

CHAPTER 68

PROTECTION OF ANIMALS ACT

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CHAPTER 68

PROTECTION OF ANIMALS ACT

An Act to provide for the protection of animals.

[Act No. 4 of 1947 amended by Act No. 3 of 1978, SRO 38 of 1980, Act No. 20 of 1987, Act No. 23 of 1988.]

[Date of commencement: 3rd April, 1947.]

1. Short title

This Act may be cited as the Protection of Animals Act.

2. Interpretation

In this Act, unless the context otherwise requires—

“**animal**” means any horse, mare, gelding, colt, filly, bull, cow, ox, steer, heifer, calf, mule, ass, ram, ewe, sheep, lamb, boar, sow, barrow, hog, pig, goat, kid, dog, cat

or any other domestic animal, whether of the kind of species particularly mentioned or of any other kind or species whatsoever, and whether a quadruped or not;

“**captive animal**” means any animal, not being a domestic animal, of whatsoever kind or species, and whether a quadruped or not, including any bird, fish or reptile, which is in captivity or confinement, or which is maimed, pinioned or subjected to any appliance or contrivance for the purpose of hindering or preventing its escape from captivity or confinement.

3. Appointment of honorary inspectors

The Governor-General may appoint honorary inspectors for the purposes of this Act.

4. Powers of honorary inspectors

(1) Where an honorary inspector witnesses the commission of an offence under this Act, or where he receives information as to the commission of any such offence and satisfies himself by investigation that the said information might reasonably be true, he may, after informing the person who is alleged to have committed the offence that he is an honorary inspector—

- (a) demand the name and address of such person;
- (b) direct the said person to accompany him (with his animal, if any), to the nearest police station;
- (c) without accompanying such person, direct him to report to the nearest police station.

(2) Any person who—

- (a) refuses to give his name and address to an honorary inspector;
- (b) gives an honorary inspector a false name and address;
- (c) refuses to accompany an honorary inspector to the nearest police station; or
- (d) refuses to go to the nearest police station at the request of an honorary inspector,

is guilty of an offence and liable to a fine of one hundred dollars and to imprisonment for one month.

5. Offences of cruelty

(1) Any person who—

- (a) cruelly beats, kicks, ill-treats, over-drives, overloads, tortures, infuriates or terrifies any animal or, being the owner, permits any animal to be so used;
- (b) by wantonly or unreasonably doing or omitting to do any act, or by causing or procuring the commission or omission of any act, causes any unnecessary suffering or, being the owner, permits any unnecessary suffering to be so caused to any animal;
- (c) conveys or carries, or causes or procures to be conveyed or carried or, being the owner, permits any animal to be conveyed or carried, any animal in such manner or position as to cause that animal any unnecessary suffering;

- (d) causes, procures or assists at the fighting or baiting of any animal;
- (e) keeps, uses, manages, or acts or assists in the management of, any premises or place for the purpose, or partly for the purpose, of fighting or baiting any animal;
- (f) permits any premises or place to which paragraph (e) applies to be so kept, managed or used, or receives, or causes any person to receive, money for the admission of any person to such premises or place;
- (g) wilfully, without any reasonable cause or excuse, administers, or causes or procures the administration of, or, being the owner, permits the administration of, any poisonous or injurious drug or substance to any animal, or causes any such substance to be taken by any animal; or
- (h) subjects, or causes or procures or, being the owner, permits, any animal to be subjected to any operation which is performed without due care and humanity,

is guilty of the offence of cruelty and liable to a fine of fifteen hundred dollars and to imprisonment for three months.

(2) For the purposes of this section, an owner shall be deemed to have permitted cruelty within the meaning of this Act if he shall have failed to exercise reasonable care and supervision in respect of the protection of the animal therefrom:

Provided that, where an owner is convicted of permitting cruelty within the meaning of this Act by reason only of his having failed to exercise such care and supervision, he shall not be liable to imprisonment unless for non-payment of a fine.

(3) Nothing in this section shall apply—

- (a) to the commission or omission of any act in the course of the destruction, or the preparation for destruction, of any animal as food for mankind, unless such destruction or such preparation was accompanied by the infliction of unnecessary suffering; or
- (b) to the coursing or hunting of any captive animal, unless such animal is liberated in an injured, mutilated or exhausted condition; but a captive animal shall not, for the purposes of this section, be deemed to be coursed or hunted before it is liberated for the purpose of being coursed or hunted, or after it has been re-captured, or if it is under control, and a captive animal shall not be deemed to be coursed or hunted within the meaning of this subsection if it is coursed or hunted in an enclosed space from which it has no reasonable chance of escape.

