

needed for a public purpose, needed for a public purpose within the meaning of section 4 of the Land Acquisition Act.

*Saving Clause.*

**Saving.** 33. (1) Nothing in this Act shall apply to the acquisition, possession, sale, exchange, import and export of any animals by or on behalf of the Trustees of the Victoria Memorial<sup>1</sup> in good faith for the purposes laid down in the Rangoon Victoria Memorial Act.<sup>2</sup>

(2) Nothing in sections 8 and 9 shall apply to the keeping in captivity of animals kept for purposes of display, educational purposes or in public parks and gardens.

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**THE GLANDERS AND FARCY ACT.**

[INDIA ACT XIII, 1899.] (20th March, 1899.)

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**Definition of "diseased".** 2. (1) In this Act, unless there is anything repugnant in the subject or context, "diseased" means affected with glanders or farcy, or any other dangerous epidemic disease among horses which the President of the Union may, by notification in the Gazette, specify in this behalf.

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

**Application of Act to local areas by President.** 3. (1) The President of the Union may, by notification in the Gazette, apply this Act or any provision of this Act to any local area, to be specified in such notification, within the Union of Burma.

(2) In any such notification the President of the Union may further direct that the Act or any provision so applied shall apply in respect of—

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

(b) all animals or any class of animals mentioned in section 2, sub-section (2).

**President, to appoint inspectors.** 4. (1) When this Act has been so applied to a local area, the President of the Union may, by notification in the Gazette, appoint such persons as he thinks fit to be inspectors under this Act and to exercise and perform, within the whole of the local area or such portions thereof as he may prescribe, the powers conferred and the duties imposed by this Act on such officers.

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

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<sup>1</sup> Now the Trustees of the Rangoon Zoological Gardens.

<sup>2</sup> Now the Rangoon Zoological Gardens Act (Burma Act I, 1908).

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

Power of entry and search.

6. Within such limits as aforesaid, the inspector may seize any horse which he has reason to believe to be diseased.

Power of seizure.

7. (1) On any such seizure as aforesaid, the inspector shall cause the horse seized to be examined as soon as possible by such veterinary practitioner as the President of the Union may appoint in this behalf :

Horse to be examined by veterinary practitioner.

Provided that, when the inspector is also a veterinary practitioner so appointed, he may make the examination himself.

(2) For the purposes of the examination, the veterinary practitioner may submit the horse to any test or tests which the President of the Union may prescribe.

8. (1) If the veterinary practitioner certifies in writing that the horse is diseased, the inspector shall cause the same to be immediately destroyed :

Horse to be destroyed if found diseased : otherwise restored.

Provided that, in the case of any disease other than glanders or farcy, horses certified to be diseased as aforesaid may, subject to any rules which the President of the Union may make in this behalf, be either destroyed or otherwise treated or dealt with as the veterinary practitioner may deem necessary.

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

9. (1) When any diseased horse has been in any building, shed or other enclosed place, or in any open lines, the inspector may issue a notice to the owner of the building, shed, place or lines, or to the person in charge thereof, directing him to have the same disinfected, and the internal fittings thereof, or such other things found therein or near thereto as the President of the Union may by rule prescribe, destroyed.

When horse diseased, place where it has been to be disinfected, etc.

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

10. The owner or any person in charge of a diseased horse shall give immediate information of the horse being diseased to the inspector or to such authority as the President of the Union may appoint in this behalf.

Owner or person in charge of diseased horse to give notice.

Prohibition against removal, without licence, of horse which has been with diseased horse.

11. No person in charge of any horse which has been in the same field, building or place as, or in contact with, a diseased horse, shall remove such horse except in good faith for the purpose of preventing infection, or under a licence to be granted by the inspector and subject to the conditions of the licence.

Vexatious entries, searches and seizures.

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

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

Penalty for refusing to comply with notice under section 9, or for moving horse contrary to section 11.

13. Whoever refuses or neglects to comply with any notice issued by the inspector under section 9, or removes any horse in contravention of section 11, shall be punishable with imprisonment for a term which may extend to one month, or with fine which may extend to fifty rupees, or with both.

Power to make rules.

14. (1) The President of the Union may make rules<sup>1</sup> to carry out the purposes and objects of this Act.

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

- (a) regulate entries, searches and seizures by inspectors under this Act ;
- (b) regulate the use of tests, and the isolation of horses subjected thereto, and provide for recovering the expense of detaining, isolating and testing horses from the owners or persons in charge thereof as if it were a fine ;
- (c) regulate the destruction or treatment, as the case may be, of horses certified under section 8 to be diseased, and the disposal of the carcasses of diseased horses ;
- (d) regulate the disinfecting of buildings and places in which diseased horses have been, and prescribe what things found therein or near thereto shall be destroyed ; and
- (e) regulate the grant of licences under section 11 and the conditions on which those licences shall be granted.

(3) All rules under this section shall be published in the Gazette, and on such publication, shall have effect as if enacted by this Act.

(4) In making any rule under this section, the President of the Union may direct that a breach of it shall be punishable with imprisonment for a term which may extend to one month, or with fine which may extend to fifty rupees, or with both.

<sup>1</sup> For such rules, see *Burma Gazette*, 1937, Part I, p. 7.

15. Any veterinary practitioner may be appointed by the President of the Union to be both inspector and veterinary practitioner for all or any of the purposes of this Act or of any rule thereunder.

Appoint-  
ment of  
same person  
to be both  
inspector  
and veteri-  
nary practi-  
tioner.

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

Protection  
to persons  
acting under  
Act.

### THE DOURINE ACT.

[INDIA ACT V, 1910.] (25th February, 1910.)

1. This Act extends only to such areas as the President of the Union may, by notification, direct.

Extent.

2. (1) In this Act, the expressions "inspector" and "veterinary practitioner" mean, respectively, the officers appointed as such under this Act, acting within the local limits for which they are so appointed.

Definitions

(2) The provisions of this Act in so far as they relate to entire horses shall, if the President of the Union by notification so directs, apply also to entire asses used for mule-breeding purposes.

3. The President of the Union may, by notification, make such orders as he thinks fit directing and regulating the registration of entire horses maintained for breeding purposes.

Registration  
of horses.

4. (1) The President of the Union may, by notification, appoint any persons he thinks fit to be inspectors, any qualified veterinary surgeons to be veterinary practitioners, under this Act, and to exercise and perform, within any area prescribed by the notification, the powers conferred and duties imposed by this Act upon such officers respectively.

Appoint-  
ment of  
inspectors  
and veteri-  
nary practi-  
tioners.

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

5. An inspector may, subject to such rules as the President of the Union may make in this behalf,—

Powers of  
inspector.

- (a) enter and search any building, field or other place for the purpose of ascertaining whether there is therein any horse which is affected with dourine ;
- (b) prohibit, by order in writing, the owner or keeper of any horse, which in his opinion is affected with dourine, from using such horse for breeding purposes, pending examination by the veterinary practitioner ;