



CHAPTER 3.11

ANIMALS ACT

Revised Edition

Showing the law as at 31 December 2005

This is a revised edition of the law, prepared by the Law Revision Commissioner under the authority of the Revised Edition of the Laws Act.

This edition contains a consolidation of the following laws—

ANIMALS ACT

Act 25 of 2003 in force 1 January 2004 (S.I.73/2003)

Amended by Act 27 of 2005 in force 21 November 2005

CHAPTER 3.11

ANIMALS ACT

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CHAPTER 3.11

ANIMALS ACT

(Act 25 of 2003)

AN ACT to provide for the prevention of cruelty to animals, the seizure and impounding of stray animals, the proper control of animals and for related matters.

Commencement [1 January 2004]

PART 1 PRELIMINARY

1. SHORT TITLE

This Act may be cited as the Animals Act.

2. INTERPRETATION

In this Act—

“**animals**” includes—

- (a) domestic animals;
- (b) a carcass of an animal; and
- (c) an egg, embryo, ovum, sperm or other product of an animal from which another animal could be produced;

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

“**authorised person**” means a police officer or any other person authorised by the Minister in writing; (*Amended by Act 27 of 2005*)

“**captive animal**” means any non-domestic animal of whatsoever kind of 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;

“**carcass**” means the carcass of any animal, and includes any part of the carcass or of the meat, bones, hide, skin, hoofs, horns, offal or other part of an animal;

“**cattle**” includes bulls, cows, oxen, heifers and calves;

“**communicable animal disease**” means a disease determined by the Chief Veterinary Officer to be a communicable disease;

“**court**” means the district court;

“**dangerous dog**” means any dog over 20kg with a propensity to attack humans or domestic animals without provocation and includes but is not limited to—

- (a) fighting dogs;
- (b) dogs, such as, Dobermans, Rottweilers, Ridgebacks, Akitas, Bullmastiffs, Mastiffs, German Shepherds; and
- (c) any dog designated a dangerous dog by the Minister of local government by order published in the Gazette;

“**domestic animal**” includes any cattle, horse, mare, gelding, steer, mule, ass, sheep, lamb, hog, pig, goat, cat, dog, fowl, guinea fowl, pigeon or any other animal, whether of the kind or species particularly mentioned or of any kind or species or 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;

“**fighting dogs**” means any dog selected and bred over time for fearlessness and brute force in fighting;

“**Minister**” means the Minister responsible for agriculture except where the Act specifically designates another Minister;

“**National Conservation Authority**” means the National Conservation Authority established under section 4 of the National Conservation Authority Act;

“**owner**” means a person who owns or is otherwise in possession of an animal or in charge of the animal;

“**poundkeeper**”, in relation to a pound, means the poundkeeper for that pound;

“**public place**” means any street, road or other place, whether or not enclosed, to which the public have or are permitted to have access whether for payment or otherwise and includes the common parts of premises containing 2 or more separate dwellings;

“**ranger or warden**” means a person appointed as such under section 6 of the National Conservation Authority Act;

“**veterinary surgeon**” means a veterinary surgeon registered under the Veterinary Surgeons Act or any enactment replacing it.

PART 2 CRUELTY TO ANIMALS

3. ILL-TREATING ANIMALS

- (1) A person who—
 - (a) wantonly and cruelly beats, ill-treats, starves, over-loads, abuses, tortures, infuriates, teases, terrifies or causes unnecessary mutilation or suffering to any animal; or
 - (b) otherwise maltreats or causes or procures to be cruelly beaten, ill-treated, starved, over-loaded, abused, tortured or otherwise maltreated an animal; or
 - (c) permits any animal to be infuriated, teased, terrified, or caused any unnecessary suffering; or
 - (d) without any reasonable cause administers or causes any poisonous or injurious drug or substance to be taken by any animal;

commits an offence and is liable on summary conviction to a fine of \$1,000 in respect of each animal mentioned in the charge.

- (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.

4. OPERATION ON ANIMALS

- (1) Any person who, being the owner of an animal, permits the animal to undergo an operation which is performed without due care and in a humane manner commits the offence of cruelty to the animal.
- (2) Where an operation is performed on an animal and the operation affects sensitive tissues or bone structure and is performed without the use of an anaesthetic, the operation is performed without due care and in a humane manner and constitutes an offence of cruelty to the animal.
- (3) The following operations are exceptions to the operation referred to in subsection (2)—
 - (a) performing injections or extractions using a hollow needle;
 - (b) the rendering of first aid in emergency cases for the purpose of saving the life of the animal or for relieving pain;
 - (c) the docking of a dog's tail, cropping of a dog's ears, or the amputation of its dew claws, before its eyes are open;
 - (d) the castration of a sheep under the age of 3 months, or of a bull, goat or pig under the age of 2 months, except by the use of a rubber ring or other device to construct the flow of blood to the scrotum, unless applied within the first week of life; and
 - (e) any minor operation performed by a veterinary surgeon which by reason of its quickness or painlessness is customarily performed without an anaesthetic.
- (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 lambs' tails by the use of a rubber ring unless applied in the first week of the lamb's life; or
 - (c) the docking of the tails of pigs less than 7 days old.

5. TETHERING AND ABANDONMENT OF ANIMALS

- (1) Any person who ties or keeps an animal in conditions or in a manner that is likely to cause that animal unnecessary suffering commits an offence and is liable on summary conviction to a fine of \$500.
- (2) Any person who is the owner of an animal, and who without reasonable cause or excuse abandons the animal or permits the animal to be abandoned and in circumstances likely to cause the animal unnecessary suffering, commits an offence and is liable on summary conviction to a fine of \$500.
- (3) An authorised person may seize and take control of an animal that is suffering as a result of a contravention of this section.
- (4) An authorised person referred to in subsection (3) is not 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 an authorised person, an animal is considered to be suffering from serious injury or disease, the authorised person shall solicit the opinion of a registered veterinary surgeon who may authorise the disposal of that animal in such manner as he or she sees fit.

