



## The Gujarat Diseases of Animals (Control) Act, 1963

Act 27 of 1963

**Keyword(s):**

**Animal, Export, Import, Infective Animal, Scheduled Disease, Transport, Veterinary Surgeon**

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Separate paging is given to this Part in order that it may be  
 filed as a separate compilation

## PART IV

Acts of the Gujarat Legislature and Ordinances promulgated and  
 Regulations made by the Governor.

[The following Act of the Gujarat Legislature, having been assented to by  
 the Governor on the 15th May 1963 is hereby published for general information].

AKBAR S. SARELA,  
 Secretary to the Government of Gujarat,  
 Legal Department.

### GUJARAT ACT NO. XXVII OF 1963.

(First published, after having received the assent of the Governor in the  
 "Gujarat Government Gazette" on the 20th May 1963).

An Act to provide for the eradication, prevention and control of  
 diseases affecting animals.

It is hereby enacted in the Fourteenth Year of the Republic of India as follows:-

#### PART I.

##### PRELIMINARY.

1. (1) This Act may be called the Gujarat Diseases of Animals (Control) Act, 1963.

(2) It extends to the whole of the State of Gujarat.

(3) This section shall come into force at once. The State Government may  
 from time to time, by notification in the *Official Gazette*, direct that all or any of  
 the remaining provisions of this Act shall come into force in such area in respect  
 of such scheduled disease and on such date as may be specified in the notification  
 and may by similar notification direct that such provisions shall cease to be in force  
 in any area from such date as may be specified therein.

Short title,  
 extent and  
 commence-  
 ment.

**Definitions.** 2. In this Act, unless the context otherwise requires,—

(a) “animal” means any domesticated animal or bird, or any animal or bird kept in confinement;

(b) “export” means to take out of the State of Gujarat otherwise than across a customs frontier ;

(c) “import” means to bring into the State of Gujarat otherwise than across a customs frontier ;

(d) “infective animal” means an animal which is affected with a scheduled disease or has recently been in contact with or in close proximity to an animal so affected;

(e) “Inspector” means an Inspector appointed under section 3;

(f) “prescribed” means prescribed by rules made under section 38;

(g) “rules” means rules made under section 38;

(h) “scheduled disease” means any disease specified in the Schedule to this Act;

(i) “transport” means to remove to one place from another place within the State of Gujarat;

(j) “Veterinary Surgeon” means a Veterinary Surgeon appointed under section 3;

**Appointment of Veterinary Surgeons and Inspectors.** 3. (1) The State Government or the Commissioner in his division may, by notification in the *Official Gazette*, appoint a person to be a Veterinary Surgeon for the purposes of this Act and may specify the area within which he shall exercise the powers and perform the duties of a Veterinary Surgeon under this Act.

(2) The State Government or the Commissioner in his division may by a similar notification in the *Official Gazette*, appoint a person to be an Inspector for all or any of the purposes of this Act and specify the area within which he shall exercise the powers and perform the duties of an Inspector under this Act.

(3) A Veterinary Surgeon, in addition to his powers as Veterinary Surgeon, may exercise within the area for which he is appointed, all the powers of an Inspector under this Act.

**Veterinary Surgeons and Inspectors to be public servants.** 4. Every Veterinary Surgeon and every Inspector appointed under this Act shall be deemed to be a public servant within the meaning of section 21 of the *Indian Penal Code* of 1860.

## PART II

### ERADICATION, PREVENTION AND CONTROL OF SCHEDULED DISEASES

**Eradication of diseases in certain areas.** 5. (1) The State Government, with the object of eradicating as far as practicable any scheduled disease, may by notification in the *Official Gazette*—

(a) declare any local area to be an eradication area, and thereupon in such area the class or classes of animals specified in the notification shall be liable to be immunised in the manner described in the notification, and shall also for the purposes of identification be marked in the prescribed manner, and

(b) prohibit or regulate the movement of any class or classes of animals into, or out of, or within, any local area which is for the time being declared to be an eradication area.

