of aquatic animals. The clause also empowers the Minister to declare an aquatic animal disease emergency and sets out the requirements to be met in making the declaration. Further the clause sets out the steps to be taken by the NAAHO when an aquatic animal disease emergency is declared.

Clause 42 requires the NAAHO to develop contingency plans for aquatic animal disease emergencies and sets out the considerations to be made by the NAAHO when developing the contingency plans. The clause provides for collaboration with specified Ministries in the implementation and enforcement of the contingency plans.

Clause 43 empowers the NAAHO to take specified actions for the purposes of controlling or eradicating notifiable diseases of aquatic animals or preventing the spread of notifiable diseases of aquatic animals.

Clause 44 empowers the Chief Veterinary Officer to take specified actions when a zone has been designated as a provisional infected zone or the Minister has declared a notifiable disease of aquatic animals emergency or declared an infected zone, including the creation and maintenance of barriers to the movement of aquatic animals in inland waters.

Clause 45 prohibits a person from moving, or causing to be moved, an aquatic animal from a containment zone to a free zone, buffer zone or provisionally free zone, unless the movement is in accordance with a movement permit. The clause also empowers the Chief Veterinary Officer to take specified actions where he reasonably suspects that an aquatic animal has been or is being moved from a containment zone.

Clause 46 requires a person who wishes to move an aquatic animal from a containment zone to apply to the Chief Veterinary Officer for a movement permit. It also sets out the grounds upon which the Chief Veterinary Officer may issue, suspend or cancel a movement permit.

Clause 47 sets out the requirements to be met by a person who is moving an aquatic animal under a movement permit.

Clause 48 requires a person who has in his possession, or under his charge, an aquatic animal suspected of suffering from a listed disease to separate the aquatic animal from other aquatic animals which are not diseased or suspected of being diseased and to notify the NAAHO. It also set out the steps to be followed by the owner of an animal that tests positive for a listed disease.

Clause 49 makes provision for the euthanasia or destruction of an aquatic animal that is suffering, or is suspected of suffering, from a listed disease. It also empowers an inspector to take possession of an aquatic animal to be euthanised or destroyed.

Clause 50 empowers the Chief Veterinary Officer to dispose of an aquatic animal that has been euthanised or destroyed as soon as possible.

Clause 51 makes provision for the payment of compensation to an owner of an aquatic animal that is euthanised or destroyed under section 49. It also sets out the circumstances in which compensation is not payable.

Clause 52 mandates the NAAHO to establish an aquatic animal identification and traceability system.

Clause 53 subject to specified exceptions, prohibits the importation, manufacture, distribution, sale or use of veterinary medicinal products, unless the product is registered. There is no requirement for the registration of traditional animal remedies prepared in the enacting Member State and administered in accordance with customary usage.

PART V

PRODUCTION, MAREKTING AND TRANSPORTATION

Clause 54 subject to specified exceptions, prohibits the placement of an aquatic animal or an aquatic animal product on the market or its release into the wild or into a recreational fishery.

Clause 55 prohibits the dispatch of an aquatic animal or aquatic animal product for sale, unless the person responsible for the dispatch provides specified information.

Clause 56 prohibits the transportation of an aquatic animal unless specified requirements are met.

Clause 57 specifies the types of information to be recorded by a person who transports an aquatic animal and the duration for which the record is to be kept. Failure to record the specified information is an offence.

Clause 58 creates an exemption from the requirements set out in sections 56 and 57.

PART VI

IMPORT, EXPORT AND TRANSIT

Clause 59 empowers the Minister to designate a port, landing site or place as a designated landing site and to require the owner or operator of a designated landing site to maintain the landing site to a specified standard.

Clause 60 provides that the requirements set out in Part VI do not apply to a person who is bringing an aquatic animal or aquatic animal product into the country for personal consumption.

Clause 61 imposes a requirement on customs officers to notify the Chief Veterinary Officer of the arrival of an aquatic animal, aquatic animal product or aquatic animal-related item in the enacting country and to retain the aquatic animal, aquatic product or aquatic animal-related item, at the Chief Veterinary Officer's request.

Clause 62 mandates the Minister to approve and publish in the Gazette the list of species of aquatic animals and categories of aquatic animal products for which a veterinary certificate or other health certificate is required for importation into the enacting country. The Minister

is empowered to prescribe import requirements for aquatic animals, aquatic animal products, aquatic animal-related items and veterinary medicinal products.

