

ANGUILLA

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PROTECTION OF ANIMALS ACT

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PROTECTION OF ANIMALS ACT

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PROTECTION OF ANIMALS ACT

Interpretation

1. In this Act—

"animal" includes any domestic, captive or wild animal, either bird, beast, fish, reptile or insect;

"cruelty" means cruelty within the meaning of this Act.

Penalty for cruelty to animals

2. (1) If any person—

(a) shall cruelly beat, kick, ill-treat, over-ride, over-drive, over-load, torture, starve, 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, 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 a manner or position as to cause that animal unnecessary suffering;

(c) shall cause, procure or assist at the fighting or baiting of any animal, or shall keep, use or manage or assist in the management of any premises or place 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 money for the admission of any person to such premises or place;

(d) shall wilfully, without any reasonable cause or excuse, administer, cause or procure, or, being the owner, permit such 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, 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) employs, causes or procures, or, being the owner, permits to be employed in any work or labour, any animal which in consequence of any disease, infirmity, wound or sore, or otherwise is unfit to be so employed;

such person is guilty of an offence of cruelty and is liable upon summary conviction to a fine of $4,800 or alternatively or in addition thereto, to be imprisoned for a term of 6 months.

(2) For the purposes of this section, an owner shall be deemed to have permitted cruelty if he shall have failed to exercise reasonable care and supervision in respect of the protection of the animal therefrom but, where an owner is convicted of permitting cruelty by reason only of his having failed to exercise such care and supervision, he is not liable to imprisonment without the option of a fine.

Power of Court to order destruction of animal

3. Where the owner of an animal is convicted of an offence of cruelty, 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 cause such animal to be destroyed in his presence without unnecessary suffering. Any reasonable expenses incurred in destroying an animal may be ordered by the Court to be paid by the owner, and thereupon shall be recoverable summarily as a civil debt.

Power of Court to deprive person of ownership of animal

4. If the owner of any animal is guilty of cruelty to it, the Court upon his 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 may think fit under the circumstances, but 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.

Power of arrest

5. (1) Where any person has been convicted of an offence under section 2, the Court may order that any animal in respect of which the offence is committed—

(a) shall not be used; or

(b) shall be removed to and detained for treatment in some place to be specified;

for such time as is stated in the order.

(2) If any animal has been detained for treatment in pursuance of an order made under this section, any person who has been convicted of an offence in respect of such animal shall be liable to

pay the prescribed fees for its maintenance and treatment for so long as it shall be detained, and such fees may be recovered as a fine, but, if the owner of any such animal shall request the Commissioner of Police to destroy it, such officer shall forthwith cause the animal to be humanely destroyed, and no fees shall be payable in respect of the maintenance or treatment of such animal for any time subsequent to such request.

Diseased or injured animals

6. (1) The Magistrate, the government veterinary surgeon, a qualified veterinary practitioner, a medical officer or a police officer who has satisfied himself by personal inspection—

(a) that an animal is diseased or injured and that the disease or injury from which the animal is suffering is incurable or that it is cruel to keep the animal alive; or

(b) that an animal is so diseased or so severely injured or in such a physical condition that, in his opinion, having regard to the means available for removing the animal, there is no possibility of removing it without cruelty and that it is cruel to keep it alive;

may, by order in writing, direct such animal to be destroyed in the most humane manner possible, but, if such animal is in any house, stable, shed or enclosure proper for such animal and not in a street or other public place, no such order shall be made until the owner of the animal (if present) or the person in charge thereof (if any) has been informed of the state of the animal.

(2) The expenses in connection with the removal and burial of the carcass of any animal so destroyed shall be paid by the owner or person in charge thereof, and the amount may be recovered summarily from such owner or person in charge as a civil debt.

Power of police officers

7. (1) Any police officer may apprehend without warrant any person whom he 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 own view thereof or upon the complaint or information of any other person who shall declare his 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 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 shall direct such vehicle or animal to be delivered to the person charged or the owner; and the reasonable costs of such detention, including veterinary treatment where such 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 is convicted, shall be part of the costs of the case.

(3) Any such officer may stop and examine in any street or public place any animal in respect of which he suspects that an offence has been committed under section 2.

Awards to informers

8. The Court by which any fine is imposed by virtue of this Act may award any portion thereof, not exceeding one-half, to the informer.

Citation

9. This Act may be cited as the Protection of Animals Act, Revised Statutes of Anguilla, Chapter P110.