

Local Animal Welfare

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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

CRUELTY TO ANIMALS

- (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.

THE POUND ACT
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SCHEDULES

THE POUND ACT

[31st May, 1897.]

Cap. 302.
Acts
27 of 1979,
33 of 1988,
40 of 1995
S. 3,
16 of 2003.
Short title.

1. This Act may be cited as the Pound Act.

2. All references in this Act to Parish Councils shall, in the cases of the parishes of Kingston and St. Andrew be deemed to refer to and to mean the Council of the Kingston and St. Andrew Corporation appointed and constituted under the Kingston and St. Andrew Corporation Act.

Interpretation.

3. In this Act—

Interpretation.

“animal” means any horse, mare, gelding, foal, colt, filly, mule, ass, bull, ox, cow, steer, heifer, calf, sheep, lamb, goat, kid, hog, pig;

“distrainor” means the owner of any land trespassed on or any servant or other person seizing or detaining with the owner’s authority any animal trespassing on land;

“owner of animal” means the owner in possession or person in charge of any animal trespassing on land;

“owner of land” means the owner, lessee, occupier, of land trespassed on and their respective servants or agents in charge of such land;

“pound” means any public pound established under this Act;

“prohibited area” or “restricted area” means an area specified as such in an order made under section 3(1) (a) or (b), as the case may be, of the Keeping of Animals Act.

16/2003
S. 2.

Pounds and Pound Keepers

4.—(1) All pounds already in existence shall be vested in and shall be under the control of the Parish Council of the parish in which the same are situated. It shall be lawful for a Parish Council to erect additional pounds on convenient

Pounds
vested in
the Parish
Councils.

sites when necessary and to close existing pounds or remove them to any other place in the parish where the Council shall consider a pound is more required.

16/2003
S. 3(b).

(2) A Parish Council may—

- (a) from time to time make arrangements or contracts with companies registered under the Companies Act or with other persons to establish, maintain or operate a pound under this Act; and
- (b) grant a licence to a company registered under the Companies Act or any other persons to operate a pound under this Act.

(3) Every licence granted by a Parish Council under this section may be granted on such terms and subject to such conditions as the Parish Council may specify in the licence.

Expenses of
pounds and
pound fees.
16/2003
S. 4 (a)(b).

5. The cost of the erection and maintenance of a pound operated by a Parish Council shall be a charge upon that parish and all pound fees and moneys received by the pound keeper as such shall be paid to the Secretary of the Parish Council.

Pound
keeper, his
appointment
and removal.
16/2003
S. 5.

6. In every pound operated by a Parish Council, that Parish Council shall reside in the immediate neighbourhood of the pound and who shall be paid such remuneration either by salary or by fees as the Parish Council shall determine. The pound keeper shall be an officer of the Parish Council and liable to be dismissed by the Council without notice at any time.

In the event of the death or dismissal of the pound keeper to prevent inconvenience arising until an appointment is made by the Council, the chairman may make such temporary arrangement for the performance of the duties as he may think necessary.

7. The Parish Council may, from time to time, frame rules and prepare forms, and also from time to time cancel, alter and amend the same— Power to make rules.

- (a) for the proper inspection of pounds by the Superintendent of Parochial Roads and Works;
- (b) for the supervision of the pound keeper as to his duties and his accounts by the Secretary of the Parish Council;
- (c) for the guidance of the pound keeper in the performance of his duties;
- (d) generally to give full force and effect to the provisions of this Act.

The Parish Council may, on framing such rules attach penalties for the breach thereof providing the penalty shall in no case exceed twenty-five thousand dollars. 40/1995
S. 3.
16/2003
S. 6.

The provisions of section 124 of the Parish Councils Act shall apply in relation to rules under this Act. 40/1995
S. 3.

Seizure and Impounding of Animals

8.—(1) The owner of land may seize any animal trespassing thereon, and may impound the same. The distrainer shall with all reasonable despatch and in all cases within a period of forty-eight hours convey the same to the nearest pound, Power to impound animal trespassing. Duties of distrainer.

33/1998
S. 2 (a).
27/1979
S. 3.

whether it be situated in the parish where the animal is seized or not, and the pound keeper shall at any time receive such animal into the pound subject to the provisions of this Act:

33/1988
S. 2(b).

Provided that when a Sunday or a public holiday intervenes between the time of the seizure of an animal and its removal to the pound it shall not be taken into account in calculating the hours aforesaid.

16/2003
S. 7(b).

(2) Subject to subsection (3), all expenses and charges payable for the transportation or conveyance of animals to a pound under subsection (1) shall be payable by the owner of the animal, or by the Parish Council where the owner of the animal cannot be ascertained, and may be sued for and recovered before a Resident Magistrate.

