

No. 4 of 2020.

Quarantine (Amendment) Act 2020.

Certified on : 09 APR 2020



No. 4 of 2020.

AN ACT

entitled

Quarantine (Amendment) Act 2020.

ARRANGEMENT OF SECTIONS.

1. New Section 1A.

“1A. COMPLIANCE WITH CONSTITUTIONAL REQUIREMENTS.”

2. Interpretation (Amendment of Section 2).
 - “aircraft”
 - “animal”
 - “plant”
 - “quarantine”
 - “vehicle”
 - “vessel”.

3. Application to the State (Repeal and replacement of Section 3).
4. Emergency action (Amendment of Section 5).
5. Delegation (Amendment of Section 10).
6. New Section 10A.

“10A. EXERCISE OF POWERS.”

7. Disinfecting apparatus on vessels or aircraft (Amendment of Section 16).
8. Precautionary measures for vessels and aircraft from proclaimed places (Amendment of Section 17).
9. Fumigation of vessels and aircraft (Amendment of Section 18).
10. Exemptions (Amendment of Section 19).
11. Report of illness after arrival by air (Amendment of Section 23).
12. Entry of overseas vessels and aircraft (Amendment of Section 25).
13. Landing of overseas aircraft (Amendment of Section 26).
14. Restriction of entry by air (Amendment of Section 27).
15. Entering by overland route, etc., (Amendment of Section 29).
16. Quarantine signals (Amendment of Section 30).
17. Health reports, etc., (Amendment of Section 31).
18. Notification of outbreak of disease (Amendment of Section 32).

19. Unauthorised persons boarding vessels and aircraft (Amendment of Section 33).
20. Boarding vessels and aircraft by quarantine officers (Amendment of Section 34).
21. Quarantine lines (Amendment of Section 35).
22. Mooring grounds, etc., for vessels and aircraft subject to quarantine (Amendment of Section 36).
23. Leaving quarantine area or vessel or aircraft subject to quarantine (Amendment of Section 37).
24. Mooring of vessels and aircraft from proclaimed places (Amendment of Section 39).
25. Pratique (Amendment of Section 40).
26. Quarantine surveillance (Amendment of Section 41).
27. Communicable diseases on board vessels or aircraft (Amendment of Section 43).
28. Conveyance of vessels and aircraft into quarantine (Amendment of Section 44).
29. Moving vessels and aircraft in quarantine (Amendment of Section 48).
30. Cleansing and disinfection of vessels or aircraft (Amendment of Section 51).
31. Unauthorised removal of goods (Amendment of Section 52).
32. Performance of quarantine by persons (Amendment of Section 53).
33. Treatment and disinfection of goods (Amendment of Section 56).
34. Unlawful damage by officers (Amendment of Section 57).
35. Landing of animals and plants (Amendment of Section 58).
36. Permits for landing (Amendment of Section 59).
37. Quarantine control of imported animals, plants, etc., (Amendment of Section 60).
38. Importation contrary to notices, etc., (Amendment of Section 78).
39. Importation of prohibited animals (Amendment of Section 79).
40. Trespassing on quarantine stations, etc., (Amendment of Section 80).
41. Pilot conducting vessel wrongly (Amendment of Section 81).
42. Bribing, assaulting, obstructing or intimidating officers (Amendment of Section 84).
43. Inspection (Amendment of Section 92).
44. Boarding of vessels and aircraft (Amendment of Section 93).
45. Muster of crew, etc., (Amendment of Section 94).
46. Inquiries by quarantine officers (Amendment of Section 95).
47. Prescribed notices (Amendment of Section 96).
48. Vaccination (Amendment of Section 97).
49. Cleansing and disinfection of insanitary vessels and aircraft (Amendment of Section 98).
50. Regulations (Amendment of Section 101).



No. 4 of 2020.

AN ACT

entitled

Quarantine (Amendment) Act 2020,

Being an Act to amend the *Quarantine Act* (Chapter 234),

MADE by the National Parliament to come into operation upon certification.

1. NEW SECTION 1A.

The Principal Act is amended by inserting a new section after Section 1 as follows:

“1A. COMPLIANCE WITH CONSTITUTIONAL REQUIREMENTS.

