

*Animals (Amendment) Act, No. 46 of 1988*

[Certified on 30th November, 1988]

L.D.—O. 3/79

**AN ACT TO AMEND THE ANIMALS ACT, No. 29 OF 1958**

**BE** it enacted by the Parliament of the Democratic Socialist Republic of Sri Lanka as follows : —

L This Act may be cited as the Animals (Amendment) Act, No 46 of 1988. Short title.

2 Section 2 of the Animals Act, No. 29 of 1953 (hereinafter referred to as the “ principal enactment ”) is hereby amended as follows :- Amendment of section 2 of Act No. 29 of 1958.

(a) in subsection (1) of that section, by the substitution for the words starting from “ In this subsection ” to “under this subsection.”, of the following words :-

‘ In this subsection, “ appropriate authority ” means a Government Veterinary Surgeon or an officer nominated by him, in writing or a Veterinary Surgeon employed by any local authority or any other officer appointed by the local authority with the concurrence of the Director. ’ ;

(b) by the addition at the end of subsection (2) of that. section, of the following subsection : —

‘ (3) In this section, “ cow ” includes a female buffalo and the expression “ cow calf ” shall be construed accordingly. ’

3. Section 3 of the principal enactment as amended by Act No. 10 of 1968, is hereby further amended as follows : — Amendment of section 3 of the principal enactment

(1) by the repeal of paragraph (1) thereof, and the substitution **therefor** of the following new paragraph : —

“ (1) the prohibition, restriction, control or regulation, of the transport of animals within, to or from, any administrative district ; ” ;

(2) in paragraph (3) thereof, by the substitution for the words “transported ; and ”, of the words “ transported ; ” ; and

(3) by the insertion, immediately after paragraph (4) of the following new paragraphs :-

\*( 5) procedure. to be observed in applying for permits for the transport of animals ; and

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(6) prescription of fees in respect of transport permits. ”.

Amendment of section 3B of the principal enactment.

4 Section 3B of the principal enactment is hereby amended as follows :-

- (1) in subsection (1) of that section, by the substitution, for the words “ or Agricultural Officer, ”, of the words “ or Government Veterinary Surgeon, ” ; and
- (2) in subsection (4) of that section, by the omission of all the words from “For the purpose of this section ”, to the words “ (Farm Management and Production) .”.

Insertion of new sections 3c and 3d in the principal enactment.

5. The following new sections are hereby inserted immediately after section 3B and shall have effect as sections 3c and 3d of the principal enactment :-

“ Transport permits in respect of removal of animals.

3c. (1) No person shall transport any animal within, to, or from, any administrative district except under the authority of a transport permit issued by the Assistant Government Agent of a division of that Administrative District, for that purpose.

(2) Every application for a transport permit shall be made to the Assistant Government Agent of the division of that administrative district within, or from, which any animal is to be transported, in such form as may be prescribed and shall be accompanied by the prescribed fee.

(3) Every transport permit shall, unless it is cancelled earlier, be in force for a period of three months from the date of its issue.

Offences under this Part to be cognizable.

3d. All offences under this Part or any regulation made thereunder shall be cognizable offences for the purpose of the application of the provision of the Code of Criminal Procedure Act, No. 15 of 1979, notwithstanding anything contained in the First Schedule to that Act. ”.

6. The principal enactment is hereby amended by the insertion immediately after section 5 thereof, of the following new section :—

1 "Branding of animals in non-stipulated places, an offence.

5A. A person required under section 5 to have his cattle branded shall not cause such cattle to be branded in places other than those specified in such regulations as may be in force under this Act relating to the branding of cattle. "

Insertion of new section 5A in the principal enactment.

7. Section 6 of the principal enactment is hereby repealed and the following new section substituted therefor :—

"Return of description and brand marks on cattle to be furnished to the Government Veterinary Surgeon by owners.

6. Every person who has any cattle belonging to him shall furnish, not later than the thirty-first day of January in each year, to the Government Veterinary Surgeon of the area in which such cattle are kept, a return, in such form as may be prescribed, of the description of, and the brand marks on, each head of such cattle. "

Replacement of section 6 of the principal enactment.

8. Section 7 of the principal enactment is hereby repealed and the following new section substituted therefor :—

"Duty of Government Veterinary Surgeon to maintain a cattle register and to issue cattle vouchers.

7. Every Government Veterinary Surgeon shall—

(a) maintain, in such form as may be prescribed, a register of the description of, and the brand marks on, cattle within his area ; and

(b) issue, or cause to be issued, to the owner of cattle branded in accordance with such regulations as may be in force under this Act relating to the branding of cattle a voucher in the prescribed form in respect of each head of such cattle."

Replacement of section 7 of the principal enactment.

Replacement of section 9 of the principal enactment.

