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LAWS OF FIJI

CHAPTER 169

PROTECTION OF ANIMALS

*Ordinances Nos. 26 of 1937, 36 of 1954, 20 of 1955,
11 of 1957, 23 of 1958, 10 of 1961, 30 of 1965,
7 of 1966, 24 of 1968, Act No. 24 of 1973.*

AN ACT TO AMEND THE LAW RELATING TO CRUELTY TO ANIMALS

[21st December, 1954.]

Short title

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

Interpretation

2. In this Act, unless the context otherwise requires:-

"animal" means any domestic or captive animal;

"authorised person" means any officer of the Society for the Prevention of Cruelty to Animals, Fiji, appointed by the Minister to exercise powers under this Act;

"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;

"cruelty" means unreasonable, unnecessary, or unjustifiable ill-treatment, and "cruel" and "cruelly", have corresponding meanings;

"domestic animal" means any horse, ass, mule, bull, sheep, pig, goat, dog, cat or fowl, or any other animal of whatsoever kind or species, and whether a quadruped or not, which is tame or which has been or is being sufficiently tamed to serve some purpose for the use of man;

"ill-treat" includes beat, kick, wound, maim, abuse, torment, torture, terrify, infuriate, over-ride, over-drive, over-load, drive when over-loaded, or cause in any manner whatsoever, whether by act or omission, pain, suffering or distress, and "ill-treating" and "ill-treatment" have corresponding meanings;

"license" in relation to a dog means to license a dog under the provisions of the Dogs Act. (*Section amended by 30 of 1965, s. 2.*) (*Cap. 168.*)

Offences of cruelty

3.-(1) If any person-

- (a) shall cruelly ill-treat or cause or procure, or, being the owner or person in charge, shall permit or suffer to be cruelly ill-treated any animal; or
- (b) shall convey or carry, or cause or procure, or, being the owner or person in charge, shall permit to be conveyed, or carried, any animal in such a manner or position as to cause that animal any unnecessary suffering; or
- (c) shall cause, procure, or assist at the fighting or baiting of any animal; or shall keep, use, manage or act or assist in the management of, any premises or place for the purpose, or partly for the purpose, of fighting or baiting any animal, or shall permit any premises or place to be so kept, managed, or used, or shall receive or cause or procure any person to receive, money for the admission of any person to such premises or place; or
- (d) shall wilfully, without any reasonable cause or excuse, administer, or cause or procure, or being the owner or person in charge, shall permit, such administration of, any poisonous or injurious drug or substance to any animal, or shall wilfully, without any reasonable cause or excuse, cause any such substance to be taken by any animal; or
- (e) shall subject, or cause or procure, or being the owner or person in charge, shall permit to be subjected, any animal to any operation which is performed without due care and humanity; or
- (f) shall, being the owner or person in charge of any domestic animal, other than one running at large, or any captive animal, fail to provide such domestic or captive animal with proper and sufficient food, drink or shelter; or
- (g) shall neglect as the owner or person in charge to exercise or cause to be exercised daily and reasonably, any dog habitually chained up or kept in confinement; or
- (h) shall ride, drive, use, convey or carry or cause to be ridden, driven, used, conveyed or carried any animal which is unfit for such purpose; or
- (i) shall keep any domestic or captive animal which is in such a condition that it is cruel to keep it alive; or
- (j) shall keep for an unreasonable time any animal chained or tethered upon an unreasonably short or unreasonably heavy chain or rope, or use wire, barbed or plain, to tether an animal; or
- (k) shall, being the owner or having charge or control of any animal, without reasonable cause or excuse abandon such animal, whether permanently or not, in circumstances likely to cause such animal any unnecessary suffering, or shall cause or procure or, being the owner, permit such animal to be so abandoned,

(Inserted by 10 of 1961, s. 2.)

such person shall be guilty of an offence of cruelty within the meaning of this Act and shall be liable to a fine not exceeding one hundred dollars or to imprisonment for any term not exceeding six months or to both such fine and imprisonment.

(2) For the purpose 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 without the option of a fine.