This Act, to the extent that it regulates or restricts a right or freedom referred to in Subdivision III.3.C (*Qualified Rights*) of the *Constitution*, namely -

- (a) liberty of persons conferred by Section 42; and
- (b) the freedom from arbitrary search and entry conferred by Section 44; and
- (c) the freedom of assembly and association conferred by Section 47; and
- (d) the right to privacy conferred by Section 49; and
- (e) the right to freedom of information conferred by Section 51; and
- (f) the right to freedom of movement conferred by Section 52; and
- (g) the protection from unjust deprivation of property conferred by Section 53,

of the *Constitution*, is a law that is made for the purpose of giving effect to the public interest in public health, public safety, public order and public welfare, and is reasonably justifiable in a democratic society having a proper respect and regard for the rights and dignity of mankind, taking into account the National Goals and Directive Principles and the Basic Social Obligations because of the risk caused by diseases and pests on human life and the environment if not adequately regulated.”.

2. INTERPRETATION (AMENDMENT OF SECTION 2).

Section 2 of the Principal Act is amended by inserting the following definitions in their correct alphabetical order:

““aircraft” has the same meaning under the *Civil Aviation Act 2000*;

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“animal” means any mammal (other than a human), bird, arthropod, amphibian, reptile, worm, fish, crustacean, mollusc or other member of the animal kingdom, whether alive or dead and includes the egg, embryo, ova or semen and any organic animal tissue from which another animal could be produced and the hide, skin, hair, feathers, shell, horns, hoof, viscera or any other part or portion of the body of an animal;

“plant” means any terrestrial, aquatic or marine member of the plant kingdom, including any herb, vegetable, bush, shrub, tree, succulent, fern, moss, lichen, weed, algae, fungus, water-weed or sea-weed and also includes plantlets, cuttings, seeds, spore, germplasm, any other part of a plant and a dead or preserved plant;

“quarantine” refers to measures for the inspection, exclusion, detention, observation, segregation, isolation, protection, treatment, sanitary regulation and disinfection of persons, premises, vessels, aircrafts, vehicles, goods, things, animals or plants, for the purpose of the prevention of the introduction or spread of disease or pests affecting human beings, animals or plants and its containment and eradication;

“vehicle” has the same meaning under the *Road Traffic Act 2014*;

“vessel” has the same meaning under the *Fisheries Management Act 1998*.”.

3. APPLICATION TO THE STATE (REPEAL AND REPLACEMENT OF SECTION 3).

Section 3 of the Principal Act is repealed and replaced with the following:

“3. APPLICATION TO THE STATE.

This Act binds the State.”.

4. EMERGENCY ACTION (AMENDMENT OF SECTION 5).

Section 5 of the Principal Act is amended in Subsection (2) by repealing the penalty provision and replacing it with the following:

“Penalty: A fine not exceeding K100,000.00.”.

5. DELEGATION (AMENDMENT OF SECTION 10).

Section 10 of the Principal Act is amended by repealing the words “Head of State, acting on advice” and replacing them with the word “Minister”.

6. NEW SECTION 10A.

The Principal Act is amended by inserting a new section after Section 10 as follows:

“10A. EXERCISE OF POWERS.

A person who exercises powers under this Act must exercise such powers in such a manner to ensure that the directions made, actions taken and measures imposed under this Act -

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- (a) are necessary for achieving the objectives of this Act; and
- (b) are the least restrictive as possible; and
- (c) are the least intrusive and invasive as possible; and
- (d) take into full account the human rights of the persons affected by such directions, actions or measures.”.

7. DISINFECTING APPARATUS ON VESSELS OR AIRCRAFT (AMENDMENT OF SECTION 16).

Section 16 of the Principal Act is amended by repealing the penalty provision and replacing it with the following:

“Penalty: A fine not exceeding K20,000.00.”.

8. PRECAUTIONARY MEASURES FOR VESSELS AND AIRCRAFT FROM PROCLAIMED PLACES (AMENDMENT OF SECTION 17).

Section 17 of the Principal Act is amended in Subsection (2) by repealing the penalty provision and replacing it with the following:

“Penalty: A fine not exceeding K50,000.00.”.

