CHAPTER 16
ANIMALS (PREVENTION OF CRUELTY) ACT

• Act • Subsidiary Legislation •

ACT

Chapter No. 16 of 1958

Amended by

Act No. 10 of 1990

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CHAPTER 16
ANIMALS (PREVENTION OF CRUELTY) ACT

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

[Cap. 16 of 1958 amended by Act No. 10 of 1990.]

[22*nd March*, 1952.]

1. Short title

This Act may be cited as the Animals (Prevention of Cruelty) Act.

2. Interpretation

(1) In this Act—

"animal" means any domestic or captive animal;

"bull" includes any cow, bullock, heifer, calf, steer or ox;

"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;

"cat" includes a kitten;

"court" means a court of summary jurisdiction;

"dog" includes any bitch, sapling or puppy;

"domestic animal" means any horse, ass, mule, camel, 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;

"fowl" includes any cock, hen, chicken, capon, turkey, goose, gander, duck, drake, guinea-fowl, peacock, peahen, swan or pigeon;

"goat" includes a kid;

"horse" includes any mare, gelding, pony, foal, colt, filly or stallion;

"lock-out" means the closing of a place of employment, or the suspension of work, or the refusal by any employer to continue to employ any number of persons employed by him or her in consequence of a dispute, done with a view to compelling those persons, or to aid another employer in compelling persons employed by him or her, to accept terms or conditions of or affecting employment;

"pig" includes any boar, hog or sow;

"sheep" includes any lamb, ewe or ram;

"strike" means the cessation of work by a body of persons employed, acting in combination, or a concerted refusal under a common understanding of any number of persons employed to continue to work for an employer in consequence of a dispute, done as a means of compelling their employer or any person or body of persons employed, or to aid other workmen in compelling their employer or any person or body of persons employed, to accept or not to accept terms or conditions of or affecting employment.

3. Offences of cruelty

(1) If any person—

(*a*) shall cruelly beat, kick, ill-treat, over-ride, over-drive, over-load, torture, infuriate, or terrify any animal, or shall cause or procure, or, being the owner, permit any animal to be so used, or shall, by wantonly or unreasonably doing or omitting to do any act, including any act connected with a lock-out or strike, or causing or procuring the commission or omission of any act, cause any unnecessary suffering, or, being the owner, permit any unnecessary suffering to be so caused to any animal;

(*b*) shall convey or carry, or cause or procure or, being the owner, permit to be conveyed or carried any animal in such manner or position as to cause that animal any unnecessary suffering;

(*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;

(*d*) shall wilfully, without any reasonable cause or excuse, administer, or cause or procure, or, being the owner, permit the 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;

(*e*) shall subject, or cause or procure, or, being the owner, permit to be subjected, any animal to any operation which is performed without due care and humanity; or

(*f*) shall obstruct or prevent, by means of threats or in any other manner whatsoever, any other person from carrying out due care of an animal,

such person shall be guilty of an offence of cruelty within the meaning of this Act and shall, on summary conviction, be liable to a fine of three thousand dollars and to imprisonment for nine months.

(2) For the purposes of this section an owner shall be deemed to have permitted cruelty within the meaning of this Act if he or she 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 him or her having failed to exercise such care and supervision, he or she 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 duly qualified medical practitioner or by a qualified veterinary surgeon which may be lawfully done under the Cruelty to Animals Act, 1876, by a person licensed under that Act, or shall apply—

(*a*) 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; or

(*b*) to the coursing or hunting of any captive animal, unless such animal is liberated in an injured, mutilated, or exhausted condition; but a captive animal shall not, for the purposes of this section, be deemed to be coursed or hunted before it is liberated for the purpose of being coursed or hunted or after it has been recaptured, or if it is under control.

4. Power of court to order destruction of animal

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 or her presence without unnecessary suffering. Any reasonable expenses incurred in destroying any animal may be ordered by the court to be paid by the owner, and thereupon shall be recoverable summarily as a civil debt.

5. Power of court to deprive person convicted of cruelty of ownership of animal

If the owner of any animal shall be guilty of cruelty to the animal within the meaning of this Act the court, upon his or her 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 under 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.

6. Compensation for damage done by cruelty to an animal

If any person by cruelty to an animal within the meaning of this Act does or causes to be done any damage or injury to the animal or any person or property, he or she 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 the person who shall sustain damage or injury such sum not exceeding one thousand dollars as the court before whom he or she 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; nor

(*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.

7. Injured animals

(1) If a police officer 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 or her opinion having regard to the means available for removing the animal, there is no possibility of removing it without cruelty, 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 to remove the carcass or cause or procure it to be removed from the road or public place.

(2) Any expense which may be reasonably incurred by any police officer in carrying out the provisions of this section may be recovered from the owner summarily as a civil debt and, subject thereto, any such expenses shall be charged upon the Consolidated Fund.

8. Power to make rules

The Minister has power to make rules, as he or she may think fit, for the following purposes or any of them—

(*a*) ensuring for animals carried by sea a proper supply of food and water and proper ventilation during the passage and on landing;

(*b*) protecting animals from unnecessary suffering during the shipment, the passage, and on landing;

(*c*) protecting animals from unnecessary suffering during inland transit;

(*d*) prescribing and regulating the payment and recovery of expenses incurred under any rule; and

(*e*) generally for the better carrying out of the objects and purposes of this Act.

9. Powers of police officers

(1) A police officer has power to apprehend without a warrant any person who he or she has reason to believe is guilty of an offence under this Act which is punishable by imprisonment without the option of a fine, whether upon his or her own view thereof or upon the complaint and information of any other person who shall declare his or her name and place of abode to such police officer.

(2) 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 the 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 costs of veterinary treatment where such treatment is required, shall, in the event of a conviction in respect of the animal, be recoverable from the owner summarily as a civil debt or, where the owner himself or herself is convicted, shall be part of the costs of the case.

10. Search warrants

(1) If a magistrate or a police officer of or above the rank of assistant superintendent, upon information in writing, and after such inquiry as he or she thinks necessary, has reason to believe an offence under this Act is being or is about to be or has been committed in any place, he or she may either himself or herself enter and search or, by his or her warrant, authorise any police officer above the rank of police constable to enter and search the place.

(2) The provisions of the Criminal Procedure Code Act, Chapter 72B, relating to searches under that Act shall, so far as those provisions can be made applicable, apply to a search under subsection (1).

11. Costs

(1) The court may order any person convicted of an offence under this Act to pay all or any specific part of the costs and expenses of the prosecution. Money payable by virtue of an order under this section shall be recoverable as if it were a fine.

(2) The court may order that the whole or such portion of the costs and expenses as the court thinks fit paid by or recovered from the convicted person shall be paid to the prosecutor or complainant.

12. Rewards

Where in proceedings under this Act a fine is imposed the court may award any sum or sums not exceeding half the total fine to the person, not being a police officer, who shall complain and prosecute, or, to such other person as to the court shall seem fit and proper.

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SUBSIDIARY LEGISLATION

No Subsidiary Legislation