16/2003
S. 7(b).

(3) The Parish Council may—

- (a) appoint authorized officers to seize and impound any animal found in a public thoroughfare;
- (b) enter into arrangements with a company registered under the Companies Act or with other persons to seize and impound animals found in a public thoroughfare before or after the regular working hours of the authorized officers,

and the provisions of subsection (1) shall apply as far as is practicable, in relation to a seizure and impounding under this subsection.

9.—(1) The distrainor may claim—

Distrainor
may claim
seizure fees.

(a) from the owner of any animal seized which has not been yet removed to a pound;

(b) from the Secretary of the Parish Council where any animal has been handed over to a pound keeper,

27/1979
S. 4(a).

a seizure fee in accordance with the Table set forth in the First Schedule.

First
Schedule.

(2) The seizure fees payable under the First Schedule may be claimed from the owners and secretaries referred to in subsection (1) by any person authorized under the Main Roads Act to impound or destroy any animal straying or trespassing on any main road, or tethered on a main road for grazing.

Seizure
fees.
27/1979
S. 4(b).

(3) Where an animal has been seized under the Keeping of Animals Act, the seizure fee payable under the First Schedule to this Act may be claimed from the owner of such animal by the Secretary referred to in subsection (1) of this section and—

33/1988
S. 3.

- (a) a person appointed as an authorized officer under section 9 of the Keeping of Animals Act may claim that seizure fee from such Secretary; or
- (b) a constable may recover from such Secretary any expenses actually incurred by him in effecting a seizure pursuant to section 10 of that Act:

Provided that no claim shall be made pursuant to paragraph (a) by any person who is an employee of the Parish Council acting in the performance of his duties.

Duties of the pound keeper and of the person taking animal to the pound.

10. Before any pound keeper shall receive any animal into the pound, he shall require the party bringing the same to state his name, and place of abode, and the name and place of abode of the person who sent the animal, and the name of the place, and the day, and the time of the day, where and when the same was found, all of which he shall enter in a book to be kept by him for that purpose; and any person who shall wilfully make any false statement or give any false answers to any questions put to him to elicit the above information shall be guilty of an offence under this Act. And in such book the pound keeper shall also enter the date and the hour of the day when the animal is received, the colour, mark (if any) and description, and the amount paid as seizure fee to the party bringing the same; and such book shall be open to the inspection of the public, and may be examined any day from ten a.m. to four p.m. (Sunday excepted) without payment of any fee, and any pound keeper who shall be guilty of any neglect or refusal in making the

necessary entries or showing the book when required to do so, or who shall wilfully make any false or incorrect entries in such book shall be guilty of an offence under this Act.

11. When any animal is impounded the pound keeper if he knows the owner shall, if the owner fail to claim the animal within six hours, serve notice in writing on him by leaving the same at his usual place of abode. If a pound keeper who has sufficient information to enable him to serve such notice omits to do so he shall be guilty of an offence under this Act. A pound keeper who gives the notice required under this section shall be entitled to receive in respect thereof the sum in that behalf specified in the Second Schedule.

Pound keeper to serve notice on the owner of animal impounded.

Second Schedule.

12.—(1) Before delivering any animal to the owner the pound keeper shall demand and receive the sums set forth in the Second Schedule.

Payments to be made to pound keeper by the owner of the animal impounded.

(2) Any pound keeper who shall demand or receive any greater amounts than is provided by or pursuant to this Act for poundage of animals shall be guilty of an offence under this Act.

**27/1979 S. 5(a).
27/1979 S. 5(d).**

(3) The Minister may, from time to time, by order, increase or reduce the seizure fees and pound fees set out in the First and Second Schedules respectively.

**33/1988 S. 4.
First Schedule.
Second Schedule.**

(4) An order made under subsection (3) shall be subject to negative resolution.

13. The pound keeper shall keep all entire horses, mules and asses, and all bulls and rams separate from each other and from other animals.

Animals to be kept separate.

14. The pound keeper shall ensure that every animal in the pound is supplied with food and water and shall keep a record of the amount supplied.

**Animals to be supplied with food and water,
27/1979 S. 6.**

Parish Council to make contracts for supply of food and water.

15. The Parish Council shall make all necessary contracts for the supply of food and water for impounded animals, and the amount so expended shall be paid out of the General Fund. If from any cause food or water shall not have been duly supplied under the contract aforesaid, it shall be the duty of the pound keeper to make the best arrangements he can for forthwith supplying food and water to impounded stock and he shall be entitled to debit any expense so incurred in his account :

Provided that he shall immediately give notice to the Secretary of the Parish Council of the fact that food and water have not been supplied and that he has been compelled to make special arrangements for supplying the same.

