



ST HELENA

REVISED EDITION OF THE LAWS, 2017

ENVIRONMENT AND NATURAL RESOURCES

PROTECTION OF ANIMALS ORDINANCE, 1969¹

*Ordinance 6 of 1969
In force 5 March 1969*

Amended by Ordinances 9 of 1972, 13 of 1972, 1 of 2001

No subsidiary legislation to 1 November 2017

PROTECTION OF ANIMALS ORDINANCE, 1969

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AN ORDINANCE to protect domestic and captive animals against cruelty.

Short title

1. This Ordinance may be cited as the Protection of Animals Ordinance, 1969.

Interpretation

2. (1) In this Ordinance, unless the context otherwise requires—
“**animal**” 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

¹ Under section 10 of the Revised Edition of the Laws Ordinance, 1999 this text is authoritative and is the sole authentic edition in respect of the law contained in it as at 1 November 2017.

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 is, subject to subsection (3), presumed to be the owner or keeper of the dog or cat for the purposes of this Ordinance unless the occupier proves that at the material time the occupier was not the owner or keeper of the dog or cat.

(3) If 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 is presumed to be the owner or keeper of the dog or cat.

Offences of cruelty

3. (1) It is an offence of cruelty within the meaning of this Ordinance for a person —

- (a) cruelly to beat, kick, ill-treat, over-ride, over-drive, over-load, torture, infuriate or terrify any animal;
- (aa) to cause or procure, or, being the owner, permit any animal to be so used;
- (ab) by wantonly or unreasonably doing or omitting to do any act, or causing or procuring the commission or omission of any act, to cause any unnecessary suffering, or, being the owner, to permit any unnecessary suffering to be so caused to any animal;
- (b) to 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;
- (c) wilfully, without any reasonable excuse or cause, to administer, or cause or procure, or, being the owner, to permit, such administration of, any poisonous or injurious drug or substance to any animal;
- (ca) wilfully, without any reasonable excuse or cause, to cause any such substance to be taken by any animal;
- (d) to 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;
- (e) being the owner (or having charge or control) of any animal, without reasonable cause or excuse, to abandon it, whether permanently or not, in circumstances likely

to cause it any unnecessary suffering;

(f) to cause or procure (or, being the owner, permit) any animal to be so abandoned.

Penalty (subject to subsection (2(b))): A fine of £200 or imprisonment for 6 months, or both.

(2) For the purposes of this section -

- (a) an owner is deemed to have permitted cruelty within the meaning of this Ordinance if the owner has failed to exercise reasonable care and supervision in respect of the protection of the animal from such cruelty;
- (b) if an owner is convicted of permitting cruelty within the meaning of this Ordinance by reason only of having failed to exercise such care and supervision, the owner is not liable to imprisonment without the option of a fine.

Power of court to order destruction of animals

4. If the owner of an animal is convicted of an offence of cruelty within the meaning of this Ordinance -

- (a) the court may, if satisfied that it would be cruel to keep the animal alive, direct that the animal be destroyed and assign the animal to any suitable person for that purpose; and
- (b) the person to whom the animal is so assigned must, as soon as possible, destroy the animal, or cause or procure it to be destroyed in the person's presence, without unnecessary suffering.

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

5. (1) If the owner of an animal commits an offence of cruelty to the animal the court may on conviction, in addition to imposing any other penalty, subject to subsection (2) -

- (a) deprive the person of the ownership of the animal; and
- (b) make any order as to the disposal of the animal the court thinks fit under the circumstances.

(2) No order may be made under subsection (1) 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. (1) Any court before which a person is convicted under this Ordinance of an offence of cruelty to an animal may, upon proof of the owner 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 the owner to be disqualified, for a period the court thinks fit, for keeping or having custody of any animal whatsoever or of any animals of the kinds specified in the order.

(1A) In the case of conviction of cruelty to a dog—

- (a) it is not necessary to prove conviction of a previous offence of cruelty to any animal;
- (b) the order of disqualification is deemed to include disqualification for holding or obtaining a dog licence issued under the Dogs and Cats Ordinance, 2011.

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

- (a) for a period 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 this section may, at any time after the expiration of 12 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 or her conduct subsequent to the order, the nature of the offence of which the applicant was convicted, and any other circumstances of the case, either—

- (a) direct that, as from a date 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.

(3A) If on an application under subsection (3) the court directs the variation of the order or refuses the application, a further application under that subsection must not be entertained if made within 12 months after the date of the direction or, as the case may be, the refusal.

(4) It is an offence for a person -

- (a) to keep or have in the person's custody any animal in contravention of an order made under this section; or
- (b) being disqualified under such an order for holding a dog licence, to apply for such a licence.

Penalty: A fine of £200 or imprisonment for 3 months, or both.

Placing of poison, etc.

7. (1) Subject to subsection (2), it is an offence for a person to -

- (a) knowingly put or place;
- (b) cause any person to put or place; or
- (c) knowingly be a party to the putting or placing,

in or upon any land or building any poison, or any fluid or edible matter (other than sown seed or grain) which has been rendered poisonous.

Penalty: A fine of £200.

(2) In any proceedings against a person for an offence under subsection (1) it is a defence that -

- (a) the poison was placed by the person for the purpose of destroying rats, mice or other small vermin; and
- (b) the person took all reasonable precautions to prevent access to the poison of dogs, cats, fowls or other domestic animals.

Injured animals

8. If the Director of Police -

- (a) finds, or is notified of the existence of, any animal which in his or her opinion is so diseased or so severely injured that it would be cruel to let it live; and
- (b) is unable readily to obtain the confirming opinion of a veterinary surgeon in this respect,

the Director of Police, or any police officer acting under his or her direction, may slaughter (or procure the slaughter of) the animal, without the consent of its owner, in a manner that causes it the minimum amount of suffering.

Operations on animals

9. (1) A person other than a qualified veterinary surgeon or an authorised person who performs on any animal any operation to which this section applies commits an offence.

Penalty: A fine of £50 or imprisonment for 6 months, or both.

(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) 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 Director of Agriculture and Natural Resources, or by the Committee of the St Helena Branch of the Royal Society for the Prevention of Cruelty to Animals with the approval of the Director of Agriculture and Natural Resources, 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) If proceedings are instituted under this Ordinance, the court may issue a summons directed to the owner of the animal requiring the owner to produce either at, or at any time before, the hearing of the case, as stated in the summons, the animal for the inspection of the court, if such production is possible without cruelty.

(2) If a summons is issued under subsection (1) and the owner, without satisfactory excuse, fails to comply with it, the owner commits an offence.

Penalty: A fine of £5 for a first offence, and a fine of £10 for a second or any subsequent offence.

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—

| <u>Animal</u> | <u>Age in months</u> | <u>Method</u> |
|---------------|----------------------|---------------------|
| 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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