

SAINT LUCIA

—
No. 25 of 2003

ARRANGEMENT OF SECTIONS

PART I

PRELIMINARY

Sections

1. Short title and commencement
2. Interpretation

PART II

CRUELTY TO ANIMALS

3. Ill-Treating animals
4. Operation on animals
5. Tethering and abandonment of animals
6. Bull-baiting, dogfighting, etc.
7. Using animals unfit for work
8. Compensation for beating or causing damage
9. Impounded animals to be properly fed
10. Using condemned animals
11. Torturing animals required for food
12. Causing unnecessary pain to animals in transit
13. Power of entry
14. Obstructing police officer

PART III

POUNDS AND POUNDKEEPERS

15. Establishment of pounds
16. Management of pounds
17. Records kept by poundkeepers
18. Enquiry as to ownership of animal impounded
19. Notice to owner of animal impounded
20. Notice where owner of animal not known
21. Cost of taking animal to pound
22. Disposal of impounded animal
23. Sale of impounded animal
24. Animals not sold
25. Disposal of unsold animals

PART IV

IMPOUNDING

26. Animals improperly on highways
27. Animal trespassing
28. Rescuing animal impounded
29. Fraudulent impounding
30. Illegal impounding

PART V

DANGEROUS DOGS

31. Prohibition on importation
32. Neutering and prohibition on breeding
33. Registration of dangerous dogs
34. Ministry to take charge of dangerous dogs
35. Prohibition on ownership of dangerous dogs
36. Prohibition from certain places
37. Transportation of dangerous dog
38. Obligation to secure premises
39. Obligation not to abandon dangerous dogs
40. Liability for escape of dangerous dog
41. Notice
42. Inciting a dangerous dog to attack a person
43. Seizure and destruction
44. Exemption
45. Impounding or destruction of dangerous dog due to non-compliance with Act
46. Civil actions

PART VI

OFFENCES

47. Animals endangering persons or public property
48. Animal fastened on footpath
49. Animal ridden, lead or driven on place not open to animals
50. Animal ridden furiously in public way
51. Urging animals to attack a person or animal
52. Riding animals on the beach causing annoyance
53. Animals on private property

PART VII

LEGAL PROCEEDINGS

54. Arrest of offenders
55. Issue of warrant
56. Destruction and disqualification orders
57. Destruction of unfit animals by order of court
58. Appeal against decision of court
59. Summons to disclose
60. Taking and placing in custody animal on arrest of offender
61. Powers of court

PART VIII

MISCELLANEOUS

62. Non-application
63. Regulations
64. Repeal

I ASSENT

VICTOR GIRARD,
Deputy Governor-General.

8th September, 2003

SAINT LUCIA

No. 25 of 2003

AN ACT to provide for the prevention of cruelty to animals, the seizure and impounding of stray animals, the proper control of animals and for related matters.

[15th September, 2003]

BE IT ENACTED by the Queen's Most Excellent Majesty, by and with the advice and consent of the House of Assembly and the Senate of Saint Lucia, and by the authority of the same, as follows :

PART I
PRELIMINARY

Short title and commencement

1.— (1) This Act may be cited as the Animals Act, 2003.

(2) This Act shall come into force on a date to be fixed by the Minister by Order published in the *Gazette*.

Interpretation

2. In this Act —

“animals” includes —

- (a) domestic animals;
- (b) a carcass of an animal; and
- (c) an egg, embryo, ovum, sperm or other product of an animal from which another animal could be produced;

“approved premises” means places as the Minister may by Order designate as approved premises;

“authorised person” means a police officer or any other person authorised by the Minister;

“captive animal” means any non-domestic animal of whatsoever kind of species, whether a quadruped or not, including any bird, fish or reptile, which is in captivity or confinement or is maimed, pinioned or subjected to any appliance or contrivance for hindering or preventing its escape;

“carcass” means the carcass of any animal, and includes any part of the carcass or of the meat, bones, hide, skin, hoofs, horns, offal or other part of an animal;

“cattle” includes bulls, cows, oxen, heifers and calves;

“communicable animal disease” means a disease determined by the Chief Veterinary Officer to be a communicable disease;

“court” means the District Court;

“dangerous dog” means any dog over 20kg with a propensity to attack humans or domestic animals without provocation and shall include but not be limited to —

- (a) fighting dogs;
- (b) dogs, such as, Dobermans, Rottweilers, Ridgebacks, Akitas, Bullmastiffs, Mastiffs, German Shepherds; and
- (c) any dog designated a dangerous dog by the Minister of Local Government by Order published in the *Gazette*;

“domestic animal” includes any cattle, horse, mare, gelding, steer, mule, ass, sheep, lamb, hog, pig, goat, cat, dog, fowl, guinea fowl, pigeon or any other animal, whether of the kind or species particularly mentioned or of any kind or species or whatever and whether a quadruped or not, which is tamed or which has been or is being sufficiently tamed to serve some purpose of man’s use;

“fighting dogs” means any dog selected and bred over time for fearlessness and brute force in fighting;

“Minister” means the Minister responsible for Agriculture except where the Act specifically designates another Minister;

“National Conservation Authority” means the National Conservation Authority established under section 4 of the National Conservation Authority Act No. 16 of 1999;

“owner” means a person who owns or is otherwise in possession of an animal or in charge of the animal;

“poundkeeper”, in relation to a pound, means the poundkeeper for that pound;

“public place” means any street, road or other place, whether or not enclosed, to which the public have or are permitted to have access whether for payment or otherwise and includes the common parts of premises containing two or more separate dwellings;

“ranger or warden” means a person appointed as such under section 6 of the National Conservation Authority Act No. 16 of 1999;

“veterinary surgeon” means a veterinary surgeon registered under the Veterinary Surgeons Ordinance 1957 or any enactment replacing it.