Returns of pound keepers.

16. Every pound keeper shall, on the first day of every month, make out a return of the kind and number of animals received into the pound, of the sums of money paid as seizure fees to the parties bringing them to the same, and of the quantity of fodder and water received for their use during the month last past, according to the Form in the Third Schedule or to such other form as may be approved by the Minister; and also a return of the number of animals claimed and delivered up, and of the sums of money received to recoup amounts paid to distrainers and for the poundage, feed, and advertising thereof, and for animals sold; and of all moneys paid to the Secretary of the Parish Council during the month last past, according to the Form in the Fourth Schedule or to such other form as may be approved by the Minister; such returns shall be sent to the Secretary of the Parish Council on or before the seventh day of the month; and every person who shall wilfully make any false or incorrect return, or shall neglect or omit to make any return hereby required shall be guilty of an offence under this Act.

Third Schedule.

Fourth Schedule.

17. The keeper of every pound shall within such period as may be determined by the Council pay to the Secretary of the Parish Council to the credit of the General Fund the balance of all such sums of money as he shall have received during the previous month for the poundage, feed and advertising of animals, and for the sale of all such as remain unclaimed and have been sold in consequence, and in default of such payment the pound keeper shall be guilty of an offence under this Act.

Sums in hand to be paid to Secretary. 27/1979 S. 7(a) & (b).

18. There shall be attached to every pound an enclosure in which the pound keeper may receive and confine any animal suffering or suspected to be suffering from any infectious disease, and should any animal become affected with any infectious disease after having been received in the pound, it shall be removed forthwith to the enclosure aforesaid. Immediately on the receipt into or the removal to the enclosure aforesaid of any animal the pound keeper shall apply to a veterinary officer or such other person as may be designated by the Council for the purpose, who on being satisfied that the animal in question is suffering from an infectious disease and that it ought in the public interest to be destroyed, shall, by an order in writing under his hand to be retained by the pound keeper, authorize and direct the pound keeper to destroy the same and to burn the carcass and for such purpose the pound keeper is authorized to incur the necessary expense and charge the same in his account:

Provisions as to diseased animals.

27/1979 S. 8.

Provided that if the owner of the diseased stock so destroyed can be ascertained he shall be liable to the Parish Council for double the actual cost incurred in destroying and burning the same.

19. The Parish Council may appoint a veterinary officer or other person for the purposes of carrying out the examination and granting the certificates referred to in section 20.

Appointment of examining officer.

Disposal of
animals.
16/2003
S. 8.

19A. The Parish Council may—

(a) dispose of any animal in a pound where—

- (i) the owner of the animal has failed to claim it;
- (ii) the Council is unable to find a purchaser in accordance with its procedures for sale and its established reserve price or conditions;
- (iii) the animal is unfit, under section 20, for further use;

(b) where the meat of the animal is fit for human consumption, sell or donate the carcass of the animal to an institution approved by the Council;

(c) where the meat of the animal is unfit for human consumption, dispose of the animal's carcass.

Power to
destroy unfit
animals.

20.—(1) Where any animal, which in the opinion of the pound keeper is unfit whether from age, disease, starvation, debility, or other cause, for further use, is brought to the pound keeper for the purposes of being impounded, the pound keeper shall inform the officer or other person appointed for such purpose in accordance with the provisions of section 19 of such fact. Such officer or person shall thereupon examine such animal and if he is of the opinion that such animal is unfit whether from age, disease, starvation, debility, or other cause, for further use, he shall give a certificate to that effect to the pound keeper and a copy to the Secretary of the Parish Council, and thereupon it shall be lawful for the pound keeper to destroy such animal and report such destruction to the Secretary of the Council.

(2) The owner of any animal destroyed under the provisions of subsection (1) shall not be entitled to compensation for such destruction and shall be liable to the Parish Council for the costs of such destruction and of the disposal of the carcass.

Sale of Impounded Stock

21.—(1) Notwithstanding section 22, the Parish Council shall cause a notice to be posted in accordance with subsection (2), containing a list of all animals currently being held at the pound.

Publication
of list of
impounded
animals.
16/2003
S. 9.

(2) The notice shall be posted at—

- (a) the Parish Council's office;
- (b) the pound;
- (c) the nearest post office or postal agency to the place where the animal was seized; and
- (d) any other location approved for the purpose by the Parish Council.

(3) Notwithstanding subsection (1), the Parish Council may select any other means of advertising which ensures wide dissemination to the public of information regarding animals in the pound.