(2) For the purpose of immunising any animal as provided in sub-section (1), the Veterinary Surgeon or Inspector may by notice in writing served on any person or published in any such local area or part thereof, in the prescribed manner, require any person in charge of any such animal to produce it for immunisation and marking at such time and place as shall be specified in the notice, and thereupon such person shall comply with the requisition, and shall also give all reasonable facilities and assistance for the carrying out of the immunisation and marking:

Provided that, on an application made by the owner, or any person having charge of any such animal the Veterinary Surgeon or Inspector, may, for good and sufficient reason, exempt any animal from such immunisation or marking and he shall, if so requested, furnish in writing to the owner, or person in charge of such animal, the reason for such exemption.

*Explanation.*—“Immunisation” for the purposes of this section means treatment with either serum or vaccine or with both.

6. (1) The State Government or the Commissioner in his division may, for the purpose of preventing the outbreak or spread of any scheduled disease by notification in the *Official Gazette*, prohibit, control or regulate in such manner and to such extent as it or he may think fit—

(a) the import, export or transport of any animals, or their carcasses or of any part of animals or their carcasses or of any fodder, bedding or other thing used in connection with animals, which may, in the opinion of the State Government or Commissioner carry infection, or

(b) the holding of animal markets, animal fairs or animal exhibitions, or any other concentration of animals in any specified area, or

(c) the sale or other dealings in, infective animals or their carcasses or any fodder, bedding or other thing used in connection with such animals which may, in the opinion of the State Government or Commissioner carry infection.

(2) The State Government or Commissioner may, by notification in the *Official Gazette*, specify the season or seasons during which and the route or routes by which animals may be imported into the State or, as the case may be, into the division and no person shall import animals into the State or, as the case may be, into the division otherwise than during the season and by the route so appointed.

7. (1) The State Government or the Commissioner in his division may establish quarantine stations for the inspection and detention of animals along the route appointed under sub-section (2) of section 6.

(2) All animals inspected or detained at a quarantine station shall be liable—

(a) to be vaccinated against any scheduled disease if in the opinion of the officer in charge of such station it is necessary so to do, and

(b) to be marked in the prescribed manner.

(3) The period of detention of animals at a quarantine station for the purposes of inspection, vaccination and marking shall be such as may be prescribed.

(4) Animals detained at a quarantine station shall remain under the care of the person in their charge who shall be responsible for their feeding and upkeep and for the payment of such fee for their vaccination and marking as may be prescribed.

(5) The officer in charge of the quarantine station shall, at the time of release of an animal from the station, grant in the prescribed form a permit to the person in charge of the animal and such person shall, while in charge of the animal, produce it whenever required to do so by an Inspector or a Police Officer.

Power to isolate infective animals and their examination.

8. (1) Where an Inspector has reason to believe that any animal is infective he may, by order in writing, direct the owner or person in charge of such animal to keep it where it is for the time being or to remove it or allow it to be removed to such place of isolation or segregation as may be specified in the order :

Provided that where there is no person in charge of the animal and the owner is unknown, or where the order cannot be communicated to the owner of the animal without undue delay or where the person in charge of the animal refuses to comply with an order under this sub-section, the Inspector may seize the animal and remove it to a place of isolation or segregation.

(2) The Inspector shall forthwith report to the Veterinary Surgeon every order or seizure under sub-section (1).

Power of Veterinary Surgeons to examine animals.

9. (1) On receipt of a report under sub-section (2) of section 8, the Veterinary Surgeon shall, as soon as practicable, examine the animal and all animals with which it has been in contact or to which it has been in close proximity, and for this purpose may submit any animal to any prescribed test.

(2) If after such examination the Veterinary Surgeon—

(a) is of opinion that any animal is not infective, the Inspector shall forthwith return it to the person who, in his opinion, is entitled to its possession or where in his opinion, such person cannot be found after reasonable inquiry, he shall send the animal to the nearest cattle pound or deal with it in such other manner as may be prescribed,

(b) certifies in writing that any animal is affected with a scheduled disease, the Inspector shall destroy the animal, or deal with it in such other manner as may be prescribed, or

(c) certifies in writing that any animal is infective, though not diseased the animal shall be dealt with in such manner as may be prescribed.

(3) The decision of the Veterinary Surgeon whether any animal has been in contact with or in close proximity to an animal suspected to be affected with a scheduled disease shall be final.

Compensation for animals destroyed.