PART II
CRUELTY TO ANIMALS

Ill-treating animals

3.— (1) Any person —

- (a) who wantonly and cruelly beats, ill-treats, starves, over-loads, abuses, tortures, infuriates, teases, terrifies or causes unnecessary mutilation or suffering to any animal; or
- (b) who otherwise maltreats or causes or procures to be cruelly beaten, ill-treated, starved, over-loaded, abused, tortured or otherwise maltreated any animal; or
- (c) who permits any animal to be infuriated, teased, terrified, or caused any unnecessary suffering; or
- (d) who without any reasonable cause administers or causes any poisonous or injurious drug or substance to be taken by any animal;

commits an offence and is liable on summary conviction to a fine of one thousand dollars in respect of each animal mentioned in the charge.

(2) Where a person is convicted under subsection (1) the court may also disqualify that person from having custody of any domestic and captive animal or any animal of a specific kind and may in its discretion order that the animal be forfeited and disposed of in a manner ordered by the court.

Operation on animals

4.— (1) Any person who, being the owner of an animal, permits the animal to undergo an operation which is performed without due care and in a humane manner commits the offence of cruelty to the animal.

(2) Where an operation is performed on an animal and the operation affects sensitive tissues or bone structure and is performed without the use

of an anaesthetic, the operation is performed without due care and in a humane manner and constitutes an offence of cruelty to the animal.

(3) The following operations are exceptions to the operation referred to in subsection (2) —

- (a) performing injections or extractions using a hollow needle;
- (b) the rendering of first aid in emergency cases for the purpose of saving the life of the animal or for relieving pain;
- (c) the docking of a dog's tail, cropping of a dog's ears, or the amputation of its dew claws, before its eyes are open;
- (d) the castration of a sheep under the age of three months, or of a bull, goat or pig under the age of two months, except by the use of a rubber ring or other device to construct the flow of blood to the scrotum, unless applied within the first week of life; and
- (e) any minor operation performed by a veterinary surgeon which by reason of its quickness or painlessness is customarily performed without an anaesthetic.

(4) The exceptions referred to in subsection (3) do not include —

- (a) the castration, de-horning or dis-budding of the animal except by chemical cauterisation within the first week of the animal's life;
- (b) the docking of lambs' tails by the use of a rubber ring unless applied in the first week of the lamb's life; or
- (c) the docking of the tails of pigs less than seven days old.

Tethering and abandonment of animals

5.— (1) Any person who ties or keeps an animal in conditions or in a manner that is likely to cause that animal unnecessary suffering commits an offence and is liable on summary conviction to a fine of five hundred dollars.

(2) Any person who is the owner of an animal, and who without reasonable cause or excuse abandons the animal or permits the animal to be abandoned and in circumstances likely to cause the animal unnecessary suffering, commits an offence and is liable on summary conviction to a fine of five hundred dollars.

(3) An authorised person may seize and take control of an animal that is suffering as a result of a contravention of this section.

(4) An authorised person referred to in subsection (3) shall not be liable for the death or injury of an animal that has been seized or impounded in accordance with this Act.

(5) An animal that has been seized in accordance with subsection (3) may be transported to approved premises.

(6) Where, in the opinion of an authorised person, an animal is considered to be suffering from serious injury or disease, the authorised person shall solicit the opinion of a registered veterinary surgeon who may authorise the disposal of that animal in such manner as he or she sees fit.

Bull-baiting, dogfighting, etc.

6.— (1) Any person who keeps, uses or manages any premises for the purpose of fighting, training for fighting, or baiting any bull or dog, whether of a domestic or wild nature or permits or causes any such premises to be so used commits an offence and is liable on summary conviction to a fine of five thousand dollars and one hundred dollars for every day thereafter he or she keeps, uses or manages that place or permits or causes that place to be so kept, used or managed.

(2) A person who receives money for the admission of any other person to any place which is kept, used or managed for any of the purposes referred to in subsection (1) shall be deemed to be the keeper thereof.

(3) Any person who in any manner encourages by his or her presence or aids or assists at the fighting or baiting of any bull or dog commits an offence and is liable on summary conviction to a fine of five hundred dollars.

Using animals unfit for work

7. Any person who works or causes to be worked an animal in an emaciated condition as to be unfit for work whether that condition is caused by disease, injury or deficient feeding, commits an offence and is liable on summary conviction to a fine of one thousand dollars.