Clause 63 prohibits the importation of an aquatic animal, aquatic animal product or aquatic animal-related item, unless specific requirements are met, such as ensuring that the importation is being done in accordance with an import permit. The clause also establishes the procedure for acquiring an import permit. Further, the clause mandates the Chief Veterinary Officer cause to be kept records of all import permit applications made under the section.

Clause 64 empowers the Minister, on the recommendation of the Chief Veterinary Officer, to prohibit or restrict the importation of an aquatic animal, aquatic animal product or aquatic animal-related item which may result in the introduction or spread of a vector, pathogen, disease or toxic substance in the enacting country. The clause also sets out the actions to be taken if an aquatic animal is imported contrary to a restriction or prohibition.

Clause 65 provides that subject to section 67, unless actions specified in the section are taken, there is a general prohibition against the importation of an aquatic animal which is of a species susceptible to a listed disease or is a vector for a listed disease specified in Schedule 6.

Clause 66 prohibits the importation of carcasses and offal of specified classes and species of aquatic animal, unless the importation is in accordance with an import permit.

Clause 67 make provision for a person to import an aquatic animal that is of a species susceptible to a listed disease specified in Schedule 6 or is a vector of a disease listed in Schedule 6, without a permit if the person meets requirements specified in the clause.

Clause 68 prohibits the importation of an aquatic animal that is not listed in Schedule 6 unless, in addition to an import permit being issued in relation to the aquatic animal, the aquatic animal is accompanied by a document containing the information specified in the clause.

Clause 69 requires a customs officer to give the Chief Veterinary Officer an arrival notification for an aquatic animal, aquatic animal product or aquatic animal-related item that arrives at a port of entry. The clause also prohibits a customs officer from releasing or disposing of an

aquatic animal, aquatic animal product or aquatic animal-related item unless he is authorised to do so by the Chief Veterinary Officer.

Clause 70 requires an inspector to inspect an aquatic animal, aquatic animal product, and aquatic animal-related item at the designated landing site upon importation into the enacting country. The clause also empowers the inspector to release an imported aquatic animal, aquatic animal product or aquatic animal-related item for clearance by customs if he is satisfied that it does not pose any risk for the introduction and spread of disease. Further, the clause sets out the procedure to be followed, and the powers given to an inspector, where he determines that the importation of an aquatic animal, aquatic animal product or aquatic animal-related item may result in the introduction or spread of a vector or a disease, or where the documentation accompanying the shipment fails to meet the prescribed requirements.

Clause 71 requires a person who wishes to transport an aquatic animal, aquatic animal product or aquatic animal-related item through the enacting country to hold a transit permit. The clause sets out the application procedure and the procedure the be followed after the application is made. Additionally, the clause sets out the grounds on which an inspector may refuse the entry of an aquatic animal, aquatic animal product or aquatic animal-related item.

Clause 72 creates a general prohibition against the export or re-export an aquatic animal, aquatic animal product or aquatic animal-related item, unless requirements specified in the clause are met. The clause also establishes the procedure to be followed to procure an export certificate.

Clause 73 requires a person who intends to export or re-export an aquatic animal, aquatic animal product or aquatic animal-related item from the enacting country to meet specified requirements including having in his possession a valid International Veterinary Certificate. The clause also sets out the decisions and actions to be taken by the Chief Veterinary Officer if he is satisfied that the requirements of the importing country have been met, if he is not satisfied that an aquatic animal, aquatic animal product or aquatic animal-related item intended to be exported meets the requirements of the importing country or he has reasonable grounds to believe that after the International Veterinary Certificate is issued, but prior to export, the condition of the aquatic animal, aquatic animal product or aquatic animal-

related item has deteriorated or materially changed in quality from the condition in which it was at the time the certificate was issued.

Clause 74 establishes the procedure to be followed where an inspector reasonably believes that that after an International Veterinary Certificate is issued, but prior to export or re-export, the condition of an aquatic animal, aquatic animal product or aquatic animal-related item has deteriorated or materially changed in quality from the condition in which it was at the time the Certificate was issued. The clause also sets out the circumstances in which the Chief Veterinary Officer is mandated to cancel an export certificate and an international veterinary certificate in relation to an aquatic animal, aquatic animal product or aquatic animal-related item.