10. (1) When an animal is destroyed under sub-section (2) of section 9 its owner may be paid such compensation as determined in the prescribed manner :

Provided that no compensation shall be paid—

(a) to any person convicted of any offence punishable under this Act committed in respect of such animal; or

(ii) in respect of any animal which, when it was imported, was affected with a scheduled disease on account of which it was destroyed.

(2) The decision under sub-section (1) regarding the right of a person to be paid any compensation or the amount of such compensation shall be final.

11. (1) If an Inspector has reason to believe that an infective animal is kept on any land or in any building or other place he shall, forthwith, by order in writing, declare such land, building or place to be an infected place. The Inspector shall deliver a copy of the order to the owner, occupier or person in charge of the infected place and report his action to the Veterinary Surgeon.

Declaration of private infected places and examination of such places by Veterinary Surgeon.

(2) On receipt of a report under sub-section (1), the Veterinary Surgeon shall, as soon as practicable, examine the infected place and the animals kept therein. After such examination, he shall either confirm or cancel the order passed by the Inspector.

(3) If the Veterinary Surgeon confirms the order passed by the Inspector, he may declare all places in which animals are kept, temporarily or otherwise, within a radius not exceeding one mile from the infected place, to be infected places. The Veterinary Surgeon shall give a written notice of such declaration to the owners, occupiers or persons in charge of such places. The Veterinary Surgeon shall thereafter report the action taken by him under this section to the prescribed authority.

(4) If the Veterinary Surgeon cancels the order passed by the Inspector, the place specified in such order shall cease to be an infected place and the Inspector shall give notice accordingly to the owner, occupier or person in charge of such place.

(5) Nothing in the foregoing provisions of this section shall apply to any place which is owned by or is under the control or management of, any local authority or a railway administration and in which animals are kept temporarily for purposes of sale or exhibition or while in transit.

12. (1) Where the Veterinary Surgeon has reason to believe that infective animal is or has been kept in any place which is owned by or is under the control or management of any local authority or railway administration or a port authority and in which animals are kept temporarily for purposes of sale, or exhibition or while in transit, he may, by order in writing, declare such place to be an infected place.

Declaration of public infected places.

(2) The Veterinary Surgeon shall—

(a) cause a copy of the order passed by him under sub-section (1) to be exhibited prominently in the infected place in the regional language of the locality;

(b) cause a copy of such order to be delivered at the office of the local authority or to the station master of the nearest railway station or to the Officer in charge of the port or in charge of a shipping office at such port, as the case may be;

(c) cause a copy of such order to be sent to the nearest police station; and

(d) forthwith report the action taken by him to the prescribed authority.

13. (1) On receipt of a report under sub-section (3) of section 11 or sub-section (2) of section 12, the prescribed authority shall after making such further inquiry as it thinks fit, submit such report with its remarks thereon, to the Commissioner of the division.

Power of Commissioner to declare infected areas.

(2) The Commissioner on receipt of the report may—

(a) confirm the declaration made under sub-section (1) or (3) of section 11 or sub-section (1) of section 12 either with or without modification; or

(b) cancel any such declaration.

(3) Where the Commissioner confirms any such declaration, either with or without modification, he shall, by a notification in the *Official Gazette*, define the limits of the area to which the declaration, with the modifications, if any, made therein, shall apply and declare such area to be an infected area.

(4) The Commissioner may by notification in the *Official Gazette* add to, amend vary or rescind any notification published under sub-section (3) either on his own, motion or on a further report of the Veterinary Surgeon submitted to him through the prescribed authority.

(5) On publication of a notification under sub-section (3) or (4), any place declared by the Inspector or the Veterinary Surgeon to be an infected place and not included in the infected area as defined in such notification shall cease to be an infected place and the Inspector shall give notice accordingly to the owner, occupier or person in charge of such place.

(6) The Inspector shall cause to be exhibited in some prominent place in the infected area and in the regional language thereof a copy of the notification issued under sub-section (3) or (4).

(7) Where the Commissioner cancels any declaration referred to in sub-section (2), any place specified in such declaration shall cease to be an infected place and the Inspector shall give notice accordingly to all persons to whom copies of such declaration were delivered or on whom notices of such declaration were served.

Removal of animals and other things from infected area or place prohibited without licence.