Compensation for beating or causing damage

8.— (1) A person shall not beat, ill-treat, abuse, overload or torture any animal in any way that would cause damage or injury to —

- (a) any other animal; or
- (b) any person or property.

(2) A person who contravenes subsection (1), commits an offence and is liable on summary conviction to pay to the owner of the animal which sustains damage or injury or to the person who sustains the damage or injury, a sum of money by way of compensation, as is ascertained and determined by the court by whom such person is convicted.

Impounded animals to be properly fed

9.— (1) A person who impounds, confines or causes any animal to be impounded or confined in any pound or receptacle of the like nature shall provide and supply the animal during confinement with a sufficient quantity of fit and wholesome food and water.

(2) Where the animal is impounded or confined under subsection (1), the reasonable costs of food, water or any other reasonable expenses incurred in its seizure and confinement shall be paid by the owner to the person who met the costs, before the animal is removed, and the costs may be recovered in a summary manner before the court.

(3) A person who refuses or neglects to provide and supply that animal with food and water commits an offence and is liable on summary conviction —

- (a) for a first offence, to a fine of one hundred dollars; and
- (b) for a continued offence, to a fine of fifty dollars for every day the offence continues or is repeated.

(4) All expenses shall be recovered in a summary manner before the court.

Using condemned animals

10. Any person who —

- (a) uses, employs, causes or permits to be used or employed any horse or other cattle brought or delivered for the purpose of being destroyed; or

- (b) permits or suffers any horse or other cattle to be employed in any manner of work,

commits an offence and is liable on summary conviction —

- (a) for a first offence, to a fine of one hundred dollars; and
- (b) for a continued offence, to a fine of fifty dollars for every day for which the horse or other cattle is so used or employed commencing from the day the horse or other cattle is brought or delivered for the purpose of being destroyed.

Torturing animals required for food

11. Any person who —

- (a) tortures or causes unnecessary suffering to any animal which is required to be killed for food or for other necessary purposes or in consequence of accidental injury or incurable disease; or
- (b) aids or abets any other person in inflicting such torture or suffering,

commits an offence and is liable on summary conviction to a fine of three thousand dollars.

Causing unnecessary pain to animals in transit

12. — (1) A person shall not convey or carry or cause to be conveyed or carried in or upon any vessel, vehicle or boat, any animal in a manner or position as to subject that animal to unnecessary pain or suffering.

(2) A person who contravenes subsection (1) commits an offence and is liable on summary conviction to a fine of five hundred dollars for the first offence and a fine of one thousand dollars for any subsequent offence and that person shall thereafter be banned from conveying animals.

Power of entry

13. — (1) Where an authorised person reasonably suspects that animals are being used or kept in contravention of this Part, he or she may at any reasonable time with a warrant enter and search the premises in the company of a police officer in uniform for the purposes of carrying out his or her functions under this Part.

(2) Any person who, at any time or in any manner, unlawfully obstructs, hinders, molests, threatens or assaults any authorised person while in the exercise of any power or authority given under this Act or

regulations made hereunder commits an offence and is liable on summary conviction to a fine of five thousand dollars.

Obstructing police officer

14.— (1) Where an offence is committed under this Act or regulations made hereunder and the commission involves a vehicle, it shall be the duty of the owner of that vehicle to give, if required to so do by an authorised person information that may lead to the identification and apprehension of the driver or person in control of the vehicle at the time when the offence was committed.

(2) Any owner of a vehicle who fails to comply with subsection (1), commits an offence and is liable on summary conviction to a fine of five hundred dollars.

PART III

POUNDS AND POUNDKEEPERS

Establishment of pounds

15. The Minister may establish animal pounds for the purposes of this Act.

Management of pounds

16. The Minister may appoint such number of poundkeepers as are necessary for the purposes of this Act.

Records kept by poundkeepers

17. Every poundkeeper shall keep such records for the purposes of —

- (a) identifying the animal impounded;
- (b) describing the owners of the animal and, the persons bringing the animal to the pound;
- (c) describing the condition of the animal impounded;
- (d) specifying the date and time of impounding;
- (e) specifying the moneys due or received in respect of any cattle, sheep or pigs; and
- (f) respecting the disposal of all moneys received by such poundkeeper.

Enquiry as to ownership of animal impounded

18.— (1) When any animal is brought to any pound, the poundkeeper shall make, and the person bringing the animal to the pound shall answer, all enquiries such as are likely to identify the owner of the animal.

(2) If a person in answer to any enquiry referred to in subsection (1) —

- (a) makes a statement which that person knows to be false;
- (b) recklessly makes a statement which is false; or
- (c) fails to disclose any information that would identify the owner of the animal;

that person commits an offence and is liable on summary conviction to a fine of five hundred dollars.

Notice to owner of animal impounded

19.— (1) Where any animal is impounded, the poundkeeper shall, if he or she obtains sufficient information to enable him or her to identify the owner of the animal, serve notice upon that owner, by leaving the notice at the usual place of abode or business of the person to be served or by sending the notice by registered post.

