ANGUILLA

REVISED STATUTES OF ANGUILLA

CHAPTER P160

PUBLIC POUNDS ACT

Showing the Law as at 31 December 2022

This Edition was prepared under the authority of the Revised Statutes and Regulations Act, R.S.A. c. R55 by the Attorney General as Law Revision Commissioner.

This Edition consolidates—

Act 10/2001, in force 8 November 2001
Act 7/2010, in force 1 November 2010
Act 41/2020, in force 23 December 2020

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PUBLIC POUNDS ACT

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PUBLIC POUNDS ACT

Interpretation

1. In this Act—

"animal" means any horse, cattle, ass, mule, sheep, pig or goat;

"Animal Control Officer" means the Animal Control Officer appointed under section 2(2) of the Dogs Act and includes any Assistant Animal Control Officer;

(*Act 10/2001, s. 1)*

"Director" means the Director of the Department responsible for Agriculture;

(Act 10/2001, s. 1)

"electronic tag" means a sterile, sealed microchip transponder that is implanted underneath a dog's skin;

(*Act 41/2020, s. 2)*

"feathered stock" means any fowl, turkey, peafowl, guinea-bird, duck or goose;

"owner" includes any person who, with the consent of the owner, has the charge or custody of any animal or feathered stock.

Public pounds

2. The Governor may by regulation authorise the establishment of new public pounds or abolish any existing public pounds.

Animals to be marked

3. (1) Every person having in his possession or under his charge any animals shall inform the Director of the animals in his possession or charge.

(2) The Director shall thereupon—

(a) place, or cause to be placed, a clearly defined brand, mark or tag upon every such animal; and

(b) make, or cause to be made, a record of the placing of such brand, mark or tag, and the name and address of the owners of such animal, in a register which the Director shall keep for that purpose.

(3) For the purposes of subsection (2), "tag" includes electronic tags.

(Act 41/2020, s. 3)

(4) The Director, or any person acting under his direction in writing, may enter any land, farm or other premises, during normal working hours, with or without police assistance, for the purpose of ascertaining the placing of such brand, mark or tag on every animal.

(Act 10/2001, s. 2)

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Appointment of pound-keepers

4. (1) The Governor may from time to time appoint Animal Control Officers to be pound-keepers for the purposes of this Act.

(Act 41/2020, s. 4(a))

(2) The appointment of any Animal Control Officer as a pound-keeper may be terminated at any time by the Governor.

(Act 41/2020, s. 4(b))

(3) Every pound-keeper shall be entitled to demand, and receive the fees mentioned in Schedule 1 and any damages for trespass as may be claimed by the owner or occupier of the land trespassed upon, and such fees shall attach and become a primary lien on animals impounded.

(4) A pound-keeper shall not be required to receive or impound any animal which in his opinion is sick, injured or seriously maimed.

(5) In the circumstances described in subsection (4), it shall be lawful for the pound-keeper, with the approval of the Chief Veterinary Officer to have the animal shot or otherwise destroyed and the carcass buried or otherwise disposed of.

(Act 41/2020, s. 4(c))

Animal Control Officer

5. (1) The Animal Control Officer shall capture any animal or feathered stock found in any public place or in any private land with the consent of the owner or occupier thereof, and cause the same to be led or driven to the nearest pound to be detained and dealt with according to the provisions of this Act.

(2) Where the Animal Control Officer, while pursuing an animal, finds such animal trespassing on any private land, he may enter therein for the purpose of capturing the animal.

(3) No suit or prosecution shall lie against the Animal Control Officer for any act which in good faith is done or purported to be done by him under this Act.

(Act 10/2001, s. 3)

Impounding of animals

6. The owner or occupier of any land, or any person authorised by him, may seize any animal found trespassing on such land and may send or take it to the pound of the district in which such land or any part of it is situated, or to the nearest pound, to be detained and dealt with according to the provisions of this Act, but—

(a) the owner or occupier of the land trespassed upon may secure and keep any animal seized under this section before sending the same to the pound for any time not exceeding 2 days after the day of seizure; and

(b) where any animal has been seized under this section, if the owner of such animal or any person authorised by him at any time before such animal is received into the pound pays, for the use of the owner or occupier of the land trespassed upon, to the person then having the charge of such animal the seizure fee specified in Schedule 2, and any damages for trespass to the property, the person then having charge of such animal

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shall, upon such payment being made, deliver the animal to the person making the payment.

Damages

7. (1) The owner of an animal shall be liable in damages for trespass to any property by such animal.

(2) In the event of any disagreement between the owner and the person having the charge of such animal or feathered stock as to the amount payable in damages under section 6(b), the matter shall be referred to an appraiser appointed under section 8, who shall make a determination after hearing both parties. Such determination shall be final and binding on the parties.

Appraiser

8. (1) The Governor may appoint one or more fit and proper persons as appraisers.

(2) The appraiser appointed under this section may be remunerated in such manner and at such rates as may be determined by the Governor.

Animals found in any public place

9. If any animal is found tethered, straying, or lying in any public place, it may be seized and sent or taken to a pound by any person finding the same.

Enquiries as to ownership of animals impounded

10. When any animal is brought to any pound, it shall be the duty of the pound-keeper to make, and of the person bringing the animal to the pound to answer, all such enquiries as may be likely to ascertain the owner thereof.

Notice to owner of animal impounded

11. Where any animal is impounded, the pound-keeper shall within 24 hours serve notice of that fact upon the owner, if known, by leaving such notice at the usual place of abode or business of the owner.