(4) For the purposes of this section, “**overloads**” and cognate expressions include—

- (a) causing an animal to draw a vehicle carrying more than four persons if one animal is drawing such vehicle, or eight persons if two animals are drawing the vehicle; and
- (b) causing an animal to carry a burden or draw a load which is beyond its strength, or after it is exhausted.

(5) The fact that a vehicle is not carrying more than four persons or eight persons, as the case may be, shall be no answer to a charge under this section if, owing to the presence of any other thing on the vehicle, or to the size, strength, or condition of an animal, the magistrate is of opinion that the animal is overloaded.

(6) An animal used in drawing a vehicle shall be deemed to be ill-treated if, by reason of the condition of the vehicle or harness used, or of the nature and condition of the road travelled over, or other cause, the animal, in the opinion of the magistrate, has been made to suffer unnecessary strain or pain or has been overworked.

6. Working animal unfit for work

Any person who works any animal in such a condition as to be unfit for work, whether from lameness, emaciation or from any gall or sore or otherwise, and whether that condition is caused by disease or deficient feeding or otherwise, in any cart, plough, carriage or other vehicle of pleasure or burden, is guilty of an offence and liable to a fine of five hundred dollars and to imprisonment for three months.

7. Power of court to order destruction of animal

(1) Where the owner of an animal is convicted of an offence of cruelty within the meaning of this Act, the court may, if the court is satisfied that it would be cruel to keep the animal alive, direct that the animal be destroyed and assign the animal to any suitable person for that purpose.

(2) The person to whom an animal is assigned under subsection (1) shall, as soon as possible, destroy such animal, or cause or procure it to be destroyed in his presence, without unnecessary suffering. Any reasonable expenses incurred in destroying the animal may be ordered by the court to be paid by the owner and thereupon shall be recoverable summarily as a civil debt.

8. Power of court to deprive person convicted of cruelty of ownership of animal

If the owner of any animal is guilty of cruelty within the meaning of this Act to the animal, the court, upon his conviction thereof, may, if it thinks fit, in addition to any other punishment, deprive such person of the ownership of the animal, and may make such order as to the disposal of the animal as it thinks fit under the circumstances:

Provided that in the event of an order for the sale of any animal being made under this section the proceeds of such sale, after deduction of all expenses incidental thereto, shall be paid to the owner of the animal:

Provided further that no order shall be made under this section, unless it is shown by evidence as to a previous conviction, or as to the character of the owner or otherwise, that the animal, if left with the owner, is likely to be exposed to further cruelty.

9. Compensation for damage done by cruelty to an animal

If any person shall, by cruelty within the meaning of this Act to any animal, do, or cause to be done, any damage or injury to the animal or any person or property, he shall, upon conviction for the cruelty under this Act, be liable upon the application of the person aggrieved to be ordered to pay as compensation to the person who shall sustain

damage or injury as aforesaid, such sum not exceeding forty-eight dollars as the court before whom he is convicted may consider reasonable:

Provided that this section shall not—

- (a) prevent the taking of any other legal proceedings in respect of any such damage or injury, so however that a person be not twice proceeded against in respect of the same claim; nor
- (b) affect the liability of any person to be proceeded against and punished under this Act for an offence of cruelty within the meaning of this Act.

10. Bull-baiting, cock-fighting and similar offences

(1) Any person who—

- (a) in any manner encourages, aids or assists at, the fighting or baiting of any animal, whether domestic or wild;
- (b) keeps or uses, or acts in the management of, any place to be used for the purpose of fighting or baiting any such animals as aforesaid; or
- (c) being the owner or occupier thereof, permits any place to be so used,

is guilty of an offence and liable to a fine of five hundred dollars and to imprisonment for three months.

(2) Any person who receives money for the admission of any other person to any place kept or used for any of the purposes aforesaid shall, unless the contrary is proved, be deemed to be the keeper thereof.

11. Power of entry, arrest and seizure

A magistrate or justice of the peace may, by warrant under his hand, authorise any police officer to enter any place used for the purpose of fighting or baiting any animal and to apprehend all persons who, and to seize all animals which, may be found therein, and to take them before a magistrate to be dealt with according to law.

12. Animals in pound

(1) Any person who impounds or confines, or causes to be impounded or confined, any animal in any pound shall, while the animal is so impounded or confined, supply it with a sufficient quantity of wholesome and suitable food and water and, if he fails to do so, is guilty of an offence and liable to a fine of two hundred and fifty dollars.

(2) If any animal is impounded or confined in any pound without sufficient suitable food or water for six successive hours, or longer, any person may enter the pound for the purpose of supplying the animal therewith, and the reasonable cost of the food and water so supplied shall be recoverable from the person impounding or confining the animal as a civil debt.