(2) A poundkeeper shall be entitled to demand, in addition to any fees prescribed for the purposes of the pound, the cost incurred in serving the notice under subsection (1).

Notice where owner of animal not known

20. Where, at the expiration of forty-eight hours after any animal is impounded, the poundkeeper is unable to ascertain the identity of the owner of the animal, the poundkeeper shall cause a notice of the impounding of the animal to be posted in accordance with regulations made hereunder.

Cost of taking animal to pound

21. — (1) A poundkeeper shall be entitled to demand from the owner of the animal, in addition to any fees prescribed for the purposes of the pound, the cost incurred in taking or sending the animal to the pound.

(2) The poundkeeper shall pay the cost referred to in subsection (1) to the person who incurred the cost.

Disposal of impounded animal

22. An animal received into a pound shall be detained until sold pursuant to section 23 unless before the time for the sale the fees prescribed and the cost referred to in section 21 are paid.

Sale of impounded animal

23.— (1) A poundkeeper may, on such days as he or she thinks fit, put up for sale by public auction any animal which has been detained for more than ten days, exclusive of the days of seizure and sale, and may sell and deliver the animal to the best bidder, and, if the amount of the bid is not forthwith paid, may put the animal up for sale again.

(2) The poundkeeper shall give seven days notice published in the *Gazette* that he or she intends to sell an impounded animal by public auction.

(3) The notice referred to in subsection (2) shall include —

- (a) details of the location where the animal was found;
- (b) the number and type of animal;
- (c) where and how the animal is branded;
- (d) the sex and colour of the animal and any other descriptive marks;
- (e) the name of the person who impounded the animal;
- (f) the time and place of the auction.

(4) A poundkeeper shall, out of the proceeds of the sale referred to in subsection (1) deduct —

- (a) the costs prescribed pursuant to section 21 (1); and
- (b) the expenses of the sale.

(5) Subject to subsection (6), the poundkeeper shall pay the balance, if any, of the surplus referred to in subsection (4) —

- (a) to the owner of the animal, or
- (b) to the person authorised by the owner,

if the owner or the person attends and demands the cost.

(6) Where the poundkeeper has been notified of any damage caused by the trespass of the animal sold pursuant to this section, the poundkeeper shall forthwith —

- (a) pay the surplus or the balance remaining in his or her possession to the clerk of the court in which the pound is situated, to be kept by him or her until the claim for damage has been resolved; or
- (b) for a period of six months after the sale,

whichever is the shorter; and if at the end of that period the clerk has in his or her possession any portion of the moneys received on account of such sale, he or she shall forthwith pay the money to the Accountant-General.

Animals not sold

24. Where an animal is offered for sale and a bid is not made for it, or the bid made is, in the opinion of the poundkeeper, trifling or insufficient to defray the costs and charges under this Act, the animal becomes the property of the Crown and may be dealt with in the manner prescribed under section 25.

Disposal of unsold animals

25.— (1) Where an animal —

- (a) is in such a state or condition that it is unfit to be sold; or
- (b) is suffering from a communicable animal disease;

the poundkeeper shall, upon directions from the Chief Veterinary Officer, have such animal shot or otherwise destroyed, and the carcass buried or otherwise disposed of.

(2) The owner of an animal referred to in subsection (1) shall, in addition to any other sum that he or she is liable to pay to the poundkeeper, pay the costs, charges, and expenses attending such shooting, destruction, burial or disposition.

(3) Where a lamb, pig, goat, fowl, cattle or any other animal becomes the property of the Crown in the circumstances referred to under section 27, and the animal is proven to be fit by the Chief Veterinary Officer, the animal may be held at the pound and the meat of the animal supplied to hospitals, homes for the aged, childrens' homes or any other such institution.

PART IV
IMPOUNDING

Animals improperly on highways

26.— (1) An animal found tied, wandering, straying, or lying on a highway or any public place may be seized by an authorised officer and taken to an animal pound where the animal shall be impounded until its owner claims it and pays all reasonable expenses incurred in its seizure and confinement.

(2) The owner of an animal —

- (a) who allows it to stray or ties or allows it to be tied; or
- (b) which is otherwise found trespassing;

on or near a highway in a manner that is likely to cause obstruction, damage or injury to any user of the highway commits an offence and is liable on summary conviction to a fine of five thousand dollars or to imprisonment for two years or both.

(3) Where an animal cannot be seized pursuant to subsection (1), a police officer in uniform, may immobilize, or shoot the animal.

(4) Where an animal is immobilize or shot in accordance with subsection (3) —

- (a) the owner of the animal, if known, shall be notified by the police and he or she shall remove the animal or the carcass within four hours; or
- (b) the animal or the carcass may be removed by the police and disposed of and the owner may be surcharged for the expense incurred in the removal and disposal.

(5) The Minister may make regulations concerning the manner of disposal of an animal or a carcass under sub-section (4).

(6) Regulation 50 of the Motor Vehicles and Road Traffic Regulations No. 20 of 1995 is revoked.