9. FUMIGATION OF VESSELS AND AIRCRAFT (AMENDMENT OF SECTION 18).

Section 18 of the Principal Act is amended by repealing the penalty provision and replacing it with the following:

“Penalty: A fine not exceeding K50,000.00.”.

10. EXEMPTIONS (AMENDMENT OF SECTION 19).

Section 19 of the Principal Act is amended in Paragraph (b) by repealing the words “Australia or”.

11. REPORT OF ILLNESS AFTER ARRIVAL BY AIR (AMENDMENT OF SECTION 23).

Section 23 of the Principal Act is amended by repealing the penalty provision and replacing it with the following:

“Penalty: A fine not exceeding K10,000.00.”.

12. ENTRY OF OVERSEAS VESSELS AND AIRCRAFT (AMENDMENT OF SECTION 25).

Section 25 of the Principal Act is amended by repealing the penalty provision and replacing it with the following:

“Penalty: A fine not exceeding K50,000.00.”.

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13. LANDING OF OVERSEAS AIRCRAFT (AMENDMENT OF SECTION 26).

Section 26 of the Principal Act is amended by repealing the penalty provision and replacing it with the following:

“Penalty: A fine not exceeding K50,000.00.”.

14. RESTRICTION OF ENTRY BY AIR (AMENDMENT OF SECTION 27).

Section 27 of the Principal Act is amended -

(a) in Subsection (2), by repealing the penalty provision and replacing it with the following:

“Penalty: A fine not exceeding K50,000.00.”; and

(b) in Subsection (5), by repealing the penalty provision and replacing it with the following:

“Penalty: A fine not exceeding K10,000.00.”; and

(c) in Subsection (6), by repealing the penalty provision and replacing it with the following:

“Penalty: A fine not exceeding K50,000.00.”.

15. ENTERING BY OVERLAND ROUTE, ETC., (AMENDMENT OF SECTION 29).

Section 29 of the Principal Act is amended by repealing the penalty provision and replacing it with the following:

“Penalty: A fine not exceeding K1,000.00.”.

16. QUARANTINE SIGNALS (AMENDMENT OF SECTION 30).

Section 30 of the Principal Act is amended in Subsection (2) by repealing the penalty provision and replacing it with the following:

“Penalty: A fine not exceeding K5,000.00.”.

17. HEALTH REPORTS, ETC., (AMENDMENT OF SECTION 31).

Section 31 of the Principal Act is amended, in Subsections (1) and (2) respectively, by repealing the penalty provisions and replacing them with the following:

“Penalty: A fine not exceeding K10,000.00.”.

18. NOTIFICATION OF OUTBREAK OF DISEASE (AMENDMENT OF SECTION 32).

Section 32 of the Principal Act is amended in Subsection (2) by repealing the penalty provision and replacing it with the following:

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“Penalty: A fine not exceeding K50,000.00.”.

19. UNAUTHORISED PERSONS BOARDING VESSELS AND AIRCRAFT (AMENDMENT OF SECTION 33).

Section 33 of the Principal Act is amended by repealing the penalty provision and replacing it with the following:

“Penalty: A fine not exceeding K10,000.00.”.

20. BOARDING OF VESSELS AND AIRCRAFT BY QUARANTINE OFFICERS (AMENDMENT OF SECTION 34).

Section 34 of the Principal Act is amended by repealing the penalty provision and replacing it with the following:

“Penalty: A fine not exceeding K10,000.00.”.

21. QUARANTINE LINES (AMENDMENT OF SECTION 35).

Section 35 of the Principal Act is amended in Subsection (2) by repealing the penalty provision and replacing it with the following:

“Penalty: A fine not exceeding K10,000.00.”.

22. MOORING GROUNDS, ETC., FOR VESSELS AND AIRCRAFT SUBJECT TO QUARANTINE (AMENDMENT OF SECTION 36).

Section 36 of the Principal Act is amended in Subsection (1) by repealing the penalty provision and replacing it with the following:

“Penalty: A fine not exceeding K10,000.00.”.