Clause 75 empowers the Chief Veterinary Officer to suspend or withdraw an export certificate. The clause also stipulates the steps to be taken by the Chief Veterinary Officer after the suspension or withdrawal.

PART VII

AQUATIC ANIMAL QUARANTINE

Clause 76 empowers the Minister to establish designated quarantine stations. The clause sets out the grounds on which an inspector may, with the approval of the Chief Veterinary Officer, place an aquatic animal in a designated quarantine station. The clause also creates offences in relation to specified prohibited actions taken in respect of quarantined aquatic animals.

Clause 77 empowers an inspector, on specified grounds, to destroy a diseased aquatic animal that is in a designated quarantine station without payment of compensation. The clause also sets out the procedure to be followed before the destruction of a diseased aquatic animal, including a mandate that the Chief Veterinary Officer give to the person who owns, or is in charge of, the diseased aquatic animal not less than two days' notice in writing of the intention to destroy the aquatic animal.

Clause 78 indemnifies veterinarians, inspectors, the Chief Veterinary Officer and the NAAHO against any liability for any loss or damage sustained by an aquatic animal due to an act of a veterinarian, an inspector or the Chief Veterinary Officer, unless the loss or damage has been caused by wilful neglect. The clause stipulates that any loss sustained with respect to an imported aquatic animal while being conveyed to, from or within a designated quarantine station is to be borne by the importer.

Clause 79 specifies the circumstances in which an inspector is empowered to authorise the release an aquatic animal from quarantine.

Clause 80 permits the sale or euthanasia of a quarantined aquatic animal if its owner, the importer or the consignee refuses or fails to claim the aquatic animal or to pay any charges or expenses incurred with respect to the aquatic animal.

PART VIII

AQUATIC ANIMAL WELFARE

Clause 81 prohibits the torture, beating, injury, mutilation or neglect of an aquatic animal, or the treatment of an aquatic animal with cruelty.

Clause 82 stipulates how a person who owns or is in charge of an aquatic animal is to treat that animal and prohibits the subjection of an aquatic animal to unnecessary suffering, whether by an act or omission.

Clause 83 prohibits a person from vaccinating an aquatic animal against a listed disease, except under and in accordance with the conditions of a licence granted by the Chief Veterinary Officer.

PART IX

ENFORCEMENT

Clause 84 empowers an inspector to inspect and examine an aquatic animal, an aquatic animal product, an aquatic animal-related item, an aquaculture establishment, a premises, a plot of land or a body of water (including documents or records present) in connection with an application for registration, a registration certificate or an application to modify a registration certificate. The clause also details the actions that may be taken by an inspector upon his entry into a slaughterhouse, premises, vehicle, port facility or other place where activities in relation to aquatic animal health or veterinary public health are being carried out. The clause specifies the steps to be taken by an inspector who reasonably suspects that an owner or a person in charge of an aquatic animal, aquatic animal product, aquatic animal-related item or premises has failed to comply with the Act. Further, the clause makes specific provision for entry into a premises that is used wholly or partly as a dwelling place.

Clause 85 empowers an inspector who seizes and detains an aquatic animal, aquatic animal product or aquatic animal-related item or other item to require the owner or the person having possession, care or control of such animal, product or item at the time of seizure to remove it and store it in accordance with the inspector's directive.

Clause 86 restricts the period for which an aquatic animal, aquatic animal product, aquatic animal-related item or other item that has been seized may be detained.

Clause 87 empowers the Chief Veterinary Officer to order the confiscation and disposal of an aquatic animal, aquatic animal product or aquatic animal-related item or other item or require the owner or person in charge of it to dispose of it. The clause also specifies the circumstances under which the order may be given. Further, the clause mandates an inspector to give notice of confiscation and disposal to the owner or person in charge of an aquatic animal, aquatic animal product or aquatic animal-related item or other item that is slated for confiscation and disposal.

Clause 88 empowers an inspector to serve an improvement notice on an operator of an aquaculture establishment where the inspector reasonably suspects that the aquaculture establishment is not being operated in accordance with the Act. The clause also specifies the information to be included in an improvement notice. Further, the clause makes it an offence to fail to comply with an improvement notice.

Clause 89 empowers an inspector to serve an enforcement notice on an operator of an aquaculture establishment that the inspector reasonably suspects is contravening or failing to comply with the registration certificate issued under the Act or a requirement under the Act. The clause also sets out the information that should be conveyed in an enforcement notice.

