

THE CRUELTY TO ANIMALS ACT

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THE CRUELTY TO ANIMALS ACT

[22nd April, 1904.]

Cap. 86.
Law
69 of 1960.
Act
31 of 1995
S. 4.

1. This Act may be cited as the Cruelty to Animals Act. Short title.

2. In this Act— Interpreta-
tion.

“animal” means any horse, mare, gelding, colt, filly, bull, cow, ox, steer, heifer, calf, mule, ass, ram, ewe, sheep, lamb, boar, sow, barrow, hog, pig, goat, kid, dog, cat or any other animal, whether of the kind or species particularly mentioned, or of any other kind or species whatsoever, and whether a quadruped or not.

3. Every person who cruelly beats, ill-treats, starves, over-drives, over-rides, over-loads, abuses, tortures, or otherwise maltreats any animal, shall be guilty of an offence against this Act. Cruelly beat-
ing, etc.,
any animal.

4. Every person who works, or causes to be worked, any animal in such a condition as to be unfit for work whether from emaciation, or from any gall, or sore, or otherwise, and whether that condition is caused by disease or deficient feeding, or otherwise, shall be guilty of an offence against this Act. Working,
etc., animal
unfit for
work.

5. Every person who, by wilful negligence, causes any injury or suffering to any animal, shall be guilty of an offence against this Act. Causing
injury or
suffering by
wilful
negligence.

6. Every person who— Bull baiting,
etc.
 - (a) in any manner encourages, aids, or assists at the fighting or baiting of any bull, dog, cock, or other kind of animal, whether domestic or wild; or

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- (b) keeps, or uses, or acts in the management of any place to be used for the purpose of fighting or baiting any such animal as aforesaid; or
- (c) being the owner or occupier thereof, permits or suffers any place to be so used; or
- (d) receives money for the admission of any other person to any place kept or used for any of the purposes aforesaid,

shall be guilty of an offence against this Act.

Causing avoidable or unnecessary pain or suffering to any animal.

7. Every person who conveys, or carries, or places in or upon any cart or other vehicle, or in or upon any vessel or boat, or otherwise, any animal, in such a manner or position as to subject such animal to avoidable or unnecessary pain or suffering, shall be guilty of an offence against this Act.

Using or employing animal brought to be destroyed.

8. Every person who uses, or employs or permits to be used, or employed, in any manner of work, any animal which is brought or delivered to him for the purpose of being destroyed, and every person who is found using, or employing any such animal, shall be guilty of an offence against this Act.

Causing unnecessary suffering in killing any animal.

9. Every person who, in killing any animal, wilfully, carelessly, or negligently causes it unnecessary suffering, shall be guilty of an offence against this Act.

Using animal under two years and a half.

10. Every person who uses any animal under the age of two years and a half, in any cart, plough, or carriage, or as a beast of burden, shall be guilty of an offence under this Act.

Docking or nicking tails of horses, etc.

11. Every person who wilfully docks, or nicks the tail of any horse, mare, gelding, colt, filly, or mule, shall be guilty of an offence under this Act. And any person in whose possession any animal so docked, or nicked shall be

found, shall *prima facie* be deemed to be the person who docked or nicked the animal.

12. Every person who—

- (a) procures, has in his possession, or delivers, any bird or animal for the purpose of being used for trap shooting; or
- (b) secures, or causes to be secured, the tongue of any animal in such a manner as to cause unnecessary pain or suffering to such animal,

Keeping animals for trap shooting, etc.

shall be guilty of an offence against this Act.

13. It shall be lawful for any constable, upon view of any cruelty for which a person is liable to punishment under this Act, or upon information of any other person, who states that he has seen such cruelty, and who shall give his name and place of abode, to arrest the offender without warrant, if he does not know, or is unable thereupon to ascertain the name and address of such offender.

Arrest of offenders.

14. It shall be lawful for the constable to seize and take before the court before which the offender is brought the animal in relation to which the offence is alleged to have been committed, whether the person liable to punishment under this Act shall have been arrested under the previous section or not.

Seizure and production of animal before court.

15.—(1) If any constable finds any animal other than any sheep, goat, swine, dog, cat, poultry, or bird, so severely injured or in such a state of health that it cannot without undue suffering be moved, he may if the owner is absent or refuses to consent to the destruction of the animal, on obtaining a certificate from a Veterinary Surgeon or Justice of the Peace that such animal is so severely injured or in such a state of health that it would be cruel to keep it alive cause such animal to be slaughtered in a manner causing as little pain as possible to such animal.

Destruction of injured animals. 69/1960 S. 2.

(2) If any constable finds any sheep, goat, swine, dog, cat, poultry, or bird so severely injured or in such a state of health that it cannot without undue suffering be moved, he may cause such animal to be slaughtered in a manner causing as little pain as possible to such animal.

Penalty.
Slaughtering
of
animal by
order of
court.
31/1995
S. 4.

16. If any person shall be convicted of an offence against this Act he shall be liable to a penalty not exceeding one thousand dollars and if the owner of any animal shall be convicted of an offence against this Act in respect of such animal the convicting court may order him to pay in addition to the aforesaid penalty the reasonable costs of any person or persons having the care or keep of such animal (including the cost of veterinary treatment) from the date of the seizure of the animal to the date of the conviction of such owner, and in either case the court so convicting may, if it think fit, direct the animal in respect of which the offence was committed to be slaughtered. On such direction being given the Chief Officer of Constabulary of the parish shall cause such animal to be slaughtered, with such instrument or appliances, and with such precaution, and in such manner as to inflict as little pain and suffering as practicable.

Recovery of
expense of
slaughtering
and remov-
ing any
animal.

17.—(1) Any reasonable expense which may be incurred by the Chief Officer of Constabulary in any parish, or by any constable in slaughtering any animal, or causing any animal to be slaughtered in pursuance of the provisions of this Act, or in removing the carcass of any animal so slaughtered from any street or public place for the purposes of this Act, may be recovered from the owner summarily as a civil debt.

(2) Any reasonable expense which may be incurred by any person or persons having the care or keep of any animal (including the cost of veterinary treatment) from the date of the seizure of such animal to the date of the conviction of the owner thereof for an offence against this Act in respect of such animal may be recovered from the

owner summarily as a civil debt unless such expense has previously been recovered under the provisions of section 16.

18. All offences against this Act shall be tried, and all penalties imposed under the authority of this Act shall be recovered and enforced, in a summary manner in the parish in which the offence is committed, and if such penalty is not forthwith paid, the court may award imprisonment with or without hard labour, for a period not exceeding three months.

Recovery and enforcement of penalties.

19. On any conviction under this Act for cruelty in respect of any animal, the court may, if it think that such animal is unfit to work, direct that it be detained in any place which shall have been notified in the *Gazette* as set apart by the Jamaica Society for the Prevention of Cruelty to Animals for that purpose for any period not exceeding thirty days, and the owner of such animal shall be liable to the Society for any reasonable cost of maintaining the animal during such period, to be recovered summarily as a civil debt.

Detention of animal by order of court and maintenance of such animal.

20. Except for gross negligence no officer or servant of the said society or person having charge of any place set apart as aforesaid shall be liable in respect of the death or sickness or deterioration of or any accident or casualty to any animal detained in such place under the provisions of this Act.

Non-liability except for gross negligence, of any officer of Society.

21. If any animal detained under the provisions of this Act for any period shall on the expiration of that period or within forty-eight hours thereof not be claimed by the owner thereof the person having charge thereof may, after seven days' notice published in the *Gazette*, sell it by auction and apply the proceeds towards the expenses to be incurred under this Act or may destroy it.

Disposal of unclaimed animal.