23. LEAVING QUARANTINE AREA OR VESSEL OR AIRCRAFT SUBJECT TO QUARANTINE (AMENDMENT OF SECTION 37).

Section 37 of the Principal Act is amended, in Subsections (1) and (3) respectively, by repealing the penalty provisions and replacing them with the following:

“Penalty: A fine not exceeding K50,000.00.”.

24. MOORING OF VESSELS AND AIRCRAFT FROM PROCLAIMED PLACES (AMENDMENT OF SECTION 39).

Section 39 of the Principal Act is amended in Subsection (2) by repealing the penalty provision and replacing it with the following:

“Penalty: A fine not exceeding K50,000.00.”.

25. PRATIQUE (AMENDMENT OF SECTION 40).

Section 40 of the Principal Act is amended in Subsection (4) by repealing the words “in Australia or such other”.

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26. QUARANTINE SURVEILLANCE (AMENDMENT OF SECTION 41).

Section 41 of the Principal Act is amended in Subsection (3) by repealing the penalty provision and replacing it with the following:

“Penalty: A fine not exceeding K50,000.00.”.

27. COMMUNICABLE DISEASES ON BOARD VESSELS OR AIRCRAFT (AMENDMENT OF SECTION 43).

Section 43 of the Principal Act is amended, in Subsections (3) and (4) respectively, by repealing the penalty provisions and replacing them with the following:

“Penalty: A fine not exceeding K50,000.00.”.

28. CONVEYANCE OF VESSELS AND AIRCRAFT INTO QUARANTINE (AMENDMENT OF SECTION 44).

Section 44 of the Principal Act is amended by repealing the penalty provision and replacing it with the following:

“Penalty: A fine not exceeding K50,000.00.”.

29. MOVING VESSELS AND AIRCRAFT IN QUARANTINE (AMENDMENT OF SECTION 48).

Section 48 of the Principal Act is amended by repealing the penalty provision and replacing it with the following:

“Penalty: A fine not exceeding K10,000.00.”.

30. CLEANSING AND DISINFECTION OF VESSELS OR AIRCRAFT (AMENDMENT OF SECTION 51).

Section 51 of the Principal Act is amended, in Subsections (1) and (2) respectively, by repealing the penalty provisions and replacing them with the following:

“Penalty: A fine not exceeding K10,000.00.”.

31. UNAUTHORISED REMOVAL OF GOODS (AMENDMENT OF SECTION 52).

Section 52 of the Principal Act is amended, in Subsections (1) and (2) respectively, by repealing the penalty provisions and replacing them with the following:

“Penalty: A fine not exceeding K10,000.00.”.

32. PERFORMANCE OF QUARANTINE BY PERSONS (AMENDMENT OF SECTION 53).

Section 53 of the Principal Act is amended, in Subsections (3), (5) and (6) respectively, by repealing the penalty provisions and replacing them with the following:

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“Penalty: A fine not exceeding K10,000.00.”.

33. TREATMENT AND DISINFECTION OF GOODS (AMENDMENT OF SECTION 56).

Section 56 of the Principal Act is amended in Subsection (3) by repealing “K20.00 and replacing it with “K1,000.00.”.

34. UNLAWFUL DAMAGE BY OFFICERS (AMENDMENT OF SECTION 57).

Section 57 of the Principal Act is amended by repealing the penalty provision and replacing it with the following:

“Penalty: A fine not exceeding K10,000.00.”.

35. LANDING OF ANIMALS AND PLANTS (AMENDMENT OF SECTION 58).

Section 58 of the Principal Act is amended by repealing the penalty provision and replacing it with the following:

“Penalty: A fine not exceeding K10,000.00.”.

36. PERMITS FOR LANDING (AMENDMENT OF SECTION 59).

Section 59 of the Principal Act is amended in Subsection (1) by repealing the penalty provision and replacing it with the following:

“Penalty: A fine not exceeding K10,000.00.”.

37. QUARANTINE CONTROL OF IMPORTED ANIMALS, PLANTS, ETC. (AMENDMENT OF SECTION 60).

Section 60 of the Principal Act is amended by repealing the penalty provision and replacing it with the following:

“Penalty: A fine not exceeding K10,000.00.”.