13. Use of dogs for the purpose of draught

Any person who uses, or causes or procures to be used, or, being the owner, permits to be used, any dog for the purpose of drawing or helping to draw any cart, carriage, truck or barrow on any public highway, is guilty of an offence and liable in respect of the first

offence to a fine of one hundred dollars and in respect of a second or any subsequent offence to a fine of two hundred and fifty dollars.

14. Use of animals for braking carts

Any person who uses, or causes or procures to be used, or, being the owner, permits to be used, any animal for the purpose of braking any cart or other vehicle by means of a rope tied round the animal's neck and attached to the said cart or vehicle while the same is travelling downhill, is guilty of an offence and liable in respect of the first offence to a fine of one hundred dollars and in respect of a second or any subsequent offence to a fine of two hundred and fifty dollars:

Provided, however, that it shall not be an offence under this section to use an animal for this purpose if the instrument employed to harness the animal is of a type approved by the Governor-General.

15. Injured animals

(1) If a police officer finds any animal so diseased or so severely injured or in such a physical condition that, in his opinion, having regard to the means available for removing the animal, there is no possibility of removing it without cruelty, he shall, if the owner is absent or refuses to consent to the destruction of the animal, at once summon an honorary inspector, if any such honorary inspector resides within a reasonable distance.

(2) If it appears by the certificate of such honorary inspector that the animal is mortally injured, or so severely injured, or so diseased, or in such physical condition, that it is cruel to keep it alive, the police officer may, without the consent of the owner, slaughter the animal, or cause or procure it to be slaughtered, with such instruments or appliances, and with such precautions and in such manner as to inflict as little suffering as practicable, and, if the slaughter takes place on any public highway, remove the carcass or cause or procure it to be removed therefrom.

(3) If any honorary inspector summoned under this section certifies that the injured animal can, without cruelty, be removed, it shall be the duty of the person in charge of the animal to cause it forthwith to be removed with as little suffering as possible, and, if that person fails so to do, the police officer may, without the consent of that person cause the animal forthwith to be so removed.

(4) Any expense which may be reasonably incurred by any police officer in carrying out the provisions of this section whether the animal is slaughtered under this section or not, may be recovered from the owner summarily as a civil debt, and, subject thereto, any such expense shall be defrayed out of the fund from which the expenses of the police are payable in the area in which the animal is found.

16. Powers of police officers

(1) A police officer may arrest, without warrant, any person whom he has reason to believe is guilty of an offence under this Act which is punishable with imprisonment, other than imprisonment for non-payment of a fine, whether upon his own view thereof or upon the complaint and information of any other person who shall declare his name and place of abode to such police officer.

(2) Where a person having charge of a vehicle or animal is arrested by a police officer for an offence under this Act such, or any other police officer, may take charge of such vehicle or animal and deposit the same in some place of safe custody until the termination of the proceedings or until the court directs such vehicle or animal to be delivered to the person charged or to the owner.

(3) The reasonable costs of such detention, including the reasonable costs of veterinary treatment where such treatment is required, shall, in the event of a conviction in respect of the said animal, be recoverable from the owner summarily as a civil debt or, where the owner himself is convicted, shall be part of the costs of the case.

17. Employers and owners to produce drivers or animals if so required

(1) Where proceedings are instituted under this Act against the driver or conductor of any vehicle, the court may issue a summons directed to the employer of the driver or conductor, as the case may be, requiring him, if it is in his power so to do, to produce the driver or conductor at the hearing of the case.

(2) Where proceedings are instituted under this Act, the court may issue a summons directed to the owner of the animal requiring him to produce either at, or at any time before, the hearing of the case, as may be stated in the summons the animal for the inspection of the court, if such production is possible without cruelty.

(3) Where a summons is issued under either subsection (1) or (2), and the owner or employer, as the case may be, fails to comply therewith without satisfactory excuse, he is guilty of an offence and liable in respect of the first offence to a fine of two hundred and fifty dollars and in respect of a second or any subsequent offence to a fine of five hundred dollars, and may be required to pay the costs of any adjournment rendered necessary by his failure.

18. Appeals

(1) An appeal shall lie from any conviction or order (other than an order for the destruction of an animal) by a court under this Act.

(2) Where there is an appeal by the owner of an animal from any conviction or order by a court under this Act, the court may direct that there shall be an undertaking by the appellant not to sell or part with the animal until the appeal is determined or abandoned and to produce it on the hearing of the appeal if such production is possible without cruelty.

19. Regulations

The Governor-General may make regulations—

- (a) prescribing the type of harness to be used under section 14;
- (b) for the recognition of any society whose principal aim is the protection of animals;
- (c) prescribing the duties of honorary inspectors;
- (d) generally for the purpose of carrying into effect the provisions of this Act.