

CHAPTER 144A

PREVENTION OF CRUELTY TO ANIMALS 2000-16

This Act came into operation on 28th August, 2000.

Amended by:

2007-43

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Order or Orders authorized the insertion and removal of pages as the case may be under the Law Revision Act Cap.2 now repealed:

2007

Guide to symbols in historical notes:

- indicates an amendment made by an Act

/ indicates an amendment made by statutory instrument

CHAPTER 144A

**PREVENTION OF CRUELTY TO ANIMALS
2000-16**

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**BARBADOS****PREVENTION OF CRUELTY TO ANIMALS
2000-16**

An Act to make new provision for the prevention of cruelty to animals.

[Commencement: 28th August, 2000]

**PART I
PRELIMINARY****Short title**

1. This Act may be cited as the *Prevention of Cruelty to Animals Act*.

Interpretation

2. For the purposes of this Act,
“animal” includes any horse, mare, gelding, bull, ox, cow, heifer, steer, calf, mule, ass, sheep, lamb, hog, pig, sow, goat, cat, dog or any other animal, whether of the kind or species particularly mentioned or of any kind or species whatever and whether a quadruped or not, which is tamed or which has been or is being sufficiently tamed to serve some purpose of man’s use;

“approved premises” means places as the Minister may by order designate as approved premises;

“authorised person” means a person authorised by the Minister pursuant to section 4A;

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“captive animal” means any non-domestic animal of whatsoever kind or species, whether a quadruped or not, including any bird, fish or reptile, which is in captivity or confinement or is maimed, pinioned or subjected to any appliance or contrivance for hindering or preventing its escape;

“Minister” means Minister responsible for Agriculture;

“over-drive” includes over-ride;

“veterinary surgeon” means a person registered as such under section 6 of the *Veterinary Surgeons (Registration) Act, Cap. 374*.

PART II

CRUELTY TO ANIMALS

Ill-treating animals

3.(1) Any person who

- (a) wantonly and cruelly beats, ill-treats, starves, over-drives, over-loads, abuses, tortures, infuriates, teases, terrifies, causes unnecessary mutilation or suffering to, or otherwise maltreats, an animal;
- (b) causes or procures to be done an act referred to in paragraph (a); or
- (c) permits an animal to be infuriated, teased, terrified, or caused any unnecessary suffering

is guilty of an offence and is liable on summary conviction to a fine of \$1 000 in respect of each animal mentioned in the charge or to imprisonment for a term of 12 months or to both.

(2) Where a person is convicted under subsection (1), the court may also disqualify that person from having custody of any domestic and captive animal or any animal of a specific kind, and may in its discretion order that the animal be forfeited and disposed of in a manner ordered by the court.

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Operations on animals

4.(1) Subject to subsection (3), a person who performs an operation on an animal, that affects the sensitive tissue or bone structure of the animal, without the use of the appropriate anaesthetic is guilty of an offence.

(2) The owner or person in charge of an animal who permits the animal to undergo an operation referred to in subsection (1), knowing that the operation would be performed without the appropriate anaesthetic, is guilty of an offence.

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(3) No offence referred to in subsection (1) is committed where the operation

- (a) constitutes the rendering of first aid, without anaesthetic, in emergency circumstances for the purpose of saving the life of the animal or relieving pain;
- (b) entails only the administering of an injection or the performing of an extraction using a hollow needle;
- (c) constitutes the castration of a sheep under the age of 3 months or of a bull, goat or pig under the age of 2 months, using
 - (i) a method other than the application of a rubber ring or device that constricts the flow of blood to the scrotum; or
 - (ii) the method of applying a rubber ring or device that constricts the flow of blood to the scrotum only within the first week of the animal's life;

- (d) is a minor operation performed by a veterinary surgeon which by reason of its quickness or painlessness is customarily performed without an anaesthetic.

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- (4) The exceptions referred to in subsection (3) do not include
- (a) the castration, de-horning or dis-budding of the animal except by chemical cauterisation within the first week of the animal's life;
 - (b) the docking of a lamb's tail by the use of a rubber ring unless applied in the first week of the lamb's life;
 - (c) the docking of the tail of a pig less than 7 days old; or
 - (d) the removal of antlers in velvet.

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Authorised persons

4A. The Minister may by instrument in writing designate any of the following persons as an authorised person:

- (a) a parish constable appointed under the *Parish Constables Act*, Cap. 166;
- (b) an
 - (i) Animal Control Officer;
 - (ii) Animal Control Inspector;
 - (iii) Assistant Control Officer;
 - (iv) Animal Control Attendantassigned to the Animal Control Unit, Ministry of Health;
- (c) a
 - (i) Senior Agricultural Officer;

- (ii) Senior Veterinary Officer;
- (iii) Veterinary Officer;
- (iv) Senior Animal Health Assistant;
- (v) Animal Health Assistant

assigned to the Ministry of Agriculture and Rural Development;

- (d) a veterinary surgeon who is registered as such under the *Veterinary Surgeons (Registration) Act*, Cap. 374; or
- (e) any other person whom the Minister considers necessary to be an authorised person for the purpose of carrying out the provisions of this Act.

