

CHAPTER 139A

LIVESTOCK (CONTROL OF STRAYS) 1990-40

This Act came into operation on 10th January, 1991.

Amended by:

This Act has not been amended

Law Revision Orders

The following Law Revision Order or Orders authorized the insertion and removal of pages as the case may be under the Law Revision Act Cap.2 now repealed:

1991

CHAPTER 139A

LIVESTOCK (CONTROL OF STRAYS) 1990-40

Arrangement of Sections

1. Short title
2. Interpretation
3. Establishment of pounds
4. Management of pounds
5. Livestock improperly on highways
6. Livestock trespassing
7. Enquiry as to ownership of livestock impounded
8. Notice to owner of livestock impounded
9. Costs of keeping livestock in pound
10. Cost of taking livestock to pound
11. Notice where owner of livestock not known
12. Fraudulent impounding
13. Rescuing livestock impounded

14. Ill-treating or injuring livestock impounded
15. Disposal of impounded livestock
16. Sale of impounded livestock
17. Livestock not sold
18. Disposal of unsold livestock
19. Regulations
20. Records kept by pound-keepers
21. Act not to affect rights of action

**BARBADOS****LIVESTOCK (CONTROL OF STRAYS)
1990-40**

An Act to provide for the seizure and impounding of stray livestock and for related matters.

[Commencement: 10th January, 1991]

Short title

1. This Act may be cited as the *Livestock (Control of Strays) Act*, Cap. 139A.

Interpretation

2. In this Act,

“authorised person” means a person designated pursuant to section 5(1);

“communicable animal disease” has the meaning assigned to it by section 2 of the *Animals (Diseases and Importation) Act*, Cap. 253;

“constable” means a member of the Royal Barbados Police Force and includes a person appointed pursuant to the *Parish Constables Act*, Cap. 166;

“livestock” means cattle, horses, asses, mules, sheep, pigs and goats.

Establishment of pounds

3. The Minister may establish livestock pounds for the purposes of this Act.

Management of pounds

4. There shall be such number of pound-keepers as are necessary for the purposes of this Act.

Livestock improperly on highways

5.(1) The Minister may, in writing, designate persons to be authorised persons for the purposes of this Act.

(2) Any livestock that is found tethered, wandering, straying, or lying on a highway or any public place may be seized by an authorised person or a constable and taken to a livestock pound where it shall be impounded until its owner claims it and pays all reasonable expenses incurred in its seizure and confinement.

(3) Livestock impounded pursuant to subsection (2), shall, during confinement, be provided with a sufficient quantity of wholesome food and water.

(4) A person who tethers livestock on or near a highway in a manner that is likely to cause obstruction, damage or injury to any user of the highway is guilty of an offence and is liable on summary conviction to a fine of \$5 000 or imprisonment for 2 years or both.

Livestock trespassing

6.(1) The owner or occupier of enclosed land, cultivated land or pasture land, or any person authorised by him, may seize livestock found trespassing on that land and may

(a) send or take that livestock to the nearest pound; or

- (b) request an authorised person or a constable to take the livestock to a pound,

to be detained and dealt with according to this Act.

(2) The owner or occupier referred to in subsection (1) may secure and keep any livestock seized under this section, for any time not exceeding 2 days after the day of seizure before sending the livestock to the pound.

(3) Where livestock has been seized under this section, the owner of the livestock or any person lawfully authorised by him may, at any time before the livestock is received into the pound, pay, for the use of the owner or occupier of the land trespassed upon, to the person having the charge of the livestock, reasonable expenses in respect of the seizure, and the person having charge of the livestock shall, upon payment being made, deliver the livestock to the person making the payment.

Enquiry as to ownership of livestock impounded

7.(1) When any livestock is brought to any pound the pound-keeper shall make, and the person bringing the livestock to the pound shall answer, all enquiries such as are likely to make known the owner or person having charge of the livestock.

(2) Any person who brings livestock to the pound and upon any enquiry being made of him pursuant to this section, does not, according to the best of his knowledge, remembrance, information, and belief, truly answer such enquiry is guilty of an offence and is liable on summary conviction to a fine of \$3 000 or imprisonment for 1 year or both.

(3) Subsection (2) does not apply to an authorised person or a constable.

Notice to owner of livestock impounded

8. Where any livestock is impounded, the pound-keeper shall if he obtains sufficient information to enable him to identify the owner or other person having charge of the livestock, serve notice upon that owner or other person

having the charge thereof, by leaving the notice at the usual place of abode or business of the person to be served or by sending the notice by registered post.

Costs of keeping livestock in pound

9. Where livestock has been impounded, and notice of the impounding has been served under section 8, the owner is liable to pay the costs of keeping the livestock in the pound and in default of such payment the livestock may be sold pursuant to section 16.

Cost of taking livestock to pound

10.(1) A pound-keeper shall be entitled to demand, in addition to any fees prescribed for the purposes of the pound, the cost incurred in taking or sending any livestock to the pound.

(2) The pound-keeper shall pay the cost referred to in subsection (1) to the person who incurred the cost.

Notice where owner of livestock not known

11. Where, at the expiration of the day after any livestock is impounded, the pound-keeper is unable to ascertain the identity of the owner or person having charge of the livestock, the pound-keeper shall cause a notice of the impounding of the livestock to be posted in accordance with the regulations.

