

CHAPTER 573

CRUELTY TO ANIMALS

AN ORDINANCE MAKING PROVISION FOR THE PREVENTION OF CRUELTY TO ANIMALS

Ordinances Nos 13 of 1907, 19 of 1912, 43 of 1917, Y of 1919, 33 of 1921, 16 of 1927, 17 of 1970, 12 of 1945, 4c1 No 22 of 1955

[10th July, 1907.]

Short title 1. 'This Ordinance may be cited as the Prevention of Cruelty to Animals Ordinance.*

Offence of cruelty 2. (1) Any person who shall (a) cruelly beat, ill-treat, over-drive, over-ride, abuse, or torture, or cause or procure to be cruelly beaten, ill-treated, over-driven, over-ridden, abused, or tortured, any animal ; (b) by any act or omission cause unnecessary pain or suffering to any animal ; or

have caused unnecessary pain or suffering to such animals.

3. If any animal is found in any place suffering pain by reason of starvation, mutilation, or other ill-treatment, the owner of such animal, and any superintendent or manager of such owner, shall severally be guilty of an offence, and shall be punished with a fine which may extend to one hundred rupees, and in the case of a second or subsequent offence, with a fine which may extend to two hundred rupees, or with imprisonment of either description for a term which may extend to three months, or with both :

If animal found in any place suffering pain by reason of starvation &c owner guilty of an offence.

(c) convey or carry, or cause to be conveyed or carried, in any ship, boat, canoe, or in any vehicle, basket, box, or cage, or otherwise, any animal in such manner or position as to subject such animal to unnecessary pain or suffering,

Provided, however, that it shall be a good defence to any such charge if the owner of such animal, or if any such superintendent or manager, proves to the satisfaction of the court that the condition of the animal was not due to any act, omission, neglect, or default on his part.

Penalty shall be guilty of an offence, and shall be punished with a fine which may extend to one hundred rupees, or with imprisonment of either description for a term which may extend to three months, or with both.

4. If any person kills any animal in an unnecessarily cruel manner he shall be punished with fine, which may extend to one hundred rupees, or with imprisonment of either description for a term which may extend to six months, or with both.

Penalty for killing animals with unnecessary cruelty

(2) It shall be lawful for the Minister to make rules as to the manner of keeping and treatment of animals.

(3) If any person contravenes any such rule, he shall be deemed for all purposes to

5. If any person uses in any work or labour any animal which by reason of any disease, infirmity, wound, sore, or other cause is unfit to be so used, or permit any such unfit animal in his possession or under

Penalty for using animals unfit for labour

* Primary Court has exclusive jurisdiction in respect of all offences under this Ordinance under section 33 of the Judicature Act read with Gazette Extraordinary No. 43 4 of 1979-07-02.

his control to be so used, he shall be punished with fine, which may extend to one hundred rupees, or with imprisonment of either description for a term which may extend to three months, or with both.

6. (I) The Minister may appoint any institution established in Sri Lanka for the treatment of sick or injured animals to be an infirmary for the treatment and care of animals in respect of which offences under this Ordinance have been committed.

(2) Every such infirmary shall be open to inspection at all reasonable hours by any officer authorized in that behalf by the Minister.

(3) The Minister may, whenever he thinks fit to do so, rescind any order made under subsection (I).

(4) The court before which a prosecution for such an offence has been instituted may direct that the animal in respect of which the offence is alleged or proved to have been committed shall be sent for treatment and care to an infirmary, and be there detained until it is, in the opinion of the court, again fit for the work or labour on which it has been ordinarily employed.

(5) The cost of the treatment, feeding, and watering of the animal in the infirmary shall be payable by the owner of the animal according to such scale of rates as the Government Agent of the administrative district may, from time to time, prescribe.

(6) If the owner refuses or neglects to pay such cost and to remove the animal within such time as the court may prescribe, the court may direct that the animal be sold, and the proceeds of the sale be applied to the payment of such costs.

(7) The surplus, if any, of the proceeds of sale shall, on application made by the owner within two months after the date of the sale, be paid to him ; and the deficit, if any, shall be recoverable from the owner by order of the court in the same manner as a fine, and when recovered shall be paid to the authorities of the infirmary.

7. If any person without reasonable excuse permits any diseased or disabled animal of which he is the owner to die in any street, he shall be punished with fine, which may extend to one hundred rupees, or in default to imprisonment of either description which may extend to three months.

8. A prosecution for an offence against this Ordinance shall not be instituted after the expiration of three months from the date of the commission of the offence.

9. When any Magistrate, * Superintendent, or Assistant Superintendent of Police, Judge of a Primary Court, or the divisional Assistant Government Agent of a division, has reason to believe that an offence under this Ordinance has been committed in respect of any animal, he may direct the immediate destruction of the animal, if in his opinion its sufferings are such as to render such a direction proper.

10. The Municipal Veterinary Surgeon or any officer authorized by him in writing to inspect diseased or disabled animals may board any vessel in Colombo harbour and may enter into the customs premises or any place appointed for the landing of cattle or the cattle mart or the quarantine station for the purpose of inspecting any animals therein and may destroy or order the immediate destruction of any animal found therein if the animal appears to him to be injured or diseased and, in his opinion, 'its sufferings are such as to render its immediate destruction proper.

11. The Minister with the concurrence of the Minister in charge of the subject of Finance may, by Order notified in the Gazette, notwithstanding any statutory enactment inconsistent therewith, direct that the whole or any part of any of the fines recovered in respect of offences under this Ordinance, which shall have been prosecuted by any officer of any society established in Sri Lanka for the prevention of cruelty to animals, shall be paid to such society :

Penalty for permitting diseased animals to die in any street.

Limitation of time for prosecution.

Power to Magistrate.* &c., to direct destruction of suffering animals.

Municipal Veterinary Surgeon or any officer authorized by him may board any vessel in Colombo harbour and enter customs premises for inspecting any animals therein.

Power to direct application of fines.

* Primary Court has exclusive jurisdiction in respect of all offences under this Ordinance under section 33 of the Judicature Act read with Gazette Extraordinary No. 43/4 of 1979-07-02.

Provided that where in any area any such fines are by law or practice already appropriated to any public authority established in the area, such Order shall only take effect in the area subject to the consent of the public authority signified by resolution notified in the Gazette, and to the extent authorized by such resolution.

Offences under the Ordinance to be cognizable offences

***12.** All offences against this Ordinance shall be deemed to be cognizable offences within the meaning of the Code of Criminal Procedure Act, and subject to all the provisions of the said Act relating to arrest without warrant.

Power to detain animals.

13. A peace officer may detain any animal in regard to which he shall have reasonable cause to believe that an offence under this Ordinance has been committed

pending the trial of the offence, and in the event of a conviction the court may direct the reasonable cost of the maintenance of the animal pending the trial, to be recovered from the offender in the same manner as a fine.

14. In this Ordinance, unless the context otherwise requires-

“ animal ” means any domestic or captured animal and includes any bird, fish, or reptile in captivity ; and

“ street ” includes any way, road, lane, square, court, alley, passage, or open space, whether a thoroughfare or not, to which the public have access.

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