Clause 90 specifies the conditions under which, and the persons on whom, an inspector is empowered to serve an emergency control notice. The clause also sets out the powers that may be exercised by an inspector once an emergency control notice has been served.

PART X

GENERAL PROVISIONS AS TO NOTICES

Clause 91, with the exception of emergency control notices and provisional infected zone notices, sets out the manner in which a notice issued under the Act is to be served.

Clause 92 makes provision for a notice to which section 91 applies to be served by electronic means.

Clause 93 specifies the time at which different types of notices served under the Act will come into effect.

Clause 94 empowers an inspector to require specified types of information as to compliance with a served notice from a person on whom a notice has been served.

Clause 95 grants an inspector specified powers, exercisable in the event that a person fails to comply with a notice served under the Act.

Clause 96 stipulates that unless the Chief Veterinary Officer directs otherwise in writing, a person on whom a notice has been served is required to bear the cost of complying with the notice.

Clause 97 excludes inspectors acting in the execution of their duties from the application of any provision in the Act that prohibits or restricts movement.

PART XI

RECONSIDERATION OF DECISIONS

Clause 98 grants to a person to whom the Act applies and who is not satisfied with a decision or action taken by an inspector, a veterinarian, the Chief Veterinary Officer or the NAAHO a right to apply to the Chief Veterinary Officer for reconsideration of the decision. The clause also sets out the requirements to be met when making an application for reconsideration.

Clause 99 specifies requirements to be met by the Chief Veterinary Officer when considering an application for reconsideration.

Clause 100 sets out the types of decisions that the Chief Veterinary Officer is empowered to make in response to an application for reconsideration.

Clause 101 establishes a right of appeal to a Court, to be determined by the enacting country, by a person aggrieved by a decision of the Chief Veterinary Officer made in response to an application for reconsideration. The decision of the Court is final.

PART XII

OFFENCES AND PENALTIES

Clause 102 lists the general offences under the Act and makes provision for the enacting country to specify the penalties.

Clause 103 lists specific acts which constitute offences if committed by a person either personally or indirectly, through an employee or agent, and the penalty for such offences. The clause also makes provision where an offence under the Act is committed by a body corporate and is proved to have been committed with the consent or connivance of, or to be attributable to any neglect or default on the part of, a director, manager, secretary or other similar officer of the body corporate, or a person who is purporting to act in any such capacity.

Clause 104 lists acts which, if performed by an employee of the NAAHO or a person appointed under the Act, constitute offences and makes provision for the enacting country to specify the penalties.

Clause 105 sets out the procedure to be followed by an inspector, the Chief Veterinary Officer and persons responsible for law enforcement where the inspector reasonably suspects that a person has contravened a provision of the Act.

Clause 106 empowers the Court to make an order that an aquatic animal, aquatic animal product, aquatic animal-related item or other thing by means of, or in relation to, which an offence was committed, or any proceeds realised from its disposition, be forfeited to the [*State/Crown*], in addition to any penalty imposed. The clause also grants a right to a convicted person to appear before the Court to show cause why an aquatic animal, aquatic animal product, aquatic animal-related item or other thing to which the conviction relates should not be forfeited. Further, the clause makes provision for the enacting country to specify where the proceeds of sale of a forfeited aquatic animal, aquatic animal product, aquatic animal-related item other thing are to be deposited.

Clause 107 establishes a good faith defence for a person appointed under the Act and for members of staff of the NAAHO, an official laboratory, a reference laboratory or a government entity, except in the case of civil or criminal liability for personal injury or death.

PART XIII

ADMINISTRATIVE PENALTIES

Clause 108 makes provision for the enacting country to specify which offences under the Act are to be dealt with administratively.

Clause 109 empowers the Chief Veterinary Officer to issue a notice to a person he reasonably suspects has committed an offence under a section referred to in section 108 informing the person that he is accused of having committed an offence and inviting the accused person to

take advantage of the option to have the matter dealt with administratively. The clause also specifies the information that the notice should contain.

Clause 110 mandates the Chief Veterinary Officer to give a person to whom a notice was issued pursuant to section 109 the opportunity to make representations in respect of the alleged contravention. The clause also sets out the procedure to be followed by the accused person and the Chief Veterinary Officer regarding the making and receiving of representations, respectively.