(4) Any notice required under subsection (1) shall—

- (a) be posted within three days of the animal being brought to the pound; and
- (b) prohibit the disposal of that animal within four days of the first appearance of the notice.

22.—(1) The pound keeper shall, with the consent of the Secretary of the Parish Council, cause any animal remaining in the pound which has been duly advertised under section 21 or, in the case where the advertisement is not required, which has been in the pound for seven days, to be put up for sale by public auction or tender, and he shall sell and deliver the same to the best bidder for ready money, on receiving the amount of such bidding, and if such amount be not forthwith paid he may put up the animal again for sale.

Sale of
animals in
the pound.
16/2003
S. 9.

(2) Public notice of every sale under this section shall be given in such manner as shall be prescribed by the rules and if there be no rules then in such manner as the Secretary of the Parish Council shall direct.

(3) The proceeds of any such sale shall be paid to the Secretary of the Parish Council to the credit of the General Fund.

(4) It shall not be lawful for any pound keeper, member of the Parish Council or member of staff of the Parish Council, contractor or an authorized officer licensed under this Act, to purchase any animal sold as aforesaid, and if any such person is directly or indirectly interested in any such purchase he shall be guilty of an offence under this Act.

Title obtained on such sale.

23. After the sale of an animal under this Act, the title of the purchaser shall not be affected in anywise by an illegality or irregularity at or prior to the sale, and the pound keeper shall give the purchaser a certificate in writing signed by him containing a description of the animal and certifying that it was sold under the authority of this Act.

Conditions on which owner entitled to have impounded animal restored.

24. At any time after the pounding of an animal and before sale the owner shall be entitled to its restoration on payment or tender of all fees and expenses. Such fees and expenses shall be settled by a Justice on the application of either party if the parties differ about the same, and the award of the Justice shall be absolutely conclusive and binding. And in case the animal has not yet been sent to the pound the owner shall be entitled to its restoration on payment or tender of the seizure fee as set forth in the First Schedule.

First Schedule.

Owner of animal sold entitled to net proceeds in certain events.

25. If the owner of any animal which shall be sold under section 22 shall within one month of such sale prove to the satisfaction of the Parish Council that the animal so sold was his property he shall be entitled to receive the net proceeds of such sale after deducting the poundage and all other proper and necessary expenses.

26. If the amount realized by the sale of any animal is not sufficient to cover the poundage and all other necessary and proper expenses incurred, it shall be lawful for the Parish Council to sue the owner of such animal in the Resident Magistrate's Court for the amount remaining due.

If proceeds of sale insufficient to pay expenses owner liable to pay balance. 27/1979 S. 9.

27.—(1) Any owner of land may kill any sheep, goat, kid, hog, pig, fowl, turkey, guinea-fowl, pea-fowl, duck or other poultry trespassing on such land:

Sheep, goats, kids, hogs, pigs and poultry trespassing may be killed.

Provided that on killing such animal the owner of the land shall immediately give notice thereof to the owner of the animal, if known.

(2) If any such animal is killed when trespassing the owner may have the carcass thereof, and shall remove the same within six hours.

(3) If the carcass is not removed the owner of the land shall bury or otherwise destroy the same under a penalty of not exceeding fifty dollars.

27/1979 S. 10.

(4) And it is hereby declared that the word "animal" whenever used in this section shall apply to and mean all or any of the animals mentioned in the first subsection hereto, or any fowl, turkey, guinea-fowl, pea-fowl, duck or other poultry as mentioned in subsection (1).

27A. It shall be lawful for any authorized officer to kill any animal which is found to be difficult to subdue and poses a danger to any person, being an animal which—

Grounds for killing animals. 16/2003 S. 10.

- (a) is mentioned in any of the Schedules but not mentioned in section 27;
- (b) has strayed on to private premises; or
- (c) is found in a prohibited or restricted area or other public place or thoroughfare:

Provided that, on killing such animal, the authorized officer shall—

- (a) give notice thereof to the owner of the animal, if known; and
- (b) within seventy-two hours, make a report to the Local Authority.

Enticing animal to trespass to be impounded an offence.

28. Any person who drives, leads, or entices any animal into any land or place with intent to impound such animal or to procure the same to be impounded shall be guilty of an offence under this Act.

Duties and liabilities of distrainers. Liability of Parish Council for death of animals in certain events.

29. Every distrainer shall furnish sufficient and suitable food and water for every animal during its detention, and if any animal detained or impounded under this Act dies or sustains damage for want of sufficient or suitable food or water, or for want of care or good treatment by the distrainer or pound keeper, such distrainer or the Parish Council employing such pound keeper shall be liable for the value of the animal or for the value of the damage sustained thereby:

Provided that such distrainer or pound keeper shall not be liable for the death or injury of such animal unless it is proved that such animal died or was injured by or through his wilful act or neglect.