Fraudulent impounding

12. Any person who drives, leads or entices any livestock onto any land or onto any public place, square, quay, wharf, or highway, with intent to impound such livestock or to procure the livestock to be impounded, is guilty of an offence and is liable on summary conviction to a fine of \$5 000 or to imprisonment for 2 years or both.

Rescuing livestock impounded

- 13.** Any person who
- (a) rescues or releases, or attempts to rescue or release, any livestock while the livestock is in or being taken to any pound, or having been lawfully seized for the purpose of being impounded;
 - (b) breaks or damages any pound;
 - (c) does, or aids or abets the doing of any act whereby any livestock impounded may escape or be unlawfully liberated; or
 - (d) obstructs an authorised person or a pound-keeper in the execution of his duties;

is guilty of an offence and is liable on summary conviction to a fine of \$2 000 or imprisonment for 1 year or both.

Ill-treating or injuring livestock impounded

- 14.** Any pound-keeper or person taking any livestock to the pound who
- (a) cruelly beats, wounds or otherwise ill-treats, or
 - (b) wilfully injures or damages any livestock in his charge,

is guilty of an offence and is liable on summary conviction to a fine of \$2 000 or imprisonment for 1 year or both.

Disposal of impounded livestock

- 15.** Any livestock received into a pound shall be detained until sold pursuant to section 16 unless before the time for such sale the fees prescribed and the cost referred to in section 10 are paid.

Sale of impounded livestock

- 16.(1)** The keeper of any pound may, on such days as he thinks fit, put up for sale by public auction any livestock which has been detained for more than

10 days, exclusive of the days of seizure and sale, and may sell and deliver such animal to the best bidder, and, if the amount of the bid is not forthwith paid, may put up the livestock again for sale.

(2) The keeper of a pound shall give adequate notice to the public of the date, time and place of a sale.

(3) The pound-keeper shall, out of the proceeds of the sale referred to in subsection (1) deduct

(a) the fees prescribed pursuant to section 10(1), and

(b) the expenses of the sale.

(4) If there is a surplus after the pound-keeper has complied with subsection (3), the pound-keeper shall pay the cost referred to in section 10(2) in accordance therewith.

(5) Subject to subsection (6), the pound-keeper shall pay the balance, if any, of the surplus referred to in subsection (4)

(a) to the owner of the livestock, or

(b) to the person authorised by the owner, if the owner or the person attends and demands the cost.

(6) Where the pound-keeper has been notified of any damage caused by the trespass of the livestock sold pursuant to this section the pound-keeper shall forthwith pay the surplus or the balance thereof remaining in his possession to the clerk of the magistrate's court of the district in which the pound is situated, to be kept by him until the claim for damage has been resolved or for a period of 12 months after the sale, whichever is the shorter; and if at the end of that period the clerk has in his possession any portion of the moneys received on account of such sale, he shall forthwith pay the money to the Accountant-General.

Livestock not sold

17. Where any livestock is offered for sale and no bid is made for it, or the bid made is, in the opinion of the pound-keeper, trifling or insufficient to

defray the costs and charges under this Act, the livestock becomes the property of the Crown and may be dealt with in the manner prescribed.

Disposal of unsold livestock

18.(1) Where livestock

- (a) is in such a state or condition that it is unfit to be sold with a view to being worked, or
- (b) is suffering from a communicable animal disease,

the pound-keeper shall, upon directions from the Senior Veterinary Officer, have such livestock shot or otherwise destroyed, and the carcass buried or otherwise disposed of.

(2) The owner or person in charge of livestock referred to in subsection (1) shall, in addition to any other sum that he is liable to pay to the pound-keeper, pay the costs, charges, and expenses attending such shooting, destruction, burial or disposition.

Regulations

19. The Minister may make regulations

- (a) prescribing the fee per day to be paid for the care and feeding of animals in pounds;
- (b) respecting the giving or posting of any notice required by this Act to be given or posted;
- (c) respecting the form of such notices;
- (d) respecting the time and mode of conducting the sales of impounded livestock;
- (e) prescribing any other thing that is authorised or required to be prescribed by this Act, and
- (f) generally for giving effect to the provisions of this Act.

Records kept by pound-keepers

- 20.** Every pound-keeper shall keep such records for the purposes of
- (a) identifying the livestock impounded,
 - (b) describing the owners of the livestock and, the persons bringing the livestock to the pound,
 - (c) specifying the moneys due or received in respect of any livestock, and
 - (d) respecting the disposal of all moneys received by such pound-keeper.

Act not to affect rights of action

- 21.(1)** Subject to subsection (2), the remedies given by this Act in respect of livestock trespassing shall be in addition to, and not in derogation from, any remedy by action or suit to which any person may be entitled in respect of any such trespass under the *Animals (Civil Liability) Act*, Cap. 194A or any other law.
- (2) Where a person referred to in section 6(2) has been paid any costs incurred in keeping livestock pursuant to that section that person shall be entitled to recover the like costs under any other law.
- (3) Nothing in this Act shall be construed as being in derogation from the *Cruelty to Animals Act*, Cap. 128 or the *Airports Act*, Cap. 285A.