

THE GAMBIA LIVESTOCK MARKETING ACT, 2006

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THE GAMBIA
NO. OF 2006.

Assented to by The President,
this day of , 2006

YAHYA A. J. J. JAMMEH
President

AN ACT to provide for the regulation and control of the marketing, import and export of livestock and for matters connected therewith.

[See section 1]

ENACTED by the President and the National Assembly.

PART I - PRELIMINARY

1. This Act may be cited as The Gambia Livestock Marketing Act, 2006 and comes into force on such date as the Secretary of State may, by Order published in the *Gazette*, appoint.

2. In this Act, unless the context otherwise requires-
"authorized" means authorized by a permit or certificate or any other document issued by the Department under this Act;

"authorized buyer" means a person who holds a livestock buying permit authorizing him or her to purchase livestock direct from livestock owners or producers for the purposes of trade;

"buying station" means a place appointed as a depot for the purchase and transit of livestock by the Department under this Act;

"Department" means the Department of Veterinary Services;

"export" means export from The Gambia to any place outside the limits of The Gambia;

"import", means to bring or cause to be brought into The Gambia;

"livestock" means cattle, equines, small ruminants, poultry, pigs, rabbits, and includes any other domestic animal which the Secretary of State may, by Notice published in the *Gazette*, declare to be livestock under this Act;

"Local Government Authority" has the meaning given to it in the Local Government Act, 2002;

"officer" means-

(a) a staff of the Department;

- (b) an officer of The Gambia Police Force or the Security Services; or
- (c) a person employed by a Local Government Authority for the purposes of this Act;

"purchase" includes exchange or barter, whether for goods or services and any agreement or contract of purchase, exchange or barter;

"Secretary of State" means the Secretary of State responsible for agriculture;

"sell" includes exchange or barter, whether for goods or services and any agreement or contract to sell, exchange or barter.

3. This Act shall be administered by the Department of Veterinary Services under the supervision of the Director of the Department.

PART II - FUNCTIONS

4. (1) The Department shall-

- (a) designate depots, holding grounds and agencies for the purchase, delivery, grading, sale and export of livestock; and
- (b) introduce weighing facilities, including scales or weight bands at buying stations.

(2) Without prejudice to the generality of subsection (1), the Department is responsible -

Administration of this Act

Functions of the Department

Permits and certificates required for marketing, trading and dealing in livestock

- (a) for issuing permits and certificates, as the case may be, to buyers of, and dealers in, livestock, operators of abattoirs and slaughter slabs and butchers;
- (b) for carrying out regular inspections, jointly with the Department of State responsible for health and the Department of State responsible for trade, of buying stations and other places where livestock is sold, abattoirs and slaughter slabs;
- (c) in consultation with the appropriate Local Government Authority and the Department of State responsible for health, for designating places as buying stations at which livestock may be weighed and purchased; and
- (d) for doing all things necessary for, and in connection with, the sale, export, import, shipment and herding of livestock.

PART III - PERMITS AND CERTIFICATES

5. (1) As from the commencement of this Act, a person shall not market, trade or deal in livestock, unless he or she holds, in the case of-

- (a) importation of livestock, an import permit;
- (b) movement of livestock, a livestock movement permit;
- (c) dealing in livestock, a livestock dealer permit;

- (d) pets, a veterinary certificate;
- (e) importation of products of animal origin, a veterinary health clearance certificate;
- (f) exportation of livestock, livestock product or by-product, an export permit; and
- (g) slaughtering of livestock, an abattoir or a slaughter slab certificate, as the case may be,

issued by the Department under or pursuant to this Act.

(2) A person who contravenes the provisions of subsection (1) commits an offence and is liable on conviction-

- (a) to a fine of not less than twenty-five thousand dalasis or imprisonment for a term not exceeding three years, or to both the fine and imprisonment; and
- (b) for a second or subsequent offence, to a fine of not less than fifty thousand dalasis or imprisonment for a term not exceeding six years, or to both the fine and imprisonment.

6. (1) A person who wishes to obtain a permit or certificate under this Act shall-

- (a) apply to the Department in such form; and
- (b) pay such fee,

as the Secretary of State shall, on the recommendation of the Department, prescribe.

(2) On receipt of an application under this section, the Department may make such investigations or require such information as may be necessary for the consideration of the application.

7. (1) The Department may, after due consideration of an application-

- (a) issue to the applicant the permit or certificate applied for, with such conditions as it may deem fit; or
- (b) refuse to issue the permit or certificate, giving reasons for the refusal.