(3) Nothing in this section shall render illegal any act done by a person licensed under the provisions of the Animals (Control of Experiments) Act, which may lawfully be done under the provisions of that Act, or shall apply 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. *(Amended by 11 of 1957, s. 16.) (Cap. 161.)*

Court may order destruction of animal

4. Where the owner of an animal is convicted of an offence of cruelty within the meaning of this Act, it shall be lawful for the court, if the court is satisfied that it would be cruel to keep the animal alive, to direct that the animal be destroyed, and to assign the animal to any suitable person for that purpose; and the person to whom such animal is so assigned shall as soon as possible destroy such animal or cause or procure such animal 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 as a civil debt.

Court may deprive person convicted of cruelty of ownership of animal

5. If the owner of any animal shall be 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 in the circumstances:

Provided 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.

Power to disqualify persons convicted of cruelty to dogs

6.-(1) Any court before which a person is convicted under the provisions of this Act of any offence of cruelty to a dog may order such person to be disqualified from keeping a dog and from licensing a dog under the provisions of the Dogs Act for such period as the court thinks fit. *(Cap. 168.)*

(2) When any person who is disqualified by virtue of an order made under the provisions of this section has licensed a dog or caused a dog to be licensed as being owned by him, the licence shall be suspended for so long as the disqualification continues in force and shall, during the time of the suspension, be of no effect.

(3) If any person who is disqualified by virtue of an order made under the provisions of this section keeps a dog or applies for or obtains the licensing of a dog as being owned by him while he is so disqualified, he shall be liable on conviction to a fine not exceeding fifty dollars or to imprisonment for a term not exceeding three months or to both such fine and imprisonment.

(4) For the purposes of subsection (3) any person in whose custody, charge or possession any dog shall be found or seen, or who is the occupier of any building where any dog is ordinarily kept or permitted to live or to remain, or in whose care any dog may temporarily be, whether loose or confined, or who shall harbour a dog shall be deemed to keep such dog.

Removal of disqualification

7. Any person who by virtue of an order made under the provisions of section 6 is disqualified from keeping a dog and from licensing a dog may, at any time after the expiration of six months from the date of the order, and from time to time, apply to the court by which the order was made to remove the disqualification and on any such application the court may, as it thinks proper, having regard to the character of the person disqualified and his conduct subsequent to the order, the nature of the offence, and any other circumstances of the case, either by order remove the disqualification as from such date as may be specified in the order or refuse the application:

Provided that, where an application under this section is refused, a further application thereunder shall not be entertained if made within three months after the date of the refusal.

Compensation for damage done by cruelty to an animal

8. 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 such person, such sum not exceeding twenty dollars, as the court before which he is convicted may consider reasonable; the sum so ordered to be paid shall be recoverable as if it were a fine:

Provided that this section shall not-

(a) prevent the taking of any other legal proceedings in respect of any such damage or injury, so that a person be not twice proceeded against in respect of the same claim; or

(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.

Injured animals

9.-(1) If a district officer, police officer, veterinary officer, livestock officer, veterinary assistant, or authorised person finds on any road or in any public place, any animal so diseased or so severely injured or in such 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, such 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 remove the carcass or cause or procure it to be removed from the road or public place.

(2) If a police officer finds any animal in any place other than on any road or in a public place, 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, such animal should be destroyed, he may, if the owner is absent or refuses to consent to the destruction of the animal, summon a veterinary officer, a livestock officer or a veterinary assistant if any such veterinary officer, livestock officer or veterinary assistant is reasonably available, and, if it appears by the certificate of such veterinary officer, livestock officer or veterinary assistant that the animal is mortally injured or so severely injured or so diseased or in such a 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, or with such precautions and in such manner, as to inflict as little suffering as practicable.

(3) Where a district officer, police officer, veterinary officer, livestock officer, veterinary assistant or authorised person has slaughtered any animal under the provisions of either of subsections (1) or (2), then-

(a) if the ownership of the animal cannot be ascertained by him within six hours of such slaughter; or

(b) if the owner is known and is notified by him of the slaughter and the owner, after such notification, fails to remove the carcass within six hours of such slaughter,

he may cause the carcass thereof to be buried or destroyed by burning. (*Inserted by 24 of 1968, s. 2.*)

(4) Any expense which may be reasonably incurred in carrying out the provisions of this section may be recovered from the owner of the animal as a civil debt and, subject thereto, any such expense shall be defrayed out of the Consolidated Fund.