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Causing unnecessary suffering to animals

5.(1) Any person who tethers or keeps an animal in a manner or in conditions that are likely to cause that animal unnecessary suffering commits an offence and is liable on summary conviction to a fine of \$5 000 or to imprisonment for a term of 12 months or to both.

(2) Any person who is the owner or has charge or control of an animal and without reasonable cause or excuse abandons the animal or permits the animal to be abandoned whether permanently or temporarily and in circumstances likely to cause the animal unnecessary suffering commits an offence and is liable on summary conviction to a fine of \$5 000 or to imprisonment for a term of 12 months or to both.

(3) An authorised person may seize and take control of an animal that is suffering as a result of a contravention of this Act.

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(4) A person referred to in subsection (3) shall not be liable for the death or injury of an animal that has been seized or impounded in accordance with this Act.

(5) An animal that has been seized in accordance with subsection (3) may be transported to approved premises.

(6) Where in the opinion of a police officer or an authorised person who is not a veterinary surgeon an animal is considered to be suffering from serious injury or disease, that authorised person shall refer the matter to a veterinary surgeon for a determination of whether the animal should be disposed of.

[2007-43]

Bull-baiting, cock-fighting, dog-fighting etc.

6.(1) Any person who keeps, uses or manages any premises for the purpose of fighting, training for fighting or baiting any bull, dog, cock or other kind of animal, whether of a domestic or wild nature, or permits or causes any premises to be so kept, used or managed, commits an offence and is liable on summary conviction to a fine of \$10 000 for every day he so keeps, uses or manages any premises or permits or causes any premises to be so kept, used or managed.

(2) Every person who receives money for the admission of any other person to any place which is kept, used or managed for any of the purposes referred to in subsection (1) shall be deemed to be the keeper thereof.

(3) Any person who in any manner encourages by his presence, or aids, or assists at, the fighting or baiting of any bull, dog, cock or other animal commits an offence and is liable on summary conviction to a fine of \$10 000 or to imprisonment for a term of 12 months or to both.

Working animals unfit for work

7. Any person who works or causes to be worked,

- (a) in any cart, wagon or carriage or other vehicle of pleasure or burden;
or

(b) by riding,

any animal in an emaciated condition as to be unfit for work, whether that condition is caused by disease, injury or deficient feeding, commits an offence and is liable on summary conviction to a fine of \$500 or to imprisonment for a term of 12 months.

Compensation for beating or causing damage

8.(1) Where the conduct of a person results in the conviction of that person of an offence under section 3 and also in damage or injury to

- (a) an animal;
- (b) a person; or
- (c) any property

the magistrate may during the proceedings for the trial of the case order that compensation be paid, of an amount determined by the magistrate, to the owner of the animal, the person who sustained injury and the person whose property was damaged.

(2) The payment of the compensation referred to in subsection (1) or any imprisonment for the non-payment thereof shall not prevent or in any manner affect the punishment to which that person or the owner of the animal may be liable for or in respect of the beating, ill-treating, over-driving, over-loading or abusing of the animal.

(3) Nothing in this section shall prevent any proceeding by action against the offender or the employer of that offender when the amount of damages or injury is not sought to be recovered under this Act.

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Impounded animals to be properly fed

9.(1) Every person who impounds or confines any animal, or causes any animal to be impounded or confined, in any pound or receptacle of the like nature

shall provide and supply the animal during confinement with a sufficient quantity of fit and wholesome food and water.

(2) Where the animal is impounded or confined under subsection (1), the reasonable costs of food, water or any other reasonable expenses incurred in its seizure and confinement shall be paid by the owner to the person who supplies the same before the animal is removed, and the said costs may be recovered in a summary manner before a magistrate.

(3) A person who refuses or neglects to provide and supply that animal with food and water commits an offence and is liable on summary conviction to a fine of \$500 for every day the offence continues.

(4) Where

(a) any animal by direction of any execution creditor, given by endorsement on the execution or otherwise, has been taken in execution or by direction of a landlord has been distrained on; and

(b) the title of the execution debtor or tenant to that animal is questioned and the animal is by order of any court or with the consent of any execution creditor or the landlord given up to any claimant other than the execution debtor or tenant, the execution creditor or the landlord shall pay all reasonable expenses incurred by the Chief Marshal or by any writ officer or district auctioneer for all necessary food and water supplied to such animal, not exceeding the sum of \$10 a day per animal for horses, hogs, mules, asses and cattle and \$5 a day per animal for sheep and goats.

(5) All such expenses shall be recovered in a summary manner before a magistrate.