Animal trespassing

27.— (1) The owner or occupier of enclosed land, cultivated land or pasture land, or any person authorised by him or her, may seize the animal found trespassing on that land and may —

(a) send or take that animal to the nearest pound; or
(b) request an authorised person to take the animal to a pound;
to be detained and dealt with according to this Act.

(2) The owner or occupier referred to in subsection (1) may secure and keep any animal seized under this section, for any time not exceeding two days after the day of seizure before sending the animal to the pound.

(3) Where an animal has been seized under this section, the owner of the animal or any person lawfully authorised by him or her may, at any time before the animal is received into the pound, pay, to the owner or occupier of the land or any person authorised by him or her, reasonable expenses in respect of the seizure, and the owner or occupier of the land or any person authorised by him or her shall, upon payment being made, deliver the animal to its owner or the person authorised by the owner to make the payment.

Rescuing animal impounded

28. A person who —

- (a) rescues or releases, or attempts to rescue or release, any animal while the animal is in or being taken to any pound, or having been lawfully seized for the purpose of being impounded;
- (b) breaks or damages any pound;
- (c) does, or aids or abets the doing of any act whereby any animal impounded may escape or be unlawfully liberated; or
- (d) obstructs an authorised person or a poundkeeper in the execution of his or her duties;

commits an offence and is liable on summary conviction to a fine of five thousand dollars.

Fraudulent impounding

29. A person who drives, leads or entices any animal onto any land or onto any public place, square, or highway, with intent to impound the animal or to procure the animal to be impounded, commits an offence and is liable on summary conviction to a fine of five thousand dollars.

Illegal impounding

30.—(1) The owner of an impounded animal may give notice in writing to the poundkeeper that he or she intends to institute proceedings in the court against the person impounding the animal claiming that the impounding was illegal under this Act, or that the rates demanded were excessive.

(2) An application to institute proceedings pursuant to subsection (1) shall be made within ten days after the date on which the notice referred to in that subsection was given.

PART V
DANGEROUS DOGS

Prohibition on importation

31.— (1) A person shall not import into Saint Lucia a fighting dog, or the semen or embryo of a fighting dog.

(2) A person who contravenes subsection (1), commits an offence and is liable on summary conviction to a fine of five thousand dollars and to imprisonment for two years.

Neutering and prohibition on breeding

32.— (1) A person who owns a fighting dog shall ensure that the dog is spayed or neutered by a veterinary surgeon within three months of the coming into force of this Act.

(2) A person shall not —

- (a) breed or breed from a fighting dog;
- (b) sell or exchange a fighting dog or offer, advertise or expose a fighting dog for sale or exchange;
- (c) make or offer to make a gift of a fighting dog or advertise or expose a fighting dog.

(3) A person who contravenes this section commits an offence and is liable on summary conviction to a fine of five thousand dollars and to imprisonment for two years.

Registration of fighting dogs

33.— (1) Within six months of the coming into force of this Act, every owner of a fighting dog shall register that dog with the Minister of Local Government in the prescribed form, and pay the prescribed registration fee.

(2) A register of all fighting dogs shall be maintained and shall be open to the public for inspection at all reasonable times.

(4) A fighting dog shall not be registered unless the owner presents a certificate in the prescribed form verifying that the fighting dog is spayed or neutered.

(5) Subject to subsection (6), there shall be paid a one time fee of five hundred dollars for each fighting dog registered.

(6) The registration fee required to be paid under subsection (5) may be varied from time to time by the Minister of Local Government by Order published in the *Gazette*.

(7) A registration issued in accordance with subsection (1) shall expire on the death of the dog.

(8) Notwithstanding any other written law, all monies received in respect of registration under this Act shall be retained for the purposes of administering this Act.

(9) With every registration granted under this Act, there shall be —

- (a) issued free of charge and delivered to the dog's owner or his or her agent a metal label or other badge bearing a Registration Number in such form as may, from time to time, be prescribed by the Minister of Local Government;
- (b) branded onto the pinna of the ear of the dog the registration number referred to in paragraph (a) or such other form of identification as may be prescribed by the Minister of Local Government.

(10) A person who owns a fighting dog shall ensure that —

- (a) the dog wears a collar at all times; and
- (b) the metal label or badge referred to in subsection (10) (a) is at all times securely affixed to the collar worn by the dog.

(11) A person who contravenes this section, removes or defaces the metal label, badge or branded registration number or such other form of identification referred to in subsection (9) commits an offence and is liable on summary conviction to a fine of five hundred dollars.

Ministry to take charge of dangerous dogs

34. An owner of a dangerous dog who is unable to fulfill the requirements of this Act shall notify the Ministry of Local Government of

that fact, transfer possession of the dangerous dog to the Ministry of Local Government whereupon the Ministry of Local Government shall take charge of the dangerous dog, and, where the dangerous dog has not been adopted by a suitable person within a reasonable time, destroy the dangerous dog.

Prohibition on ownership of dangerous dog

35.— (1) A person under the age of eighteen years shall not own a dangerous dog.

(2) Where a person under the age of eighteen years owns a dangerous dog in contravention of this Act any reference to the owner of the dangerous dog in this Act is a reference to the head of the household of which the person under the age of eighteen years is a member.