(5) For the purpose of this section, the expression "veterinary assistant" means a veterinary assistant authorised in writing by the Permanent Secretary for Agriculture and Fisheries to carry out the functions of a veterinary assistant under the provisions of this section. (*Section amended by 30 of 1965, s. 3.*)

Power to provide food for animals in confinement

10. Where any district officer, police officer, veterinary officer, livestock officer or

authorised person has reasonable cause to believe that any animal is confined on any premises or in any place without proper and sufficient food or water and has been so confined for a period of not less than twenty-four consecutive hours, such officer or person may, without warrant, enter upon such premises or place and may supply such animal with proper and sufficient food and water and the reasonable cost of such food and water shall be recoverable from the owner as a civil debt. (*Amended by 30 of 1965, s. 4.*)

Inspection of saleyards, etc.

11. Any district officer, police officer, veterinary officer, livestock officer, or authorised person may without warrant enter at any time by day

(a) any place where animals are usually sold or kept for sale, hire or business purposes and may inspect any animal therein and the accommodation for such animal;

(b) any ship or vehicle in or upon which any animal is being conveyed for business purposes and may inspect any animal therein or thereon and the accommodation for such animal.

(*Section amended by 30 of 1965, s. 5.*)

Search warrant

12.-(1) If a magistrate or justice of the peace, upon information on oath has reason to believe that an offence under this Act is being or is about to be or has been committed in any place, he may by his warrant authorise a police officer to enter such place and inspect any animal confined or kept therein.

(2) The provisions of the Criminal Procedure Code relating to searches under section 103 of that Code shall, so far as those provisions can be made applicable, apply to any search under subsection (1). (*Cap. 21.*)

Powers of police officers

13. Where a person having charge of a vehicle or animal is apprehended by a police officer for an offence under this Act, it shall be lawful for that or any other police officer, to take charge of such vehicle or animal, and to deposit the same in some place of safe custody until the termination of the proceedings or until the court shall direct such vehicle or animal to be delivered to the person charged or the owner, and the reasonable costs of such detention, including the reasonable cost 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 as a civil debt or, where the owner himself is convicted, shall be directed by the court to be paid by such owner and shall be recoverable in the same manner as a fine.

(*Section amended by 20 of 1955, s. 2.*)

Owners to produce animals if so required

14.-(1) Where proceedings are instituted under this Act, it shall be lawful for the court to issue a summons directed to the owner or person in charge 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.

(2) Where a summons is issued under the provisions of subsection (1), and the owner or person in charge fails to comply therewith without satisfactory excuse, he shall be liable to a fine not exceeding ten dollars for the first occasion and not exceeding twenty dollars for the second or any subsequent occasion on which he so fails.

Obstruction of officer

15. Any person who assaults, resists or unlawfully obstructs any district officer, police officer, veterinary officer, livestock officer or authorised person in the exercise of any power or authority under or by virtue of this Act shall be guilty of an offence and liable to a fine not exceeding one hundred dollars or to imprisonment for any term not exceeding six months or to both such fine and imprisonment. *(Amended by 30 of 1965, s. 6.)*

Regulations concerning transport of animals

16.-(1) The Minister may make regulations under this Act in respect of all or any of the kinds of animals included in the definition of animal herein and in respect of all or any of the following matters:

- (a)* the proper and safe embarkation and disembarkation of animals transported by air or water within Fiji;
- (b)* controlling the transport of animals by land, air or by water within Fiji;
- (c)* the proper treatment of such animals while being so transported;
- (d)* the imposition of obligations and restrictions on owners, masters and captains of vessels or aircraft or owners or drivers of vehicles used in the transport of animals;
- (e)* the appointment of officers to carry such regulations into effect.

(Amended by 23 of 1958, s. 2, 7 of 1966, s. 20 and 24 of 1973, s. 2)

(2) In this section, "animal" includes cattle, horses, sheep, pigs, goats and poultry. *(Section formerly sections 2 and 3 of the Transport of Animals Ordinance, 26 of 1937.)*

Controlled by Ministry of Agriculture and Fisheries

Subsidiary Legislation

SECTION 16 TRANSPORT OF ANIMALS REGULATIONS