Notice where owner of animal not known

12. If, at the expiration of 24 hours after any animal has been impounded, the pound-keeper is unable to ascertain who is the owner of the animal, the pound-keeper shall cause a notice of the impounding of the animal to be—

(a) posted at some conspicuous part of the pound;

(b) announced on a local radio station;

(c) published in a local newspaper;

(d) posted on a social media platform; or

(e) posted at any other place or published in any other manner that the Director may specify.
(Act 41/2020, s. 5)

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Pound-keepers to feed animals impounded

13. Pound-keepers shall provide for animals impounded all necessary food and water.

Sheep, pigs, goats or feathered stock doing actual damage

14. (1) The owner or occupier of any land, or any person authorised, including an Animal Control Officer or a police officer, may shoot or otherwise destroy any sheep, pig, goat, or feathered stock found at large and doing actual damage to on such land.

(2) If the owner of the animal or feathered stock referred to in subsection (1) does not claim the same within 6 hours after it is killed, the person who shot or killed the animal or feathered stock may bury the carcass.

(Act 41/2020, s. 6)

Disposal of impounded animals

15. Any animal received into any pound under this Act shall be detained until sold under the provisions of this Act, unless before the time for such sale the seizure fee specified in Schedule 2 and any damages, where payable, and the pound fee specified in Schedule 1, are paid.

Sale of impounded animals

16. (1) A pound-keeper may—

(a) on such days as the Director from time to time may direct, put up for sale by public auction any animal which has been detained for more than 3 days, exclusive of the days of seizure and sale;

(b) sell and deliver such animal to the highest bidder for ready money; and

(c) if the amount of money referred to in paragraph (b) is not forthwith paid, put up the animal again for sale, giving such public notice of the sale as the Director may direct.

(Act 41/2020, s. 7)

(2) Out of the money received from any sale under this section, the pound-keeper shall deduct the pound fees.

(Act 7/2010, s. 26)

(3) The Magistrate shall without delay pay any surplus or the balance thereof to the Accountant General to be held in a deposit account.

(Act 7/2010, s. 26)

(4) The Magistrate, on application by a person having authority to receive any surplus or balance thereof made within 12 months after the sale, may determine whether and to what extent the applicant is authorised to receive the surplus or balance thereof and, if the Magistrate so finds, may make an order accordingly and the Accountant General shall pay out the surplus or balance thereof in accordance with the order.

(Act 7/2010, s. 26)

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(5) If—

(a) the Clerk of the Magistrate's Court verifies that no application is pending 12 months after the sale; or

(b) the Clerk of the Magistrate's Court or Registrar of the Court of Appeal verifies that an application was pending 12 months after the sale and proceedings are final;

the Accountant General shall pay the surplus or balance thereof into the Consolidated Fund, and all right of any person to the surplus or balance of the money so paid is then extinguished.

(Act 7/2010, s. 26)

Disposal of animals by pound-keeper

17. (1) If an animal is offered for sale and no offer is made for it or the offer made is trifling, in the opinion of the pound-keeper, or if the animal is diseased or is in such a state or condition that it is unfit to be sold, the pound-keeper shall apply to the Magistrate to have such animal disposed of.

(2) The owner shall, in addition to any other fees to which he may be liable, repay to the pound-keeper the costs, charges, and expenses attending the disposal of the animal.

(Act 41/2020, s. 8)

Books to be kept by pound-keepers

18. Every pound-keeper shall keep such books as the Director may from time to time direct for the purpose of identifying the animals impounded, describing the owners of the same and the persons bringing the same to the pound, specifying the money due or received in respect of any animal and the disposal of all money received by such pound-keeper, and registering such other matters as the Director may from time to time direct.

(Act 41/2020, s. 9)

Powers of entry and inspection

19. Any police officer or other person authorised in that behalf by the Commissioner of Police shall, for the purposes of this Act, have power to enter any public pound and to demand of the pound-keeper for inspection the production of any books required to be kept under section 18, and to inspect any animals in the pound.

Offences

20. Any person who—

(a) drives, leads, or entices any animal into any land or into any public place with intent to impound such animal or to procure the same to be impounded;

(b) rescues, or releases, or attempts to rescue or release, any animal while in or being taken to any pound, or breaks, or injures any pound, or does, or aids or abets the doing of, any act whereby any animal impounded may escape, or be unlawfully liberated; or

(c) otherwise acts in contravention of or fails to comply with any of the provisions of this Act or any directions given by the Director under or in pursuance of this Act;

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is guilty of an offence against this Act and is liable on summary conviction to a fine of $1,000 or to imprisonment for a term of 3 months.

(Act 41/2020, s. 10)

Act not to affect right of action

21. The remedies given by this Act in respect of animals trespassing shall be in addition to, and not in derogation of, any remedy by action or suit to which any person may be entitled in respect of any such trespass.

Citation

22. This Act may be cited as the Public Pounds Act, Revised Statutes of Anguilla, Chapter P160.

SCHEDULE 1

(Sections 4(3) and 15)

POUND FEES

	$
For receiving any horse, cattle, ass or mule	180.00
For receiving any sheep, pig or goat	120.00
For receiving any feathered stock	50.00
For giving any notice under section 11	50.00
For the daily upkeep of each horse, cattle, ass or mule	200.00
For the daily upkeep of each sheep, pig or goat	100.00
For the daily upkeep of each feathered stock	22.50

(Act 41/2020, s. 11)

SCHEDULE 2

(Sections 6(b) and 15)

SEIZURE FEES

	$
For seizing any horse, cattle, ass or mule ….....	150.00
For seizing any sheep, pig or goat ….....	100.00
For seizing any feathered stock (each) ….....	10.50

(Act 41/2020, s. 12)

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