14. (1) Where any area or place has been declared to be an infected area or place under the foregoing provisions, no person shall, while such a declaration remains in force, remove any infected animal, alive or dead, or any part of an animal or any food, bedding or other thing used in connection with an animal, save in accordance with the conditions of a licence granted by the Inspector.

(2) Nothing contained in sub-section (1) shall apply to the carriage by a railway of any animal or thing referred to in that sub-section through an infected area or place :

Provided that where any such animal or thing while in transit through an infected area or place is unloaded therein, it shall not be removed therefrom save in accordance with the provisions of sub-section (1).

Power to require animals, etc., to be brought to infected areas.

15. Where any animal or thing referred to in section 14 is removed from an infected area or place otherwise than in accordance with the conditions of a licence granted under section 14, any Inspector or Police Officer may require the owner or person in charge of such animal or thing to take it back to such area or place :

Provided that nothing in this section shall affect the powers of an Inspector under section 8 to deal with infective animals.

Cleansing and disinfection of vessels and vehicles.

16. (1) Every vessel or vehicle used by a common carrier for the transport of animals shall be cleansed and disinfected by him at such periods and in such manner as may be prescribed.

(2) Any person in charge of such vessel or vehicle shall, when required to do so by an Inspector, cause it to be taken to such place as the Inspector may direct and to be kept stationary for so long as may reasonably be necessary for the purpose of enabling the Inspector to inspect it. The Inspector may, after such inspection, if in his opinion the vessel or vehicle is not in a sanitary condition, require it to be cleansed and disinfected in the prescribed manner.

(3) Nothing in this section shall apply to the rolling stock of any railway.

17. Subject to the rules the Veterinary Surgeon may by order in writing, require the owner, occupier or person in charge of any land, building, or other place or of any vessel or vehicle in which an infective animal has been kept to have such land, building, place, vessel or vehicle disinfected, and the internal fittings thereof and other things found therein or near thereto to be disinfected or destroyed in, such manner and to such extent as may be specified in the order.

Power to require disinfection of infected premises, vessels or vehicles.

18. Subject to the rules the Veterinary Surgeon may make or cause to be made a post-mortem examination of any animal which at the time of its death was infective or is suspected to have been infective, and for this purpose he may cause the carcass of such animal to be exhumed.

Power of Veterinary Surgeon to hold post-mortem.

19. Every owner or person in charge of, and every Veterinary practitioner who has been called to treat, an animal which he has reason to believe to be affected with a scheduled disease shall forthwith report the fact to the Inspector having jurisdiction in the area.

Duty of certain persons to report scheduled disease.

20. Every owner or person in charge of an animal which he has reason to believe to be affected with a scheduled disease shall keep it in an enclosed space separate from animals not so affected.

Duty of person in charge to isolate infective animals.

*Explanation.*—"Enclosed space" for the purposes of this section means any place, enclosed in such manner, and situated at such distance, as effectively to prevent any animal affected with a scheduled disease from coming into contact with any animal not so affected.

21. No person shall keep or graze in open or unenclosed land to which other persons have a right of access for their animals, any animal which he knows to be infective.

Keeping or grazing infective animals prohibited.

22. No person shall bring or attempt to bring into any market, fair, exhibition or other concentration of animals, any animal which he knows to be infective.

Bringing of infective animals in market, etc., prohibited.

23. No carcass or part of the carcass of any animal which at the time of its death was infective or which was destroyed on account of its being infective or suspected to be infective shall be disposed of except by burning or burying in the prescribed manner or by placing in the sea beyond the prescribed distance from the shore.

Disposal of carcass of infective animals.



Disinterring without lawful authority carcass of animal prohibited.

24. No person shall without lawful authority disinter or cause to be disinterred the carcass or any part of the carcass of any animal which, at the time of its death was infective or which was destroyed on account of its being infective or suspected to be infective.

Powers of entry and inspection.

25. Subject to the rules an Inspector may enter upon and inspect any land, building or other place or any vessel or vehicle for the purpose of exercising the powers and performing the duties conferred or imposed on him by or under this Act.

Enforcement of orders and recovery of expenses.

26. (1) Whereby any notice, requisition, or order made under this Act or under any rule or notification issued thereunder, any person is required to take any measures or to do anything in respect of any property owned or occupied by him or in his charge, a reasonable time shall be specified in such notice, requisition or order within which such measures shall be taken or such things shall be done.

