



ST. HELENA

## CHAPTER 76

# PROTECTION OF ANIMALS ORDINANCE

### Non-authoritative Consolidated Text

This is not an authoritative 'revised edition' for the purposes of the Revised Edition of the Laws Ordinance; it has been prepared under the supervision of the Attorney General for the purpose of enabling ready access to the current law, and specifically for the purpose of being made accessible via the internet.

Whilst it is intended that this version accurately reflects the current law, users should refer to the authoritative texts in case of doubt. Enquiries may be addressed to the Attorney General at Essex House, Jamestown [Telephone (+290) 2270; Fax (+290) 2454; email [pa.lawofficers@legallandlands.gov.sh](mailto:pa.lawofficers@legallandlands.gov.sh)]<sup>1</sup>

Visit our [LAWS page](#) to understand the St. Helena legal system and the legal status of this version of the Ordinance.

This version contains a consolidation of the following laws—

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Ordinance 6 of 1969 .. in force 5 March 1969	
Amended by Ord. 9 of 1972	
Amended by Ord. 13 of 1972	
Amended by Ord. 1 of 2001	
Gazette Notice No. 63 of 1 July 2011	

No Subsidiary Legislation has been made under this Ordinance

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<sup>1</sup> These contact details may change during 2011 or early in 2012. In case of difficulty, email [shgwebsite@sainthelena.gov.sh](mailto:shgwebsite@sainthelena.gov.sh) or telephone (+290) 2470.

## CHAPTER 76

## PROTECTION OF ANIMALS ORDINANCE

## ARRANGEMENT OF SECTIONS

## SECTION

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## CHAPTER 76

## PROTECTION OF ANIMALS ORDINANCE

*(Ordinances 6 of 1969, 9 of 1972, 13 of 1972 and 1 of 2001)*

AN ORDINANCE TO PROTECT DOMESTIC AND CAPTIVE ANIMALS AGAINST CRUELTY.

**Commencement**

*[5 March 1969]*

**Short title**

1. This Ordinance may be cited as the Protection of Animals Ordinance.

**Interpretation**

2. (1) In this Ordinance, unless the context otherwise requires—
  - “**animals**” means any domestic or captive animal;
  - “**bovine animal**” includes any bull, cow, bullock, heifer, calf, steer, or ox;
  - “**captive animal**” means any animal (not being a domestic animal) of whatsoever kind or species, and whether a quadruped or not, including any bird, fish or reptile, which is in captivity, or confinement, or which is maimed, pinioned, or subjected to any appliance or contrivance for the purpose of hindering or preventing its escape from captivity or confinement;
  - “**cat**” includes a kitten;
  - “**dog**” includes any bitch, sapling or puppy;
  - “**domestic animal**” means any horse, ass, mule, bull, sheep, pig, goat, dog, cat or fowl, or any other animal of whatsoever kind or species, and whether a quadruped or not which is

tame or which has been or is being sufficiently tamed to serve some purpose for the use of man;

“**fowl**” includes any cock, hen, chicken, capon, turkey, goose, gander, duck, drake, guinea fowl, peacock, peahen, swan or pigeon;

“**goat**” includes a kid;

“**horse**” includes any mare, gelding, pony, foal, colt, filly or stallion;

“**pig**” includes any boar, hog, or sow;

“**sheep**” includes any ram, ewe or lamb.

(2) The occupier of any house or premises where a dog or cat is kept or permitted to live or remain at any material time shall be presumed to be the owner or keeper of the dog or cat for the purposes of this Ordinance unless he proves that at the material time he was not the owner or keeper of the dog or cat:

Provided that where there are more occupiers than one in any house or premises let in separate apartments or lodgings or otherwise, the occupier of that part of the house or premises in which a dog or cat has been kept or permitted to live or remain at the material time shall be presumed to be the owner or keeper of the dog or cat.