(2) Unless earlier cancelled or suspended, a permit or certificate issued under this Act shall remain valid until the thirty-first day of December next following the date of issue and may, thereafter, be renewed from year to year or for such further period or periods as may be specified in the permit or certificate.

(3) An application for the renewal of a permit or certificate shall be made not later than such period as may be specified by the Department, before the expiration of the existing permit or certificate.

(4) The Department may renew a permit or certificate on such terms and conditions, as it deems necessary.

False declaration or representation

8. A person who, for the purpose of obtaining a permit or certificate under this Act, makes a false declaration commits an offence and is liable on conviction to a fine of not less than fifteen thousand dalasis, and in default of payment, to imprisonment for a term not exceeding six months, or to both the fine and imprisonment.

Suspension and cancellation of permits or certificates

9. (1) The Department may cancel or suspend a permit or certificate if the holder of the permit or certificate contravenes a provision of this Act or of a condition attached to the permit or certificate.

(2) Where the Department cancels or suspends a permit or certificate under subsection (1), it shall notify the holder of the permit or certificate accordingly, and he or she shall cease to carry out the activity authorised by the permit or certificate immediately on being notified.

(3) The Department may cancel or suspend a permit or certificate if the holder so requests.

(4) A permit or certificate that is cancelled or suspended shall be returned to the Department.

10. (1) The Department shall furnish to the Secretary of State particulars of a permit or certificate issued, renewed, cancelled or suspended under this Act.

(2) The Secretary of State shall cause the particulars furnished to him or her under subsection (1) to be published in the *Gazette*.

Secretary of State to be furnished with particulars of permits and certificates issued, cancelled or suspended

11. (1) A person who is aggrieved by –

- (a) the refusal of the Department to issue or renew a permit or certificate; or
- (b) the suspension or cancellation of a permit or certificate,

may, within fourteen days of receipt of the notification of the action complained of, appeal to the Secretary of State.

(2) An appeal shall be in writing, stating the grounds of appeal and be accompanied by such other written statements or documents as the appellant may wish to submit in support of the appeal.

(3) The Secretary of State shall, within sixty days of receiving an appeal, take a decision, which shall be communicated to the appellant and the Department.

12. A buyer of or dealer in livestock, an operator of an abattoir or a slaughter slab, or a butcher shall display, on request by an authorized officer at reasonable hours, every permit, certificate and other document issued to him or her under this Act in respect of the business.

13. A person who falsely holds himself or herself out or represents himself or herself to be an authorized buyer, dealer, importer, exporter or any other person holding a permit or certificate under this Act or acting on the authority or instruction of the Department, commits an offence and is liable on conviction to a fine of not less than twenty-five thousand dalasis or imprisonment for a term not exceeding two years, or to both the fine and imprisonment.

Appeals to Secretary of State

Display of permits or certificates

Personating an authorized person

16. (1) The Gambia Livestock Marketing Act is hereby repealed, and The Gambia Livestock Marketing Board established under that Act is consequentially dissolved.

(2) Notwithstanding anything contained in subsection (1), all regulations, orders, rules, notices or directives made or given under The Gambia Livestock Marketing Act, which-

- (a) are in force at the commencement of this Act; and
- (b) are not inconsistent with this Act,

are deemed to have been made or given, as the case may be, under this Act and shall continue in force until other provisions are made under this Act.

(3) A reference in any law to The Gambia Livestock Marketing Board shall be construed as a reference to the Department.

Waiver of restrictions on import and export

14. The Secretary of State may waive such restrictions on import and export of livestock, as he or she deems necessary, to maintain the prices of livestock.

PART IV – MISCELLANEOUS

Regulations

15. The Secretary of State may, on the recommendation of the Department, make regulations generally for the better carrying out of the purpose of this Act and, in particular, for-

- (a) restriction on the importation and exportation of livestock;
- (b) restriction on the purchase and sale of livestock;
- (c) the inspection of buying stations and other places where livestock is kept, abattoirs, slaughter slabs and butchers' shops;
- (d) fixing of fees for permits and certificates;
- (e) the duties, functions and responsibilities of authorized buyers of and dealers in livestock, operators of abattoirs and slaughter slabs and butchers;
- (f) the imposition of penalties in respect of contravention of any regulation made under this Act; and
- (g) providing for matters relating to evidence and for the burden of proof in any proceedings under this Act.

PASSED in the National Assembly this Sixteenth day of August
in the year of Our Lord Two Thousand and Six.

D. C. M. Kebbeh
Clerk of the National Assembly.

THIS PRINTED IMPRESSION has been carefully compared by me with the
which has passed in the National Assembly, and found by me to be a true and
copy of the said Bill.

D. C. M. Kebbeh
Clerk of the National Assembly.