

PROTECTION OF ANIMALS ACT

CHAPTER 61:01

Act
L.I. 10 of 1935

Current Authorised Pages

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<i>1-7</i>	<i>1/1991</i>

L.R.O. 1/1991

**Note
on
Subsidiary Legislation**

This Chapter contains no Subsidiary Legislation.

CHAPTER 61:01

PROTECTION OF ANIMALS ACT

ARRANGEMENT OF SECTIONS

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CHAPTER 61:01

PROTECTION OF ANIMALS ACT

1961 Ed.
Cap. 96.

L.I. 10 of 1935.

Commencement.

AN ACT to provide for the prevention of cruelty to animals.

[20th March 1935]

Short title.

1. This Act may be cited as the –
PROTECTION OF ANIMALS ACT.

Interpretation.

2. In this Act –
“animal” includes any domestic, captive or wild animal, either bird, beast, fish, reptile or insect;
“cruelty” means cruelty within the meaning of this Act.

Penalty for
cruelty to
animals.

3. (1) Any person who –
 - (a) cruelly beats, kicks, ill-treats, over-rides, over-drives, overloads, tortures, starves, infuriates, or terrifies any animal or causes or procures or being the owner, permits any animal to be so used or, by wantonly or unreasonably doing or omitting to do any act, or 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; or
 - (b) conveys or carries or causes or procures or being the owner permits to be conveyed or carried any animal in such a manner or position as to cause that animal any unnecessary suffering; or
 - (c) causes, procures or assists at the fighting or baiting of any animal, or keeps, uses or manages or assists in the management of any premises or place for the purpose of fighting or baiting any animal, or permits any premises or place to be so kept, managed or used or receives money for the admission of any person to such premises or place; or
 - (d) wilfully without any reasonable cause or excuse, administers, causes or procures, or being the owner per-

mits the administration of any poisonous or injurious drug or substance to any animal, or wilfully without any reasonable cause or excuse causes any such substance to be taken by any animal; or

- (e) subjects, causes or procures, or being the owner, permits to be subjected, any animal to any operation which is performed without due care and humanity; or
- (f) employs, causes or procures, or being the owner permits to be employed in any work or labour, any animal which in consequence of any disease, infirmity, wound or sore, or otherwise is unfit to be so employed;

is guilty of the offence of cruelty and is liable on summary conviction to a fine of one thousand five hundred dollars and to imprisonment for six months.

(2) For the purposes of this section, an owner shall be deemed to have permitted cruelty if he has failed to exercise reasonable care and supervision in respect to the protection of the animal therefrom; but, where an owner is convicted of permitting cruelty by reason only of his having failed to exercise such care and supervision, he shall not be liable to imprisonment without the option of a fine.

4. Where the owner of an animal is convicted of an offence of cruelty, the Court may, if it 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; and the person to whom the animal is so assigned shall as soon as possible cause the animal to be destroyed in his presence without unnecessary suffering. Any reasonable expenses incurred in destroying an animal may be ordered by the Court to be paid by the owner, and thereupon shall be recoverable summarily as a civil debt.

Power of Court to order destruction of animal.

5. If the owner of any animal is guilty of cruelty to it, 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 may think fit under the circumstances; but 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.

Power of Court to deprive person of ownership of animal.

Power of arrest.

6. (1) Where any person has been convicted of an offence under section 3 the Court may order that any animal in respect of which the offence is committed –

(a) shall not be used; or

(b) shall be removed to and detained for treatment in some place to be specified, for such time as is stated in the order.

(2) If any animal has been detained for treatment in pursuance of an order made under this section, any person who has been convicted of an offence in respect of the animal shall be liable to pay the prescribed fees for its maintenance and treatment for so long as it is detained, and the fees may be recovered as a fine; but if the owner of any such animal requests the officer in charge of the police to destroy it, the officer shall forthwith cause the animal to be humanely destroyed, and no fees shall be payable in respect of the maintenance or treatment of the animal for any time subsequent to the request.

Diseased or injured animals.

7. (1) Any Magistrate, Government veterinary officer, qualified veterinary practitioner, district medical officer or gazetted police officer who has satisfied himself by personal inspection –

(a) that an animal is diseased or injured and that the disease or injury from which the animal is suffering is incurable or that it is cruel to keep the animal alive; or

(b) that an animal is 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 and that it is cruel to keep it alive,

may, by order in writing, direct the animal to be destroyed in the most humane manner possible; but if the animal is in any house, stable, shed or enclosure proper for the animal and not in a street or other public place, no such order shall be made until the owner of the animal (if present) or the person in charge thereof (if any) has been informed of the state of the animal.

(2) The expenses in connection with the removal and burial of the carcass of any animal so destroyed shall be paid by the owner or person in charge thereof, and the amount may be recovered summarily from the owner or person in charge as a civil debt.

8. (1) Any police officer may apprehend without warrant any person whom he has reason to believe is guilty of an offence under this Act which is punishable by imprisonment without the option of a fine, whether upon his own view thereof or upon the complaint or information of any other person who shall declare his name and place of abode to such police officer or constable.

Power of police officers.

(2) Where a person having charge of a vehicle or animal is apprehended by a police officer for an offence under this Act any police officer may take charge of the vehicle or animal, and deposit the same in some place of safe custody until the termination of the proceedings or until the Court shall direct the vehicle or animal to be delivered to the person charged or the owner; and the reasonable costs of the detention, including veterinary treatment where such is required shall, in the event of a conviction in respect of the 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.

(3) Any such officer may stop and examine in any street or public place, any animal in respect of which he suspects that an offence has been committed under section 3.

9. The Court by which any fine is imposed by virtue of this Act may award any portion thereof, not exceeding one-half, to the informer.

Awards to informers.