### Offences of cruelty

3. (1)<sup>2</sup> If any person—

- (a) shall cruelly beat, kick, ill-treat, over-ride, over-drive, over-load, torture, infuriate or terrify any animal, or shall cause or procure, or, being the owner, permit any animal to be so used, or shall, by wantonly or unreasonably doing or omitting to do any act, or causing or procuring the commission or omission of any act, cause any unnecessary suffering, or, being the owner, permit any unnecessary suffering to be so caused to any animal; or
- (b) shall convey or carry, or cause or procure, or, being the owner, permit to be conveyed or carried, any animal in such manner or position as to cause that animal any unnecessary suffering; or
- (c) shall wilfully, without any reasonable excuse or cause, administer, or cause or procure, or, being the owner, permit, such administration of, any poisonous or injurious drug or substance to any animal, or shall wilfully, without any reasonable excuse or cause, cause any such substance to be taken by any animal; or
- (d) shall subject, or cause or procure, or, being the owner, permit, to be subjected, any animal to any operation which is performed without due care and humanity; or
- (e) being the owner (or having charge or control) of any animal, shall, without reasonable cause or excuse, abandon it, whether permanently or not, in circumstances likely to cause it any unnecessary suffering, or shall cause or procure (or, being the owner, permit) it to be so abandoned,

such person shall be guilty of an offence of cruelty within the meaning of this Ordinance, and shall be liable on conviction to a fine not exceeding £200 or to imprisonment for a term not exceeding six months or to both such fine and imprisonment.

(2) For the purposes of this section, an owner shall be deemed to have permitted cruelty within the meaning of this Ordinance if he shall have failed to exercise reasonable care and supervision in respect of the protection of the animal therefrom:

Provided that where an owner is convicted of permitting cruelty within the meaning of this Ordinance by reason only of his having failed to exercise such care and supervision, he shall not be liable to imprisonment without the option of a fine.

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<sup>2</sup> Section 3(1) amended by Ord. 1 of 2001

### **Power of court to order destruction of animals**

4. Where the owner of an animal is convicted of an offence of cruelty within the meaning of this Ordinance, it shall be lawful for the court, if the court is satisfied that it would be cruel to keep the animal alive, to direct that the animal be destroyed and to assign the animal to any suitable person for that purpose; and the person to whom the animal is so assigned shall, as soon as possible, destroy such animal, or cause or procure such animal to be destroyed in his presence, without unnecessary suffering.

### **Power of court to deprive person convicted of cruelty of ownership of animal**

5. If the owner of any animal shall be guilty of cruelty within the meaning of this Ordinance to the animal, the court, upon his conviction thereof, may, in addition to any other punishment, deprive such person of the ownership of the animal, and may make such order as to the disposal of the animal as the court thinks fit under the circumstances:

Provided that no order shall be made under the provisions of this section unless it is shown by evidence as to a previous conviction, or as to the character of the owner, that the animal, if left with the owner, is likely to be exposed to further cruelty.

### **Power to disqualify persons convicted of cruelty to animals**

6.<sup>3</sup> (1) Any court before which a person is convicted under this Ordinance of an offence of cruelty to an animal may, upon proof of his having been previously convicted under this Ordinance for an offence of cruelty to an animal, in addition to or in substitution for any other punishment, order him to be disqualified, for such period as the court thinks fit, for keeping or having custody of any animal whatsoever or of any animals of the kinds specified in the order:

Provided that in the case of conviction of cruelty to a dog—

- (a) it shall not be necessary to prove conviction of a previous offence of cruelty to any animal;
- (b) the order of disqualification shall be deemed to include disqualification for holding or obtaining a dog licence issued under the Dogs and Cats Ordinance.<sup>4</sup>

(2) A court which has ordered the disqualification of a person in pursuance of the provisions of this section may suspend the operation of the order—

- (a) for such period as the court thinks necessary for enabling arrangements to be made for the custody of any animal or animals to which the disqualification relates; or
- (b) pending an appeal.

(3) A person who is disqualified by virtue of an order under the provisions of this section may, at any time after the expiration of twelve months from the date of the order, and from time to time apply to the court by which the order was made to remove the disqualification, and on any such application the court may, having regard to the character of the applicant and his conduct subsequent to the order, the nature of the offence of which he was convicted, and any other circumstances of the case, either—

- (a) direct that, as from such date as may be specified in the direction, the disqualification be removed or the order so varied as to apply only to animals of a kind specified in the direction; or
- (b) refuse the application:

<sup>3</sup> Section 6 amended by Ord. 1 of 2001

<sup>4</sup> Cap. 163

Provided that where on an application under the provisions of this section the court directs the variation of the order or refuses the application, a further application thereunder shall not be entertained if made within twelve months after the date of the direction or, as the case may be, the refusal.