Offences by distrainers and pound keepers.

30. If any distrainer or pound keeper on or after seizure of any animal and before the redemption or sale thereof violently strikes or otherwise ill uses or injures such animal, or rides, drives, or otherwise makes use of it he shall be guilty of an offence under this Act.

How distrainer may deal with diseased animals.

31. If any distrainer has reason to believe that any animal has glanders or any other contagious or infectious disease rendering it dangerous and improper to drive it along the roads to a pound, it shall be lawful for him to apply to a Justice, who after carefully satisfying himself through the evidence of some

competent person who has examined such animal that it has such disease as aforesaid may direct by order in writing under his hand that such animal shall be killed and immediately burnt, and such order shall be sufficient authority for the distrainor to kill such animal and to burn the carcass. The owner of such animal shall be liable to the distrainor for all expenses incurred under this section.

32. Every person who rescues or attempts to rescue any animal lawfully seized by or remaining in custody of any distrainor or pound keeper shall be guilty of an offence under this Act. It shall be lawful for the Justices out of the fine which may be imposed where any animal has been illegally rescued to award such portion to the distrainor or pound keeper as may be sufficient compensation for the seizure fees or poundage fees and expenses respectively.

Offence to rescue or attempt to rescue seized or impounded animals.

33. In all cases in which persons shall by virtue of this Act seize any description of stock mentioned therein and instead of sending the whole of such stock in one lot to the pound shall detain the same and send them singly or one by one, or in portions, thereby unnecessarily increasing the expense to the owner of such stock, every person so acting shall be guilty of an offence under this Act.

Offence to send animals in such a way as to unnecessarily increase expense.

34. If any person shall be convicted of an offence against this Act or of having violated or of having failed to obey any of its provisions for which no penalty has been specially provided he shall be liable to a penalty not exceeding one hundred thousand dollars.

Penalties.

16/2003
S. 11.

35. Subject to section 37, all penalties imposed under the authority of this Act shall be recovered and enforced in a summary manner in the parish where the offence shall be committed and, if such penalty be not forthwith paid, the court may award imprisonment with or without hard labour for a period not exceeding six months.

Recovery of penalties.
16/2003
S. 12.

27/1979
S. 12.

General

Regulations.
16/2003
S. 13.

36.—(1) A council may from time to time make regulations relating to—

- (a) the establishment of pounds;
- (b) the management and regulation of pounds under this Act;
- (c) amendment of fees;
- (d) the disposal of unclaimed, impounded animals;
- (e) the valuation of animals to be auctioned or tendered;
- (f) the appointment of authorized officers;
- (g) the making of contracts with and the issue of licences to, companies or other persons; and
- (h) any other matter required under the Act to be prescribed.

(2) Regulations made under this section shall be published in the *Gazette*.

Special Powers of Enforcement and Administration

Punishment
for offence
under
sections 30,
32 and 33.
16/2003
S. 13.

37.—(1) This section applies to any offence referred to in section 30, 32 and 33.

(2) Where an authorized officer finds a person on any occasion and has reason to believe that on that occasion that person is committing or has committed an offence to which this section applies, he may serve that person with the prescribed notice in writing offering the discharge of any liability to conviction of that offence by payment of a fixed penalty under this section.

(3) Where a person is served with a notice under subsection (2)—

- (a) that person shall not be liable to be convicted of that offence if the fixed penalty is paid in accordance with this section before the expiration of twenty-one days following the date of the notice or such longer period as may be specified therein or before the date on which proceedings are begun, whichever is later;
- (b) proceedings shall not be taken against him for that offence by any authorized officer until the end of the twenty-one days following the date of the notice or such longer period (if any) as may have been specified therein.

38.—(1) Payment of a fixed penalty under section 37 shall be made to the Parish Council or to such body, on behalf of the Parish Council, as the Minister may, by order, designate and that Parish Council may retain the amount paid as part of its funds.

Fixed penalties.
16/2003
S. 13.

(2) In any proceedings, a certificate that payment of a fixed penalty was or was not made to the Parish Council or to a body designated under subsection (1) by a date specified in the certificate shall, if the certificate purports to be signed by the proper officer of the Parish Council, or of that body, be sufficient evidence of the facts stated, unless the contrary is proved.

(3) A notice under section 37 (2) shall—

- (a) specify the offence alleged;
- (b) give such particulars of the offence as are necessary for giving reasonable information of the allegation; and
- (c) state—

- (i) the period during which, by virtue of subsection (3), proceedings will not be instituted against any person for the offence; and
- (ii) the amount of the fixed penalty.