(3) Where there is no head of household in circumstances referred to in subsection (2), the dangerous dog shall be taken charge of by the Ministry of Local Government and the Ministry of Local Government shall act in accordance with section 34.

Prohibition from certain places

36.— (1) Except for the purposes of compliance with section 32 (1), a person who owns a dangerous dog shall keep that dog under proper control in his or her private premises.

(2) A person who keeps a dangerous dog on premises that accommodates more than one household shall ensure that the other households may use the premises free from fear of attack by the dangerous dog.

(3) A person who contravenes subsection (1) commits an offence and is liable on summary conviction to a fine of five hundred dollars.

(4) A person who contravenes subsection (2) commits an offence and is liable on summary conviction to a fine of one thousand dollars.

(5) If the owner of a dangerous dog allows it to enter private premises where it is not permitted to be and the dog injures any person, the owner commits an offence and is liable on summary conviction to a fine of five thousand dollars.

(6) Where a dangerous dog enters onto private premises and the owner or occupier of those premises has reasonable grounds for apprehension that the dog may attack and injure any person that owner or occupier may take all steps to prevent attack and injury to a person including destroying the dog.

Transportation of dangerous dog

37.— (1) An owner of a dangerous dog who transports his or her dog from its usual place of residence, or appears in any public place with his or her dog, shall ensure that the dog is —

- (a) securely fitted with a muzzle sufficient to prevent it from biting any person;
- (b) securely held on a lead by a person who is not less than eighteen years old and who is capable of controlling the dog.

(2) A person who contravenes subsection (1) commits an offence and is liable on summary conviction to a fine of five hundred dollars.

Obligation to secure premises

38.— (1) A person who owns a dangerous dog shall ensure that the premises on which that dog is kept are secured by a fence or wall of a suitable height and that such fence or wall is so constructed and maintained as to prevent the escape of the dog.

(2) For the purpose of this section, fence or wall includes a gate.

(3) A person who contravenes this section commits an offence and is liable on summary conviction —

- (a) for a first offence, to a fine of five hundred dollars; and
- (b) for a continued offence, to a fine of fifty dollars for each day thereafter that the offence continues.

(4) Where a person is charged with an offence under this section, the onus of proof shall lie on that person to show that he or she complied with the requirements of subsection (1).

Obligation not to abandon dangerous dog

39.— (1) An owner of a dangerous dog shall not abandon the dog.

(2) A person who contravenes this section commits an offence and is liable on summary conviction to a fine of one thousand dollars.

Liability for escape of dangerous dog

40.— (1) Where a dangerous dog escapes from any premises and causes injury or damage to another person or property, the owner of that dog shall be liable for the injury or damage caused by that dog.

(2) Where a dangerous dog injures a person, the owner of the dangerous dog commits an offence and is liable on summary conviction to a fine of five thousand dollars.

(3) Where a dangerous dog kills a person or causes the death of a person, the owner of the dangerous dog commits an offence and is liable on summary conviction to a fine of twenty thousand dollars.

(4) Where a dangerous dog injures or kills or causes the death of a person and it is proven that the owner of the dangerous dog knew that the dog had shown a previous propensity to attack, the court may impose a term of five years imprisonment on the owner of the dangerous dog.

Notice

41.— (1) A person who owns a dangerous dog or keeps a dangerous dog on his or her premises shall cause to be displayed in a prominent place on the premises, a notice indicating that there is a dangerous dog on the premises.

(2) A person who contravenes this section commits an offence and is liable on summary conviction to a fine of five hundred dollars.

Inciting a dangerous dog to attack a person

42.— (1) Notwithstanding section 55, a person who incites a dangerous dog to attack another person commits an offence and is liable, in addition to any other penalties he or she may incur under this Act, on summary conviction to a fine of five thousand dollars.

(2) It shall be a defence for a person charged with an offence under this section to establish that the other person was committing or had an intention of committing a criminal offence.

Seizure and destruction

43. An authorised person may seize or destroy in a humane manner a dangerous dog or a dog which appears to him or her to be a dangerous dog which is in a public place or in a place where it is not permitted to be.

Exemption

44.— (1) Any reference in this Act to an owner of a dangerous dog shall not include a veterinary surgeon who keeps a dangerous dog in a professional capacity.

(2) Notwithstanding subsection (1), a veterinary surgeon shall be liable for any damage caused by a dangerous dog in his or her charge.

Impounding or destruction of dangerous dog for non-compliance

45.— (1) Where an owner of a dangerous dog has not fulfilled a requirement in respect of a dangerous dog under this Act, the Ministry of Local Government shall impound the dog until the requirement is fulfilled.

(2) Where seven days after notice for fulfilling a requirement under this Act has elapsed the Ministry of Local Government shall inform the owner of the dangerous dog referred to in subsection (1) of that fact.

(3) Where an owner of a dangerous dog has still not fulfilled the requirements three days after receiving notice under subsection (2) the Ministry of Local Government shall destroy the dangerous dog.