9. Section 9 of the principal enactment is hereby repealed and the following new section substituted **therefor** :-

**"Power of Government Veterinary Surgeon to direct owner of an animal to brand with marks to indicate locality.**

9. **The Government** Veterinary Surgeon of any area may, if he considers it necessary, direct the owner of any animal to have that animal branded, within such time as he **may** specify, with such other marks as he may require so as to indicate the locality in which that animal is kept and such **owner** shall carry out such direction."

Amendment of section 18 of the principal enactment.

19. Section 18 of the principal enactment is hereby amended in subsection (1) thereof, by the substitution for the words " five rupees. ", of the words, " one hundred rupees. ".

insertion of new section 19A in the principal enactment.

11. The principal enactment is hereby amended by the insertion, immediately after section 19, of the following new section : —

**" Sale of unclaimed animals by public auction.**

19A. Where any animal which has been seized, tied up and detained under sections 14 and 15, is not claimed by its owner or any person on behalf of the 'owner, within **thirty** days of the date of such seizure and detention, it shall be sold by public auction by a person authorized in that behalf by the Government Agent of the administrative district in which the animal is detained and-

- (e) in any case where the sale is in respect of an animal detained for trespassing on private land, the amount of the damages **occassioned** by the trespass and assessed in the prescribed manner and the fair expenses *of* maintenance of that animal during the period of detention shall be paid to the owner or occupier of such **land**, out of the proceeds of such sale, and the balance, if any, shall be credited to the **Consolidated Fund** ;

(b) in any case where the sale is in respect of an animal trespassing on any land other than private land, the proceeds of sale, shall be credited to the Consolidated Fund. "

12. Section 24 of the principal enactment is hereby repealed and the following new section substituted therefor:-

"Disposal of the carcasses of animals which are destroyed.

24. The owner of every animal shot or otherwise destroyed under the provisions of section 22 or section 23 shall be entitled to remove the carcass of the animal, and if no claim to the carcass is made by any person entitled to remove it, the carcass shall be sold by public auction by an **officer** authorized in writing in that behalf by the Government Veterinary Surgeon of the area in which the animal was shot or otherwise destroyed and the proceeds of such sale be credited to the Consolidated Fund."

Replacement of section 24 of the principal enactment

13. The principal enactment is hereby amended by the insertion immediately after section 24, of the following new section :—

" Recovery of fine from the owner of animals that have trespassed.

**24A.** (1) Where any animal is seized and detained under section 14 or section 15, the Government Agent of the administrative district in which such animal is detained shall by notice in writing, require the owner or person in charge of the animal to pay any sum due from him as damage or expenses under that section to such Government Agent within such period as may be specified in such notice.

(2) Any sum paid to a Government Agent under subsection (1) shall—

(a.) in any case where such sum has been paid on account of damages to a private land, be transmitted by him to the owner or occupier of such private land ; or

Insertion of new section 24A in the principal enactment.

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(b) in any case where such sum has been paid on account of a trespass to any land other than a private land, be credited by him to the Consolidated Fund. ”.

Amendment of section 25 of the principal enactment

14. Section 25 of the principal enactment is hereby amended in subsection (1) thereof, by the substitution for the words “twenty rupees,” of the words “one hundred rupees ”.

Amendment of section 37 of the principal enactment.

15. Section 37 of the principal enactment is hereby amended by the substitution, for all the words from “be liable to” to “not exceeding two months. ”, of the following :-

“ be liable to a fine not exceeding two hundred and fifty rupees or to simple imprisonment for a term not exceeding two months, and for a second or subsequent offence to a fine not exceeding one thousand rupees or to simple imprisonment for a term not exceeding six months. ”.

Insertion of new section 37B in the principal enactment.

16. The following new section is hereby inserted immediately after section 37A, and shall have effect as section 37B of the principal enactment :-

< Government Veterinary Surgeons deemed to be peace officers.

37B. Every Government Veterinary Surgeon shall be deemed to be a peace officer within the meaning of the Code of Criminal Procedure Act, No. 15 of 1979, for the purpose of exercising in relation to any offence under this Act, any power conferred on a peace officer by that Act. ”.

Amendment of section 38 of the principal enactment.

17. Section 38 of the principal enactment is hereby amended as follows :-

(a) by the substitution, for the definition of “ animal ”, of the following new definition :-

\* “ animal ” means neat cattle (ela haraka) or a buffalo and in Part IV, includes a sheep, goat, pig or poultry ; ’ ;

(b) by the substitution, for the definition of “ branding ”, of the following new definition :-

’ “ branding ” includes ear tagging, ear tattooing, the marking of distinguishing letters or numbers with chemicals, freeze branding or ear notching ; ’ ;

(c) by the substitution, for the definition of " Director ", of the following new definition :-

' " Director " means the Director of Animal Production and Health ;;

(d) by the substitution, for the definition of " Veterinary Surgeon ", of the following definition : —

. " Veterinary Surgeon " means 3 Veterinary Surgeon registered under the Veterinary Surgeons and Practitioners Act, No. 46 of 1956. ' ; and

(e) " cattle " in Parts II and III means neat cattle or buffalo.