(4) In any proceedings for an offence to which section 37 or this section applies, no reference shall be made after the conviction of the accused to the giving of any notice under this section or to the payment or non-payment of a fixed penalty thereunder unless, in the course of the proceedings or in some document which is before the Court in connection with the proceedings, reference has been made by or on behalf of the accused to the giving of such notice or, as the case may be, to such payment or non-payment.

(5) The Minister may by order prescribe any matter incidental to the operation of this section, and in particular such order may prescribe—

- (a) the fixed penalty for an offence to which section 37 (1) applies; and
- (b) the form of notice under section 37 (2).

(6) In this section, “proceedings” means any criminal proceedings in respect of the act or omission constituting the offence specified in the notice under section 37 (2); and “convicted” shall be construed in like manner.

FIRST SCHEDULE

(Section 10) 16 2003
S. 14.

Seizure Fees to be paid to the Distrainor

Seizure Fees
Maximum Rates

- | | |
|--|-------|
| 1. (a) For every mare, gelding, foal,
colt, cow, ox, steer, heifer or calf
if seized singly... | \$300 |
| (b) For every animal as above if
two or three are seized at the
same time or brought in together | \$250 |
| 2. For every bull, entire horse, mule
or ass, double the rate aforesaid. | |
| 3. For every sheep, lamb, goat, kid,
hog or pig | \$250 |

When any animal is kept on any land during a Sunday or public holiday,
the owner of such animal shall be charged double the above rates.

NOTE: The sums abovementioned shall respectively include all charges
for the keep of an animal.

16/2003
S. 14.

SECOND SCHEDULE (Sections 13 and 14)

Table of Pound Fees and of amounts to be paid to the Secretary of the Parish Council by the owner of an animal before he is entitled to its delivery

FOR SEIZURE FEES, the amount actually paid by the Secretary of the Parish Council to the Distrainor.

<u>Pound</u>	<u>Maximum Rates</u>
1. For every cow, ox, bull, steer, heifer, calf, entire horse, mule or ass 	\$4,000.00
2. For every mare, gelding, foal, colt, mule or ass 	\$3,000.00
3. For every sheep, lamb, goat, kid, hog or pig 	\$3,000.00

Fodder Fees payable for each day during which the unmentioned animals are impounded

For every horse, mare, gelding, mule or ass, bull, cow, ox, steer or heifer 	\$250.00
For every sheep, goat or pig 	\$250.00

NOTE: (a) There shall be no fodder fees chargeable for young/nursing animals;

(b) Other fees may be charged by the Council—

(i) for the costs of advertising or publication expenses actually incurred;

(ii) for veterinary service expenses actually incurred; and

(iii) for notice of impounding, when given to the owner.

(Section 16)

THIRD SCHEDULE

A Return of the Number of Strays received into the Pound under my charge, of the sum of money paid to Parties bringing them to it, and of the quantity of Animal Feed and Water received for their use, between the 19 day of and the day of

Date when Received	Number of Horses and Mares	Number of Mules	Number of Asses	Number of Horned Stock	Number of Sheep	Number of Goats	Number of Pigs	Poundage Fees	Number of bundles of Grass 28 lb received Daily	Number of Pounds of Hay received Daily	Number of Pounds of Grain (General Stock) received	Number of Imperial Gallons of Water received Daily	From whom the Animal Feed and Water were Received
1													
2													
3													
4													
5													
6													
7													
8													
9													
10													
11													
12													
13													
14													
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17													
18													
19													
20													
21													
22													
23													

(Section 16)

THIRD SCHEDULE *contd.*

A Return of the Number of Strays received into the Pound under my charge, of the sum of money paid to Parties bringing them to it, and of the quantity of Animal Feed and Water received for their use, between the day of _____ and the day of _____ 19....

Date when Received	Number of Horses and Mares	Number of Mules	Number of Asses	Number of Horned Stock	Number of Sheep	Number of Goats	Number of Pigs	Number of Pigeons	Number of bundles of Grass 28 lb received Daily	Number of Pounds of Hay received Daily	Number of Pounds of Grain (General Stock) received	Number of Imperial Gallons of Water received Daily	From whom the Animal Feed and Water were Received
24													
25													
26													
27													
28													
29													
30													
31													

I do hereby Certify that the foregoing is a correct return of the Strays received into the Pound under my charge, of the sums of money paid by me to parties bringing them to the same, and of the quantity of Animal Feed and Water received by me for their use daily during the month of _____ 19....

A.B.