Civil actions

46.— (1) Nothing in this Act prevents a person from bringing an action under any other law in respect of any injury inflicted by a dangerous dog.

(2) The common law principle of scienter shall not apply where an action is brought under any other law.

PART VI**OFFENCES****Animals endangering persons or public property**

47.— (1) A person shall not commit any of the following nuisances —

- (a) keep any animal at any public place as to cause damage to the lands, crops, animals, goods, or as to cause material interruption to lawful business or occupations, or to materially affect the value of property;
- (b) keep any animal or permit the animal to be at large to cause damage to public property.

(2) A person who commits an offence under subsection (1) is liable on summary conviction —

- (a) for a first offence, to a fine of one thousand dollars; and
- (b) for a continued or repeated offence, to a fine of five thousand dollars.

(3) A person shall not —

- (a) being the owner of an animal, drive or allow the animal to be driven on and along a public way in such numbers or in such manner as to endanger the safety of other users of the public way;
- (b) drive or lead any animal in a public way or public place, without proper and sufficient supervision.

(4) A person who commits an offence under subsection (3) is liable, on summary conviction to a fine of five hundred dollars.

(5) Regulation 50 of the Motor Vehicles and Road Traffic Regulations No. 20 of 1995 is revoked.

Animal fastened on footpath

48. A person who —

- (a) fastens any horse or other animal in a manner that it can or does stand across or upon any footpath;
- (b) leads, drives or rides a horse or other animal along any footpath;
- (c) by means of any horse or other animal wilfully obstructs a public way, or wilfully causes any obstruction in a public footpath, or other public road,

commits an offence and is liable on summary conviction to a fine of five hundred dollars.

Animal ridden, lead or driven on place not open to animals

49. — (1) A person shall not without permission or excuse ride, lead, or drive an animal along, or across or on to any promenade or other part of any public square or across, along or on to any public place not open to animals.

(2) A person who contravenes subsection (1) commits an offence and is liable on summary conviction to a fine of five hundred dollars.

(3) Where a person is charged with an offence under subsection (1) the onus of proof shall lie on that person to show that he or she complied with the requirements of this section.

Animal ridden in public way

50.— (1) A person shall not —

- (a) in any public way, ride any horse or other animal so as to endanger the life or limb of any user of the public way; or
- (b) pass or turn any horse or other animal on any public way, or cross any public way at a rapid or dangerous pace.

(2) A person who contravenes subsection (1) commits an offence and is liable on summary conviction to a fine of five hundred dollars.

Urging animals to attack a person or animal

51.— (1) A person shall not set on or urge an animal to attack, harass or put in fear any person or other animal.

(2) A person who contravenes subsection (1) commits an offence and is liable on summary conviction to a fine of one thousand dollars.

(3) It shall be a defence for a person charged with an offence under this section to establish that the other person was committing or had an intention of committing a criminal offence.

Riding animals on the beach causing annoyance

52.— (1) A person shall not ride a horse, mule or other animal on any beach or seashore as to cause annoyance to any other person.

(2) A person who contravenes subsection (1) commits an offence and is liable on summary conviction to a fine of one thousand dollars.

(3) An authorised person or a person employed by the National Conservation Authority as a ranger or warden may arrest without a warrant a person who commits an offence specified in subsection (1).

Animals on private property

53.— (1) The owner of a horse, mule or cattle shall not permit the animal to —

- (a) be ridden;
- (b) run at large; or
- (c) trespass

on private property.

(2) An owner who contravenes subsection (1) commits an offence and is liable on conviction —

- (a) for a first offence, to a fine of not less than five hundred dollars and to not more than five thousand dollars;
- (b) for the second or subsequent offence, to a fine of not less than one thousand dollars and not more than five thousand dollars.

(3) For the purposes of this section —

- (a) “run at large” means to be found at a place other than the premises of the owner of the animal and not under the control of any person; and
- (b) “trespass” means to be on private property or run at large on private property without the permission of the owner of the private property where the animal is found.

PART VII
LEGAL PROCEEDINGS

Arrest of offenders

54. — (1) Whenever any person, having charge of any vehicle or any animal is taken into custody, a police officer may take charge of that vehicle or animal and convey the same to a police station.

(2) Where an animal or a vehicle has been taken into custody pursuant to subsection (1) and it is found that neither is the subject of the charge, that animal or vehicle shall be returned to the person entitled to the animal or vehicle.

(3) An animal which is the subject of the charge may be detained pending the order of the court and the costs of keeping that animal may

be recovered summarily in addition to any penalty or punishment imposed upon the offender.

Issue of Warrant

55. A Magistrate who is satisfied by information on oath, that there are reasonable grounds for believing —

- (a) that an offence under this Act is being or has been committed; or
- (b) that evidence of the commission of any such offence is to be found on any premises,

may issue a warrant to an authorised person to enter and search those premises and to seize any dangerous dog or other thing found there which is evidence of the commission of such an offence.

Destruction and disqualification orders

56.— (1) Where a person is convicted of an offence under Part V, the Court may —

- (a) order the humane destruction of the dangerous dog in respect of which the offence was committed; and
- (b) order the offender to be disqualified, for such period as the Court thinks fit, from having custody of a dangerous dog.