(2) If such measures are not taken or such thing is not done within the time so specified, the authority issuing the notice, requisition or order may cause the measures to be taken or the thing to be done at the cost of the person required to take the measures or to do the thing.

(3) The cost of any measures taken or thing done under sub-section (2) shall be recoverable from the person concerned in the manner provided by the Code of Criminal Procedure, 1898, for the recovery of fines imposed by a Court as if such cost were a fine imposed by a Court.

V of 1898.

Power of Inspector to decide whether or not animal is infective.

27. If any question arises under this Act whether or not an animal is an infective animal, the question shall be decided by the Veterinary Surgeon and his decision shall be final.

Penalties.

28. Whoever—

(i) fails to comply with or contravenes the terms of any notification issued under section 5, or fails to carry out any requisition made, or direction given, by or under the said section, or

(ii) fails to carry out any direction specified in, or contravenes the terms of, any notification issued under section 6 or imports any animal in contravention of the provisions of sub-section (2) thereof, or

(iii) fails to feed or look after the upkeep of the animal under sub-section (4) of section 7 or fails to produce the permit under sub-section (5) thereof, or

(iv) fails to comply with an order made by an Inspector under sub-section (1) of section 8, or

(v) removes any animal or thing from an infected area or place in contravention of the provisions of section 14, or

(vi) fails to comply with any direction given by an Inspector or a Police Officer under section 15, or

(vii) fails to cleanse or disinfect any vessel, or vehicle used for removing animals in the manner prescribed as required under sub-section (1), or fails to cause any vessel or vehicle to keep stationary when required to do so under sub-section (2), of section 16, or

(viii) fails to comply with an order made by a Veterinary Surgeon under section 17, or

(ix) fails to report that an animal is infective as required by section 19, or

(x) fails to keep any animal separately as required by section 20, or

(xi) keeps or grazes any animal which he knows to be infective in contravention of the provisions of section 21, or

(xii) brings or attempts to bring any animal which he knows to be infective in contravention of the provisions of section 22, or

(xiii) disinters or causes to be disinterred the carcass or any part of the carcass of any animal which at the time of its death was infective or was destroyed on account of its being infective or suspected to be infective in contravention of the provisions of section 24,

shall, on conviction, be punished in the case of a first conviction with fine which may extend to one hundred rupees, and in the case of a second or subsequent conviction whether under the same or any other clause of this section with simple imprisonment for a term which may extend to three months or with fine which may extend to five hundred rupees, or with both.

29. Whoever places or causes or permits to be placed in any river, lake, canal or other water or in the sea within such distance from the shore, as may be prescribed the carcass or any part of the carcass of any animal which at the time of its death was infected or which was destroyed on account of its being infective or suspected to be infective, in contravention of the provisions of section 23 shall, on conviction, be punished, in the case of a first conviction with imprisonment for a term which may extend to six months or with fine which may extend to one hundred rupees or with both, and in the case of a subsequent conviction with imprisonment for a term which may extend to six months or with fine which may extend to five hundred rupees or with both.

Penalty of placing carcass of infective animals in river, etc.

30. (1) Whoever, being an Inspector or a Veterinary Surgeon, appointed under this Act, vexatiously and unnecessarily enters or inspects any land, building or other place or any vessel or vehicle or seizes or detains any animal shall, on conviction, be punished with imprisonment for a term which may extend to six months or with fine which may extend to five hundred rupees or with both.

Penalty for vexatious entry, inspection and seizure.

(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.

31. All village officers and all officers of the revenue, agriculture and veterinary departments shall be bound—

Officers bound to assist Inspectors and Veterinary Surgeons.

(a) to give immediate information to the Veterinary Surgeon and Inspector having jurisdiction in the area regarding the prevalence of a scheduled disease among animals in the area,

(b) to take all necessary measures to prevent the spread of disease, and

(c) to assist the Veterinary Surgeon and Inspector to carry out the provisions of this Act.

**Powers of arrest and seizure.**

32. (1) Any police officer, not below the rank of sub-Inspector, may, without an order from a Magistrate and without a warrant, arrest any person for whose arrest a requisition has been received from an Inspector or a Veterinary Surgeon, provided that the requisition specifies the person to be arrested and the offence which such person is alleged to have committed under this Act.