FOURTH SCHEDULE
 (Section 16)
A Return of the Number of Strays delivered up and of the sums of Money received and paid by order of the Justices and Parish Council by me as Pound Keeper between the day of and the day of 19

Date when delivered	No. of Horses and Mares delivered	No. of Mules delivered	No. of Asses delivered	No. of Horned Stock delivered	No. of Sheep delivered	No. of Goats delivered	No. of Pigs delivered	Amount paid for seizure fees to persons bringing same to Pound	Amount received for Poundage	Amount received for Feed	Amount received for Advertising and for Notices	Amount received for Strays Sold	Total Received	Amount paid to the Parochial Treasurer
1														
2														
3														
4														
5														
6														
7														
8														
9														
10														
11														
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28														
29														
30														
31														

I do hereby Certify that the foregoing is a correct return of the number of Strays delivered up, and the sums of money received and paid by me as Pound Keeper between the day of and the day of 19 **A.B.**

THE KEEPING OF ANIMALS ACT

ARRANGEMENT OF SECTIONS

1. Short title.
2. Interpretation.
3. Order restricting the keeping of animals in certain areas.
4. Duty of Competent Authority to give publicity to orders.
5. Licence for the keeping of animals in restricted areas.
6. Appeals from refusal, revocation etc., of licence.
7. Penalty for allowing animals to be at large.
8. Prohibited animals found in prohibited areas to be forfeited.
9. Appointment of authorized officer.
10. Power of police in relation to animals found in certain areas.
11. Penalty for obstructing the police.
12. Penalty for obstructing authorized officer.
13. Construction and interpretation of this Act in relation to the Pound Act.

THE KEEPING OF ANIMALS ACT

[15th November, 1979.]

Act
26 of 1979.

1. This Act may be cited as the Keeping of Animals Act. Short title.

2. In this Act—

“animal” means any horse, mare, gelding, foal, colt, filly, mule, ass, bull, ox, steer, heifer, calf, sheep, lamb, goat, kid, hog, pig, or any other animal declared by the Minister by order, to be an animal to which this Act applies;

Interpreta-
tion.

“Competent Authority” means—

- (a) in relation to any area within the Corporate Area as defined in the Kingston and St. Andrew Corporation Act, the Council of the Kingston and St. Andrew Corporation; and
- (b) in relation to an area within any other parish, the Parish Council of that parish;

“exempted animal” means an animal kept for any of the following purposes or under any of the following conditions, that is to say—

- (a) an animal kept for experimental research in any place appointed for the purpose by a Competent Authority; and
- (b) an animal kept as part of a zoological collection approved by a Competent Authority;
- (c) an animal seized under the provisions of this Act or the Pound Act and kept for a period not exceeding three days for the purpose of

taking proceedings or any other step to enforce the Pound Act or this Act, as the case may be;

- (d) an animal purchased within a prohibited area or restricted area and kept for a period not exceeding three days before removal therefrom;
- (e) any animal in a pound, slaughter house or a market;
- (f) such other animal as may be prescribed by the Minister by order;

“owner of an animal” means the owner in possession or person in charge of any animal;

“owner of land” means the owner, lessee or occupier of land and their respective servants or agents;

“pound” means any pound established under the Pound Act;

“prescribed animal” means an animal, not being an exempted animal, specified in an order under paragraph (b) of subsection (1) of section 3;

“prohibited animal” means an animal, not being an exempted animal, specified in an order under paragraph (a) of subsection (1) of section 3.

Order
restricting
the keeping
of animals
in certain
areas.

3.—(1) The Minister may from time to time, by order, as from such date as may be specified in the order—

- (a) prohibit the keeping of any animal specified in the order (in this Act referred to as a “prohibited animal”) within any area specified in the order (hereinafter referred to as a “prohibited area”);
- (b) restrict or control the keeping of any animal (in this Act referred to as a “prescribed animal”) within any area specified in the order (hereinafter referred to as a “restricted area”) so as to ensure

that such animal is not kept otherwise than under the authority of a licence issued by a Competent Authority for the purpose.

(2) An order under subsection (1) may contain such supplementary and ancillary provisions as the Minister considers necessary to give full effect thereto.

(3) Any person who keeps an animal in contravention of any order made under this section shall be guilty of an offence and shall be liable on conviction in a Resident Magistrate's Court to a fine not exceeding two hundred dollars or, in default of payment, to imprisonment with or without hard labour for a term not exceeding three months.

4. Where an order is made under section 3 in respect of any area, it shall be the duty of the Competent Authority for that area to give public notice thereof in such manner as such Authority thinks best suited to bring the purport of such notice to the attention of persons likely to be affected thereby.

Duty of Competent Authority to give publicity to orders.

