

29.1.18

TRINIDAD AND TOBAGO.

No. 38.—1917.

I ASSENT,

[L.S.]



J. R. CHANCELLOR,
Governor

17th December, 1917.

AN ORDINANCE for the prevention of Cruelty to
Animals.

[17th December, 1917.]

BE it enacted by the Governor of Trinidad and Tobago with the advice and consent of the Legislative Council thereof as follows :—

1. This Ordinance may be cited as the Cruelty to Animals Short Title.
Ordinance, 1917.

2. In this Ordinance, unless the context otherwise Interpre-
requires :— tation.

“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 domestic animal, whether of the kind or species particularly mentioned or of any other kind or species whatsoever, and whether a quadruped or not ;



“Constable” means a member of the Constabulary Force.

Cruelty to animals.

3.—(1.) Any person who cruelly beats, ill-treats, starves, over-drives, over-rides, over-loads, abuses, tortures, or otherwise maltreats any animal is liable to a penalty not exceeding £10 or to imprisonment with or without hard labour for any term not exceeding two months.

(2.)—(a.) For the purposes of this Ordinance “overloads” and cognate expressions include :—

- (i.) causing an animal to draw a vehicle carrying more than 4 persons if one animal is drawing such vehicle or 8 persons if two animals are drawing the vehicle ; and
- (ii.) causing an animal to carry a burden or draw a load which is beyond its strength or after it is exhausted.

(b.) The fact that a vehicle is not carrying more than 4 persons or 8 persons, as the case may be, shall be no answer to a charge under this section if owing to the presence of any other thing on the cart or to the size strength or condition of an animal the Magistrate is of opinion that the animal is overloaded.

Working animal unfit for work.

4. Any person who works any animal in such a condition as to be unfit for work whether from lameness or from emaciation or from any gall or sore or otherwise, and whether that condition is caused by disease or deficient feeding or otherwise, in any cart, plough or carriage, or other vehicle of pleasure or burden, is liable to a penalty not exceeding £10 or to imprisonment with or without hard labour for any term not exceeding two months.

Power to arrest.

5.—(1.) A constable or the owner of any animal in whose view an offence under either of the two last preceding sections is committed may apprehend the offender and take him before a Magistrate or Justice to be dealt with according to law.

(2.) Such constable or owner may similarly apprehend the offender if information of the offence is given by any other person declaring his name and place of abode.

6.—(1.) If any person shall, by committing any offence under Sections 3 or 4 of this Ordinance, cause any damage or injury to be done to any animal or to any person or property, he shall on conviction for any such offence pay to the owner of the animal (if the offender is not the owner) or to the person who shall sustain damage or injury as aforesaid, such sum of money by way of compensation, not exceeding £10, as the Court shall adjudge, and in default of payment the Court may order the offender to be imprisoned with or without hard labour for any term not exceeding two months.

Compensation
for damage
done by
cruelty to
animals.

(2.) The payment of such compensation or imprisonment for the non-payment thereof shall not prevent or in any manner affect the punishment to which the offender may be liable for or in respect of any such offence as aforesaid.

(3.) Nothing herein contained shall prevent any proceeding by action against the offender or his employer where the amount of the damage or injury is not sought to be recovered under this Ordinance.

7.—(1.) Every person who :—

- (a) in any manner encourages, aids or assists at the fighting or baiting of any animal, whether domestic or wild; or
- (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;

Bull-baiting
and similar
offences.

is liable to a penalty not exceeding £10 or to imprisonment with or without hard labour for any term not exceeding two months.

(2.) Every person who receives money for the admission of any other person to any place kept or used for any of the purposes aforesaid, shall, unless the contrary is proved, be deemed to be the keeper thereof.

8. A Magistrate or Justice may by warrant under his hand authorise any Constable to enter any place used for the purpose of fighting or baiting any animal and to

Power of
entry, arrest
and seizure.

apprehend all persons who and to seize all animals which may be found therein, and to take them before a Magistrate or Justice to be dealt with according to law.

DETENTION OF ANIMALS FOR TREATMENT.

- 9.** On any conviction for any offence under Sections 3 or 4 of this Ordinance, the Magistrate may if he thinks that such animal is unfit to work, direct that it be detained in any place which shall have been notified in the *Royal Gazette* as set apart by the Trinidad Society for the Prevention of Cruelty to Animals for that purpose, for any period not exceeding thirty days ; during which the maintenance of such animal shall be provided free of cost to the Government.
- 10.** Any place so set apart as aforesaid shall be deemed to be a pound for the purposes of Section 13 of the Pound Ordinance (No. 12).
- 11.** 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 Ordinance.
- 12.** If any animal detained under the provisions of this Ordinance for any period shall on the expiration of that period or within forty-eight hours thereof not be claimed by the owner thereof, or if such owner does not pay to the said Society the cost of the keep and treatment of such animal during the period it is detained as aforesaid, the person having charge thereof may after seven days notice published in the *Royal Gazette* sell it by auction and apply the proceeds towards the expenses to be incurred under this Ordinance, or may destroy it.
- 13.**—(1.) The Governor in Executive Council may make regulations prescribing the scale of charges for the treatment and keep of animals under the provisions of this Ordinance.
- (2.) All such Regulations shall be published in the *Royal Gazette*.

Animals may be detained for treatment.

Such place to be a pound.

Liability for animals detained.

Unclaimed animals may be sold or destroyed.

Scale of charges.

DESTRUCTION OF ANIMALS.

14.—(1.) In the case of any offence under Sections 3 or 4 of this Ordinance the Court may, if it thinks fit, order as part of its sentence that the animal shall be destroyed and its body disposed of at the expense of the offender. Power to order destruction of animal.

(2.) The Inspector-General of Constabulary shall give such orders as may be necessary for the destruction of any such animal and the disposal of its body.

15. All offences under this Ordinance shall be prosecuted and all penalties, expenses or compensation be recovered or enforced in the manner set forth in the Summary Conviction Offences (Procedure) Ordinance (No. 1) before a Magistrate. Procedure.

16. Sections 52 to 60 (both inclusive) of the Summary Conviction (Offences) Ordinance No. 5 and Sections 9 to 13 (both inclusive) of the Summary Conviction (Offences) (Amendment) Ordinance 1916 are hereby repealed. Repeal.

Passed in Council this Seventh day of December, in the year of Our Lord one thousand nine hundred and seventeen.

HARRY L. KNAGGS,
Clerk of the Council.