(4) If a person keeps or has custody of any animal in contravention of an order made under the provisions of this section, or being disqualified, under such an order, for holding a dog licence, applies for such a licence, he shall be liable on conviction to a fine not exceeding £200 or to imprisonment for a term not exceeding three months or to both such fine and imprisonment.

### Poisoned grain etc.

7.<sup>5</sup> If any person shall knowingly put or place, or cause any person to put or place, or knowingly be a party to the putting or placing, in or upon any land or building any poison, or any fluid or edible matter (not being sown seed or grain) which has been rendered poisonous, such person shall be guilty of an offence and shall be liable on conviction to a fine not exceeding £200:

Provided that in any proceedings under the provisions of this section it shall be a defence that the poison was placed by the accused for the purpose of destroying rats, mice or other small vermin, and that he took all reasonable precautions to prevent access thereto of dogs, cats, fowls or other domestic animals.

### Injured animals

8. If the Chief of Police<sup>6</sup> finds, or is notified of the existence of, any animal which in his opinion is so diseased or so severely injured that it would be cruel to let it live, and if he is unable readily to obtain the confirming opinion of a veterinary surgeon in this respect, it shall be lawful for him, or for any police officer acting under his direction, to slaughter (or procure the slaughter of) such animal, without the consent of its owner, in such manner as to cause it the minimum amount of suffering.

### Operations on animals

9. (1)<sup>7</sup> If any person, not being a qualified veterinary surgeon or an authorised person performs on any animal any operation to which this section applies, such person shall be guilty of an offence and shall be liable on conviction to a fine not exceeding £50 or to imprisonment for a term not exceeding six months or to both such fine and imprisonment.

(2) This section applies to any operation with or without the use of instruments which involves interference with the sensitive tissues or bone structure of an animal, other than—

- (a) the making of injections or extractions by means of a hollow needle; or
- (b) an operation included in the Schedule to this Ordinance.

(3)<sup>8</sup> In this section the expression “authorised person” means, in relation to an animal on which one of the operations to which this section applies is to be performed, a person designated in writing as such by the Chief Agricultural and Natural Resources Officer<sup>9</sup>, or by the Committee of the St. Helena Branch of the Royal Society for the Prevention of Cruelty to

<sup>5</sup> Section 7 amended by Ord. 1 of 2001

<sup>6</sup> Gazette Notice No. 63 of 1 July 2011: Title changed to Director of Police

<sup>7</sup> Section 9(1) amended by Ord. 9 of 1972

<sup>8</sup> Section 9(3) inserted by Ord. 13 of 1972

<sup>9</sup> Gazette Notice No. 63 of 1 July 2011: Title changed to Director of Agriculture and Natural Resources

Animals with the approval of the Chief Agricultural and Natural Resources Officer, to perform such an operation on animals of a species to which the animal concerned belongs, for the purposes of the control or the welfare of animals generally or of the species so specified.

### **Court may require production of animal for inspection**

**10. (1)** Where proceedings are instituted under the provisions of this Ordinance, the court may issue a summons directed to the owner of the animal requiring him to produce either at, or at any time before, the hearing of the case, as may be stated in the summons, the animal for the inspection of the court, if such production is possible without cruelty.

**(2)** Where a summons is issued under the provisions of subsection (1) and the owner fails to comply therewith without satisfactory excuse, he shall be liable on conviction to a fine not exceeding £5 on the first occasion, and not exceeding £10 for the second or any subsequent occasion, on which he so fails.

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## **SCHEDULE**

*(Section 9(2))*

### **EXCEPTED OPERATIONS**

1. The rendering in emergency of first aid for the purpose of saving life or relieving pain.
2. The docking of the tail of a dog before its eyes are open.
3. The amputation of the dew claws of a dog before its eyes are open.
4. The castration of a male animal specified in the first column of the following table, before it has reached the age specified in the second column, and by the method (if any) specified in the third column, that is to say—

ANIMAL	AGE IN MONTHS	METHOD
dog	3	—
goat	3	—
cat	6	—
pig	3	—
horse	12	bloodless castrator
ass	30	"
mule	30	"
bull	12	"
sheep	12	"

5. Any minor operation which, by reason of its quickness or painlessness, is customarily performed without an anaesthetic.
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