5.—(1) Where any person desires to keep any prescribed animal in a restricted area he shall apply to the Competent Authority for that area for a licence for the purpose.

Licence for the keeping of animals in restricted areas.

(2) Every application for a licence under sub-section (1) shall—

- (a) be made in the prescribed form and manner;
- (b) contain the prescribed particulars; and
- (c) be accompanied by the prescribed fee.

(3) On an application pursuant to subsection (1), the Competent Authority if satisfied—

- (a) that the place where the prescribed animals are to be kept provides adequate space and other amenities suitable for the number of animals to be kept therein; and

[The inclusion of this page is authorized by L.N. 57/1980]

(b) that no health hazard or nuisance will arise from the use of that place for the purpose of keeping such animals,
 may grant the application or grant such application subject to such conditions or limitations as the Competent Authority may consider desirable; and in any other case shall refuse the application.

(4) A licence issued under this section—

- (a) shall be valid for a period of one year from the date of issue and, unless (subject to subsection (5)) the Competent Authority otherwise decides, may be renewed from year to year on payment of the prescribed fee; and
- (b) may, subject to subsection (5), be revoked by the Competent Authority at any time if it is satisfied that the licensee has not complied with the terms and conditions of the licence.

(5) Before revoking or refusing to renew a licence the Competent Authority shall give to the licensee notice of its intention to consider whether such licence should be revoked or not renewed and shall specify in such notice the contraventions that have been brought to the attention of the Competent Authority and shall take into consideration any representation made by or on behalf of the licensee.

Appeals
 from
 refusal,
 revocation
 etc., of
 licence.

6.—(1) Any person aggrieved by a decision of a Competent Authority refusing an application for a licence or revoking or refusing to renew a licence or attaching conditions to any licence may, on such terms and manner as may be prescribed, appeal to the Minister against such decision.

(2) The Minister may allow or dismiss the appeal or may reverse or vary any part of the decision of the Competent Authority.

(3) The decision of the Minister on such appeal shall be final and conclusive.

7. Whosoever shall allow—

(a) any prohibited animal to be at large within a prohibited area; or

(b) any prescribed animal to be at large within a restricted area,

shall be guilty of an offence and liable on summary conviction in a Resident Magistrate's Court to a fine not exceeding \$400 or to imprisonment with or without hard labour for a term not exceeding six months.

Penalty for allowing animals to be at large.

8.—(1) All prohibited animals found within a prohibited area shall be forfeited to the Competent Authority for disposal.

Prohibited animals found in prohibited areas to be forfeited.

(2) Any prescribed animal found in a restricted area in contravention of this Act or of any licence thereunder, or a prohibited animal found in a prohibited area may be impounded under the Pound Act, and that Act shall, *mutatis mutandis*, apply accordingly subject to such modifications as may be prescribed by the Minister, by order, for the purpose of giving effect to the provisions of this Act.

9. It shall be lawful for a Competent Authority to appoint one or more persons (hereinafter referred to as an "authorized officer") to enforce the provisions of this Act within the limits of jurisdiction of such Authority.

Appointment of authorized officer.

10.—(1) Any constable may upon view, seize any animal which he shall find in any street, lane or open place within any prohibited area or restricted area.

Power of police in relation to animals found in certain areas.

(2) Any Justice of the Peace, on application of any constable and on proof of possession, or reasonable suspicion of the possession, of any animal by any person

in contravention of an order made under section 3, may grant a warrant authorizing any constable, at any reasonable time, to enter upon the premises of the person complained against and to take and seize any animal there found.

(3) Any animal seized pursuant to this section may be dealt with in such manner as may be prescribed by the Minister, by order.

Penalty for obstructing the police.

11. Any person who shall—

(a) hinder or obstruct a constable attempting to take or seize any animal; or

(b) prevent a constable, having such warrant as aforesaid, from entering the premises mentioned therein,

shall be guilty of an offence and, on conviction thereof in a Resident Magistrate's Court, be liable to a penalty not exceeding three hundred dollars or in default of payment to imprisonment for a term not exceeding three months.

Penalty for obstructing authorized officer.

12. Whoever shall offer or cause any obstruction to any authorized officer in the performance of his duties shall be guilty of an offence and on conviction thereof in a Resident Magistrate's Court shall be liable to a penalty not exceeding three hundred dollars or, in default of payment, to imprisonment for a term not exceeding three months.

Construction and interpretation of this Act in relation to the Pound Act.

13. The provisions of this Act shall be read and construed as supplementary and not in derogation of the provisions of the Pound Act but where there is conflict or inconsistency between the provisions of this Act and the Pound Act, the provisions of this Act shall prevail over the provisions of the Pound Act.