(2) Where a court makes an order under subsection (1) (a), in respect of a dangerous dog owned by a person other than the offender, the owner may appeal against the order.

(3) A dangerous dog shall not be destroyed pursuant to an order under subsection (1) (a) —

- (a) until the end of the period for giving notice of appeal against the order; and
- (b) if the notice of appeal is given within that period, until the appeal is determined or withdrawn.

(4) Where a court makes an order under subsection (1) (a), it may order the offender to pay such sum as the court may determine to be the reasonable expenses incurred in destroying the dangerous dog and in keeping the dangerous dog pending its destruction.

(5) Where any sum is ordered to be paid by the offender under subsection (4), the offender shall be liable on conviction to the sum imposed.

(6) A person who has custody of a dangerous dog in contravention of an order under subsection (1) (b) commits an offence and is liable on summary conviction to a fine of five thousand dollars.

Destruction of unfit animals by order of court

57.— (1) When any charge is laid before any court for any offence committed under this Act, the court may if it thinks fit, direct that a registered veterinary surgeon be summoned to give evidence on the hearing of the charge.

(2) Where, in the opinion of a registered veterinary surgeon the animal to which such charge relates, suffers from an incurable disease or is suffering to such an extent that the animal cannot be used for any purpose for which such animal is ordinarily used, the Court hearing the charge may in lieu of or in addition to any other penalty authorised by law, order such animal to be destroyed in a humane manner.

Appeal against decision of court

58. In case of an appeal from an order of a court directing the destruction of an animal, that animal shall be detained at approved premises until the hearing of the appeal, and the court shall, if such order is confirmed, direct that the cost of keeping the animal until the hearing of the appeal shall be recovered from the appellant in the same manner as costs of court are recovered.

Summons to disclose

59.— (1) Where —

- (a) a person in charge of any animal whose name is unknown contravenes any of the provisions of this Act; and
- (b) such person is not arrested and taken into custody

it shall be lawful for the court, upon the complaint of any person who was present when the offence was committed and can identify the animal, to summon the owner of the animal before him or her to disclose the name of the person who was in charge of the animal at the time when the offence was committed, in order that such person may be proceeded against according to law.

(2) Where —

- (a) the owner of the animal refuses or neglects to attend after having been summoned; or
- (b) in case he or she attends but refuses to disclose the name of the person who was in charge of the animal,

the owner commits an offence and is liable to the same penalty that the person who was in charge of the animal, if known, would have been subject and liable to under the provisions of this Act.

Taking and placing in custody animal on arrest of offender

60.— (1) Where any person having charge of any animal, is arrested for any offence against the provisions of this Act, it shall be lawful for the person arresting the offender to take charge of the animal, and to deposit the animal in a place of safe custody, as a security for the payment of any necessary expenses which may have been or may be incurred in taking charge of and keeping the animal.

(2) It is lawful for the court, before whom the case is brought, to order such animal to be sold for the purpose of satisfying such penalty and all such reasonable expenses.

Powers of court

61.— (1) The court before which a person charged with an offence under this Act appears, may —

- (a) make an order against the defendant for all bills incurred as a result of the injury or death of the person;
- (b) make such order for costs and expenses as the court thinks fit;
- (c) take into consideration before passing sentence, all the circumstances of the case.

(3) Where the owner of an impounded animal makes an application pursuant to section 30, the court may —

- (a) dismiss the application;
- (b) find that the impounding was illegal under this Act; or
- (c) find that the rates demanded were excessive;

and may make an order against the defendant for the amount in consequence of the illegal impounding or excessive demand and for the amount of all charges paid by the owner to the poundkeeper, and, may make such order for costs and expenses as the court thinks fit.

(4) The court may hear and determine an application pursuant to section 30 notwithstanding any question of title to property or suggestion of right that may be involved.

PART VIII
MISCELLANEOUS

Non-application

62. This Act shall not apply to —

- (a) registered security personnel;
- (b) members of the Royal Saint Lucia Police Force; and
- (c) other persons

employed to guard and protect premises in the execution of their duties.

Regulations

63. The Minister may make regulations —

- (a) prescribing the fee per day to be paid for the care and feeding of animals in pounds;
- (b) respecting the giving or posting of any notice required by this Act to be given or posted;
- (c) respecting the form of such notices;
- (d) respecting the time and mode of conducting the sales of impounded animals;
- (e) prescribing any other thing that is authorised or required to be prescribed by this Act; and
- (f) generally for giving effect to the provisions of this Act.

Repeal

64. The following are repealed —

- (a) The Animal Trespass Ordinance Cap. 39; and
- (b) Articles 389, 390, 392-396, 425, 454-465, 474-477, 486, 487, and 609 A of the Criminal Code CAP. 250 as amended.

Passed in the House of Assembly this 8th day of July, 2003.

BADEN J. ALLAIN,
Speaker of the House of Assembly.

Passed in the Senate this 6th day of August, 2003.

HILFORD DETERVILLE,
President of the Senate.