Clause 111 makes provision for hearings held by the Chief Veterinary Officer in relation to offences that are being dealt with administratively. The clause specifies the timeframes within which a hearing must be conducted and a decision must be made. Further, the clause sets out the requirements the Chief Veterinary Officer must meet when preparing a decision on whether to impose an administrative penalty.

Clause 112 grants a person who is aggrieved by the Chief Veterinary Officer's decision regarding the imposition of an administrative penalty a right to appeal to a Court to be determined by the enacting country.

Clause 113 empowers the Chief Veterinary Officer to amend a decision made in relation to an offence that is being dealt with administratively to correct specified types of errors or omissions in the decision.

Clause 114 provides that the requirement to pay an administrative penalty applies even if the person exercised due diligence to prevent the contravention or failure in relation to which the administrative penalty is imposed.

Clause 115 sets out the circumstances that the Chief Veterinary Officer must take into consideration when determining the quantum of an administrative penalty in a particular case.

Clause 116 specifies the deadline for payment of an administrative penalty.

Clause 117 provides that an administrative penalty may be recovered as a debt due to the government. The clause also sets out the steps to be taken by the Chief Veterinary if a person fails to pay an administrative penalty.

Clause 118 provides that all revenue derived from administrative penalties will be paid into the Consolidated Fund.

Clause 119 establishes a limitation period of three years beyond which a notice issued under section 109 may not be served.

PART XIV

JURISDICTION, EVIDENCE AND LIABILITY

Clause 120 specifies the contexts within which a Court of the enacting country has jurisdiction and standing to hear and determine judicial proceedings concerning alleged acts and omissions which are contrary to the Act.

Clause 121 provides that in proceedings where a person is charged with having committed an offence involving an act for which a certificate, permit or other authorisation is required under the Act, the burden is on the person charged to prove that at the material time he held the requisite certificate, permit or other authorisation.

Clause 122 sets out the conditions under which it is presumed that an aquatic animal has been placed on the market or is intended to be placed on the market for human consumption or an article or substance commonly used in the manufacture of food for human consumption is intended for placement on the market, or for manufacturing fishery products or other food for placement on the market for human consumption.

Clause 123 sets out specific presumptions concerning vessels and aircraft including presumptions regarding records which constitute evidence relating to vessels and activities that take place on vessels.

Clause 124 provides that there is a presumption that an aquatic animal product was produced, manufactured or packed by the establishment or operator whose name, address or registered trademark the package that contains the product bears.

Clause 125 sets out the conditions to be met in order for a certificate, signed by the person in charge of a designated laboratory stating that an object or substance has been analysed or examined and stating the results of the analysis or examination, to be admissible in proceedings under the Act as *prima facie* evidence of the matters referenced in the certificate and of the correctness of the results of the analysis or examination.

Clause 126 sets out the conditions to be met in order for a photograph taken of an item or activity to be presumed to have been taken on the date, at the time and in the position appearing on the photograph.

Clause 127 subject to specified exceptions, prohibits an inspector or other representative of the NAAHO from disclosing any information to a third party that is acquired in the performance of his duties, unless ordered to do so in writing by the Minister or by a Court. The clause also identifies the categories of persons to whom a disclosure is to be made in the exceptional circumstances listed.

Clause 128 provides that every offence created under the Act is a strict liability offence. The clause also lists the defences to a charge under the Act.

Clause 129 empowers the Minister to make regulations for the purpose of giving effect to the Act.

Clause 130 repeals enactments that previously addressed aquatic animal health. The clause saves all permits and licences granted and appointments made under the repealed provisions, valid and in force immediately before the coming into operation of the Act, except where it is at variance with the provisions of the Act to an extent which makes it incompatible with the object and purpose of the Act. The clause also makes provision for an agreement made under or in relation to the repealed provisions, which is substantially at variance with the provisions of the Act, to continue in full force and effect until the earliest possible date of its re-negotiation or renewal.

Schedule 1 sets out the constitution of the Advisory Committee.

Schedule 2 is the application form to register an aquaculture establishment.

Schedule 3 lists the various fees required to be paid under the Act.

Schedule 4 sets out the Registered Aquaculture Establishment Certificate.

Schedule 5 sets out the information to be included in the Public Register of Aquaculture Establishments.

Schedule 6 lists the aquatic animal diseases to which the Act applies.