Using condemned animals

10.(1) Any person who uses or employs, or causes or permits to be used or employed, any horse or other cattle brought or delivered for the purpose of being destroyed, or permits or suffers any such horse or other cattle to be employed, in

any manner of work commits an offence and is liable on summary conviction to a fine of \$500 for every day for which such horse or other cattle is so used or employed.

(2) Any person who is found using or employing a horse or other cattle referred to in subsection (1) commits an offence and is liable on summary conviction to a fine of \$500 for every day he uses or employs such horse or other cattle.

Torturing animals required for food

11. Any person who tortures or causes unnecessary suffering to any animal which is required to be killed for food or for other necessary purpose or in consequence of accidental injury or incurable disease, or who aids or abets any other person in inflicting such torture or suffering, commits an offence and is liable on summary conviction to a fine of \$2 000 or to imprisonment for a term of 18 months.

Causing unnecessary pain to animals in transit

12. Any person who conveys or carries or causes to be conveyed or carried in or upon any vessel, vehicle or boat any animal in a manner or position as to subject that animal to unnecessary pain or suffering commits an offence and is liable on summary conviction to a fine of \$500 for the first offence and a fine of \$1 000 or to imprisonment for a term of 12 months for any subsequent offence; and that person shall thereafter be banned from conveying animals.

Power of entry

13.(1) Where an authorised person reasonably suspects that animals are being used or kept in contravention of this Act, he may at any reasonable time with a warrant enter and search the premises in the company of a member of the Police Force in uniform for the purposes of carrying out his functions under this Act.

(2) Any person who, at any time or in any manner, unlawfully obstructs, hinders, molests, threatens or assaults any member of the Police Force or any

authorised person while in the exercise of any power or authority given under this Act or regulations commits an offence and is liable on summary conviction to a fine of \$5 000 or to imprisonment for a term of 18 months or to both.

(3) A warrant referred to in subsection (1) shall be issued by a magistrate where

- (a) the authorised person has presented information on oath setting out the facts on which the warrant is being sought; and
- (b) the magistrate is satisfied that sufficient grounds exist for the issue of the warrant.

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(4) A warrant issued under subsection (3) shall on the face of it specify its duration.

Obstructing member of the Police Force

14.(1) Where an offence is committed under this Act or regulations made hereunder and the commission involves a vehicle, it shall be the duty of the owner of that vehicle to give, if required to so do by a member of the Police Force in uniform or by an authorised person, any information that is within his power that may lead to the identification and apprehension of the driver or conductor of that vehicle at the time when the offence was committed.

(2) Any owner of a vehicle who fails to comply with subsection (1) commits an offence and is liable on summary conviction to a fine of \$500 or to imprisonment for a term of 12 months or to both.

(3) Where the owner of a vehicle fails to give information that may lead to the identification and apprehension of the driver who has caused damage to another person, the owner of that vehicle shall be liable to pay to the aggrieved party such compensation and costs as are determined by the magistrate.

Regulations

15. The Minister may make regulations for giving effect to the provisions of this Act.

PART III**LEGAL PROCEEDINGS****Destruction of unfit animals by order of magistrate**

16.(1) When any charge is laid before any magistrate for any offence committed under this Act, the magistrate may, if he thinks fit, direct that a veterinary surgeon be summoned to give evidence on the hearing of the charge.

(2) Where in the opinion of a veterinary surgeon the animal to which such charge relates suffers from an incurable disease or is suffering to such an extent that the animal cannot be used for any purpose for which such animal is ordinarily used, the magistrate hearing the charge may, in lieu of or in addition to any other penalty authorised by law, order such animal to be destroyed in a manner as he thinks fit.

Appeal against decision of magistrate

17. In case of an appeal from an order of a magistrate directing the destruction of an animal, that animal shall be detained at approved premises until the hearing of the appeal, and the court shall, if such order is confirmed, direct that the costs of keeping the animal until the hearing of the appeal shall be recovered from the appellant in the same manner as costs of court are recovered.

Penalties and compensation

18. One-half of all penalties and forfeitures shall be paid to the informant, but all compensation money shall be paid to the party aggrieved or entitled.

PART IV
MISCELLANEOUS

Arrest of offenders

19.(1) The magistrate may issue a warrant for the apprehension of the person charged whenever reasonable grounds for so doing are stated on oath.

(2) Whenever any person having charge of any vehicle or any animal is taken into custody, a member of the Police Force may take charge of that vehicle or animal and convey the same to a police station.

(3) Where an animal or a vehicle has been taken into custody and it is found that neither is the subject of the charge against the person arrested, that animal or vehicle shall be returned to the person entitled to the same.

(4) Any animal which is the subject of the charge against the person arrested may be detained pending the order of the court, and the costs of keeping that animal may be recovered summarily in addition to any penalty or punishment imposed upon the offender.