

CHAPTER 37:02
CRUELTY TO ANIMALS
ARRANGEMENT OF SECTIONS

SECTION

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Proc. 27, 1936,
Cap. 113, 1948,
Cap. 141, 1959,
L.N. 84, 1966.

An Act to make provision for the prevention of cruelty to animals.

[Date of Commencement: 8th May, 1936]

1. Short title

This Act may be cited as the Cruelty to Animals Act.

2. Interpretation

In this Act, unless the context otherwise requires-

"**animal**" means any horse, mare, gelding, bull, cow, ox, heifer, steer, calf, mule, ass, sheep, lamb, hog, pig, sow, goat, ostrich, dog, cat, or any other domestic animal, fowl or bird and includes any wild animal in a state of captivity;

"**owner**", in addition to its ordinary meaning, includes any person having the charge, custody or control of any animal.

3. Offences relating to cruelty to animals

Any person who-

- (a) cruelly beats, kicks, ill-treats, over-drives, over-rides, over-loads, or tortures any animal or causes any animal to be so used, or drives or uses any animal which is so diseased, or so injured, or in such a physical condition that it is unfit to do any work, or wantonly or unreasonably does or omits to do any act, or causes or procures the commission or omission of any act, causes any unnecessary suffering, or, being the owner, permits in any manner aforesaid, any unnecessary suffering to be caused to any animal;
- (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;
- (c) causes, procures or assists at the fighting of any animal or keeps, uses, manages, or acts or assists in the management of any premises or place used for the purpose or partly for the purpose of fighting any animal, or permits any premises or place so to be used, kept or managed, or receives, or causes or procures, any person to receive money for the admission of any person to such premises or place;

- (d) without reasonable cause or excuse, administers, or causes or procures, or being the owner permits such administration of, any poisonous or injurious drug or substance to any animal, or, without any reasonable cause or excuse, causes any such substance to be taken by any animal; or
- (e) subjects, or causes or procures, or being the owner permits to be subjected, any animal to any operation which is performed without due care and humanity,

shall be guilty of an offence and be liable to a fine not exceeding P50 or to imprisonment for a term not exceeding six months, or to both.

4. Presumption

For the purposes of section 3 an owner shall be deemed to have permitted cruelty if he fails to exercise reasonable care and supervision in respect of the protection from such cruelty to any animal which is his property or in his charge.

5. Destruction of animal

(1) Where the owner of an animal is convicted of an offence under this Act in respect of such animal, it shall be lawful for the court if 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.

(2) Any reasonable expense incurred in destroying the animal and removing and burying the carcass may be ordered by the court to be paid by such owner, and thereupon shall be recoverable from him as a civil debt.

6. Disposal of animal

Where the owner of an animal is convicted of an offence under this Act in respect of such animal, the court may in addition to any other punishment deprive such person of the ownership of the animal and make such order as to the disposal of such animal as it shall think fit:

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.

7. Summary compensation for damage done

(1) Whenever any person is convicted of an offence under this Act and it appears to the court that such person has by that offence caused damage to any person, the court may, at the request in person of the aggrieved person, and in the presence of the convicted person, inquire summarily and without pleadings into the amount of damage so caused.

(2) Upon proof of such amount the court shall give judgment therefor in favour of the person aggrieved and against the convicted person, and such judgment shall be of the same force and effect, and be executable in the same manner as if it had been given in a civil action:

Provided that judgment shall not be given under this section for a sum exceeding P200.

8. Slaughter of injured animals

(1) If a police officer finds any animal so diseased or so severely injured or in such a physical condition that in his opinion it ought to be destroyed, he shall, if the owner be absent or refuses to consent to the destruction of the animal, at once summon a veterinary surgeon, if any veterinary surgeon is within reasonable distance, or two responsible persons, and if such veterinary surgeon, or such responsible persons, after having duly examined such animal, give a certificate 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 it shall be lawful for the police officer without the consent of the owner to 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, if the slaughter takes place on any public road, to remove the carcass or cause it to be removed therefrom.

(2) Any expenses which may be reasonably incurred by any police officer in carrying out the provisions of this section (including the expenses of any veterinary surgeon or the said responsible persons and whether the animal is slaughtered under this section or not) may be recovered from the owner as a civil debt.

9. Custody of vehicles and animals

Where a person having charge of a vehicle or animal is apprehended by a police officer for any 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 directs that the vehicle or animal should be delivered to the person charged or the owner, and the reasonable costs of such detention 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 is himself convicted, shall be part of the costs of the case.

10. Summons

(1) In all cases where the offender is not in custody and where proceedings are instituted under this Act it shall be lawful for the court to issue a summons directed to-

- (a) the employer of any driver or conductor of any vehicle against whom any proceedings are instituted under this Act;
- (b) the owner of any animal in respect of which any proceedings are instituted under this Act,

requiring him, as the case may be, and if it is in his power to do so, to produce the driver or conductor at the hearing of the case, or the animal for inspection (if such can be done without cruelty) either at, or at any time before, the hearing of the case.

(2) Where a summons is issued under subsection (1) and the owner or employer, as the case may be, fails to comply therewith without satisfactory excuse, he shall be liable to a fine not exceeding P10 for the first occasion, and a fine not exceeding P20 for the second or any subsequent occasion on which he so fails, and he may be required to pay the costs of any adjournment rendered necessary by his failure.

11. Inspection of premises

A police officer may without any search warrant, and at any time upon obtaining permission from the owner, or failing such permission, on obtaining an order from the District Commissioner, enter any premises where animals are kept for the purpose of examining the conditions under which they are so kept.

12. Arrest on suspicion

Every person who is suspected on reasonable grounds of having committed an offence against this Act may, if there is reason to believe that the ends of justice would be defeated by the delay in obtaining a warrant, be arrested without warrant by a police officer and shall be brought before a magistrate's court and dealt with in accordance with this Act.

13. Costs against informer

If upon the prosecution of any person for any offence under this Act the court, upon hearing the charge or complaint, pronounces the same unfounded or vexatious, the court may award costs, on such scale as it may direct, against the person at whose instance the charge or complaint was laid.