(2) Such Police Officer may seize any animal in respect of which an offence is alleged to have been committed and shall without delay obtain the orders of a judicial Magistrate for its custody.

**Jurisdiction of Magistrate.**

33. No Magistrate, other than a Magistrate of the First Class shall try any offence punishable under this Act.

**Bar of claim to compensation.**

34. No person shall except as provided for in section 10 be entitled to any compensation on account of the destruction of any animal or thing under provisions of this Act, or of any loss, injury or inconvenience caused to him by reason of any thing lawfully done under this Act.

**Delegation of powers.**

35. The State Government may, by notification in the *Official Gazette* and subject to such conditions, if any, as may be specified, in the notification, authorise any officer or authority subordinate to the State Government to exercise all or any of the powers conferred on the State Government by or under this Act.

**Officers to act subject to orders of Government.**

36. All officers shall exercise the powers and perform the duties conferred and imposed on them by or under this Act, in accordance with such orders, not inconsistent with the provisions of this Act, as the State Government may from time to time make.

**Protection for action taken under this Act.**

37. 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 or the rules made under this Act.

**Rules.**

38. (1) The State Government may, subject to the condition of previous publication, by notification in the *Official Gazette*, make rules for the purpose of carrying into effect the provisions of this Act.

(2) In particular and without prejudice to the generality of the foregoing provision, such rules may be made for all or any of the following matters, namely:-

(i) the manner of disinfection of land, building or other place or vessel or vehicle and the destruction of fittings and other things and the exercise of powers by the Veterinary Surgeon under section 17;

(ii) making post-mortem examinations and the circumstances and the manner in which post-mortem examinations under section 18 may be made;

(iii) regulating the powers of an inspector under section 25;

(iv) any other matter expressly required or allowed by this Act to be prescribed by rules.

(3) In making a rule under sub-section (1) or sub-section (2), the State Government may provide that a breach thereof shall be punishable with fine which may extend in the case of a first conviction to fifty rupees and in the case of a second or subsequent conviction to one hundred rupees.

(4) All rules made under this section shall be laid for not less than thirty days before the State Legislature as soon as possible after they are made, and shall be subject to rescission by the State Legislature, or to such modifications as the State Legislature may make, during the session in which they are so laid, or the session immediately following;

(5) Any rescission or modifications so made by the State Legislature shall be published in the *Official Gazette* and shall thereupon take effect.

39. The State Government may, by notification in the *Official Gazette* add to the Schedule any other disease affecting animals and, on the issue of such notification, the Schedule shall be deemed to have been amended accordingly.

Power of State Government to add to the Schedule.

40. On the commencement of this Act the following laws, that is to say—

Repeal and savings.

(a) the Bombay Animal Contagious Diseases (Control) Act, 1948, and

(b) the Bombay Animal Contagious Diseases (Control) Act, 1948 in its application to the Kutch area of the State of Gujarat, shall stand repealed :

Provided that, such repeal shall not —

(1) (i) affect the previous operation of any law so repealed or anything duly done or suffered thereunder;

(ii) affect any right, privilege, obligation or liability acquired, accrued or incurred under any law so repealed;

(iii) affect any penalty, forfeiture or punishment incurred in respect of any offence committed against any law so repealed, or

(iv) affect any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment as aforesaid;

(2) and that any such investigation, legal proceeding or remedy may be continued, instituted or enforced and any such penalty, forfeiture and punishment may be imposed, as if the aforesaid laws had not been repealed:

Provided further that, subject to the preceding proviso, anything done or any action taken under any such law, including any notification, order, notice or receipt issued or declaration made, shall in so far as it is not inconsistent with the provisions of this Act, be deemed to have been done, taken, issued or made under the corresponding provisions of this Act, and shall continue in force accordingly, unless and until superseded by anything done or any action taken under this Act.

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## SCHEDULE

[ See section 2 (h). ]

1. Rinderpest or cattle plague.
2. Foot and Mouth Disease.
3. Hoemorrhagic Septicaemia.
4. Blackquarter.
5. Anthrax.
6. Tuberculosis.
7. Johne's Disease.
8. Rabies.
9. South African Horse Sickness.