38. IMPORTATION CONTRARY TO NOTICES, ETC., (AMENDMENT OF SECTION 78).

Section 78 of the Principal Act is amended in Subsection (1) by repealing the penalty provision and replacing it with the following:

“Penalty: A fine not exceeding K50,000.00.”.

39. IMPORTATION OF PROHIBITED ANIMALS (AMENDMENT OF SECTION 79).

Section 79 of the Principal Act is amended by repealing the penalty provision and replacing it with the following:

“Penalty: A fine not exceeding K50,000.00.”.

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40. TRESPASSING ON QUARANTINE STATIONS, ETC., (AMENDMENT OF SECTION 80).

Section 80 of the Principal Act is amended in Subsection (1) by repealing the penalty provision and replacing it with the following:

“Penalty: A fine not exceeding K10,000.00.”.

41. PILOT CONDUCTING VESSEL WRONGLY (AMENDMENT OF SECTION 81).

Section 81 of the Principal Act is amended by repealing the penalty provision and replacing it with the following:

“Penalty: A fine not exceeding K10,000.00.”.

42. BRIBING, ASSAULTING, OBSTRUCTING OR INTIMIDATING OFFICERS (AMENDMENT OF SECTION 84).

Section 84 of the Principal Act is amended in the penalty provision by repealing the amount of “K200.00” and replacing it with “K10,000.00”.

43. INSPECTION (AMENDMENT OF SECTION 92).

Section 92 of the Principal Act is amended in Subsection (2) by repealing the penalty provision and replacing it with the following:

“Penalty: A fine not exceeding K1,000.00.”.

44. BOARDING OF VESSELS AND AIRCRAFT (AMENDMENT OF SECTION 93).

Section 93 of the Principal Act is amended in Subsection (2) by repealing the penalty provision and replacing it with the following:

“Penalty: A fine not exceeding K5,000.00.”.

45. MUSTER OF CREW, ETC., (AMENDMENT OF SECTION 94).

Section 94 of the Principal Act is amended -

(a) in Subsection (2), by repealing the penalty provision and replacing it with the following:

“Penalty: A fine not exceeding K5,000.00.”; and

(b) in Subsections (3) and (4) respectively, by repealing the penalty provisions and replacing them with the following:

“Penalty: A fine not exceeding K1,000.00.”.

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46. INQUIRIES BY QUARANTINE OFFICERS (AMENDMENT OF SECTION 95).

Section 95 of the Principal Act is amended in Subsection (4) by repealing the penalty provision and replacing it with the following:

“Penalty: A fine not exceeding K10,000.00.”.

47. PRESCRIBED NOTICES (AMENDMENT OF SECTION 96).

Section 96 of the Principal Act is amended in Subsection (2) by repealing the penalty provision and replacing it with the following:

“Penalty: A fine not exceeding K1,000.00.”.

48. VACCINATION (AMENDMENT OF SECTION 97).

Section 97 of the Principal Act is amended in Subsection (2) by repealing the penalty provision and replacing it with the following:

“Penalty: A fine not exceeding K5,000.00.”.

49. CLEANSING AND DISINFECTION OF INSANITARY VESSELS AND AIRCRAFT (AMENDMENT OF SECTION 98).

Section 98 of the Principal Act is amended in Subsection (4) by repealing the penalty provision and replacing it with the following:

“Penalty: A fine not exceeding K50,000.00.”.

50. REGULATIONS (AMENDMENT OF SECTION 101).

Section 101 of the Principal Act is amended by repealing Paragraph (za) and replacing it with the following:

“(za) for prescribing penalties of fines not exceeding K100,000.00 for offences against the regulations.”.

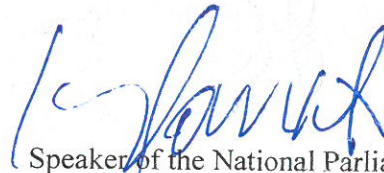
I hereby certify that the above is a fair print of the *Quarantine (Amendment) Act 2020* which has been made by the National Parliament.


Acting Clerk of the National Parliament.

09 APR 2020

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I hereby certify that the *Quarantine (Amendment) Act 2020* was made by the National Parliament on 2 April 2020, by an absolute majority vote as required under the *Constitution*.



Speaker of the National Parliament.

09 APR 2020