6. BULL-BAITING, DOGFIGHTING, ETC.

- (1) Any person who keeps, uses or manages any premises for the purpose of fighting, training for fighting, or baiting any bull or dog, whether of a domestic or wild nature or permits or causes any such premises to be so used commits an offence and is liable on summary conviction to a fine of \$5,000 and \$100 for every day thereafter he or she keeps, uses or manages that place or permits or causes that place to be so kept, used or managed.
- (2) A 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 or her presence or aids or assists at the fighting or baiting of any bull

or dog commits an offence and is liable on summary conviction to a fine of \$500.

7. USING ANIMALS UNFIT FOR WORK

Any person who works or causes to be worked an 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 \$1,000.

8. COMPENSATION FOR BEATING OR CAUSING DAMAGE

- (1) A person shall not beat, ill-treat, abuse, overload or torture any animal in any way that would cause damage or injury to—
 - (a) any other animal; or
 - (b) any person or property.
- (2) A person who contravenes subsection (1) commits an offence and is liable on summary conviction to pay to the owner of the animal which sustains damage or injury or to the person who sustains the damage or injury, a sum of money by way of compensation, as is ascertained and determined by the court by whom such person is convicted.

9. IMPOUNDED ANIMALS TO BE PROPERLY FED

- (1) A person who impounds, confines 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 met the costs, before the animal is removed, and the costs may be recovered in a summary manner before the court.
- (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—
 - (a) for a first offence, to a fine of \$100; and

- (b) for a continued offence, to a fine of \$50 for every day the offence continues or is repeated.
- (4) All expenses shall be recovered in a summary manner before the court.

10. USING CONDEMNED ANIMALS

Any person who—

- (a) uses, employs, causes or permits to be used or employed any horse or other cattle brought or delivered for the purpose of being destroyed; or
- (b) permits or suffers any horse or other cattle to be employed in any manner of work,

commits an offence and is liable on summary conviction—

- (i) for a first offence, to a fine of \$100, and
- (ii) for a continued offence, to a fine of \$50 for every day for which the horse or other cattle is so used or employed commencing from the day the horse or other cattle is brought or delivered for the purpose of being destroyed.

11. TORTURING ANIMALS REQUIRED FOR FOOD

Any person who—

- (a) tortures or causes unnecessary suffering to any animal which is required to be killed for food or for other necessary purposes or in consequence of accidental injury or incurable disease; or
- (b) 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 \$3,000.

12. CAUSING UNNECESSARY PAIN TO ANIMALS IN TRANSIT

- (1) A person shall not convey or carry or cause 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.

- (2) A person who contravenes subsection (1) commits an offence and is liable on summary conviction to a fine of \$500 for the first offence and a fine of \$1,000 for any subsequent offence and that person shall thereafter be banned from conveying animals.

13. POWER OF ENTRY

- (1) Where an authorised person reasonably suspects that animals are being used or kept in contravention of this Part, he or she may at any reasonable time with a warrant enter and search the premises in the company of a police officer in uniform for the purposes of carrying out his or her functions under this Part.
- (2) Any person who, at any time or in any manner, unlawfully obstructs, hinders, molests, threatens or assaults any authorised person while in the exercise of any power or authority given under this Act or regulations made under it commits an offence and is liable on summary conviction to a fine of \$5,000.

14. OBSTRUCTING POLICE OFFICER

- (1) Where an offence is committed under this Act or regulations made under it and the commission involves a vehicle, it is the duty of the owner of that vehicle to give, if required to so do by an authorised person information that may lead to the identification and apprehension of the driver or person in control of the 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.

PART 3 POUNDS AND POUNDKEEPERS

15. ESTABLISHMENT OF POUNDS

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

16. MANAGEMENT OF POUNDS

The Minister may appoint such number of poundkeepers as are necessary for the purposes of this Act.

17. RECORDS KEPT BY POUNDKEEPERS

A poundkeeper shall keep records for the purposes of—

- (a) identifying the animal impounded;
- (b) describing the owners of the animal and, the persons bringing the animal to the pound;
- (c) describing the condition of the animal impounded;
- (d) specifying the date and time of impounding;
- (e) specifying the moneys due or received in respect of any cattle, sheep or pigs; and
- (f) respecting the disposal of all moneys received by such poundkeeper.

18. ENQUIRY AS TO OWNERSHIP OF ANIMAL IMPOUNDED

- (1) When an animal is brought to any pound, the poundkeeper shall make, and the person who brings the animal to the pound shall answer, all enquiries such as are likely to identify the owner of the animal.
- (2) If a person in answer to any enquiry referred to in subsection (1)—
 - (a) makes a statement which that person knows to be false;
 - (b) recklessly makes a statement which is false; or
 - (c) fails to disclose any information that would identify the owner of the animal,

the person commits an offence and is liable on summary conviction to a fine of \$500.

19. NOTICE TO OWNER OF ANIMAL IMPOUNDED

- (1) Where any animal is impounded, the poundkeeper shall, if he or she obtains sufficient information to enable him or her to identify the owner of the animal, serve notice upon that owner,

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.

- (2) A poundkeeper is entitled to demand, in addition to any fees prescribed for the purposes of the pound, the cost incurred in serving the notice under subsection (1).

20. NOTICE WHERE OWNER OF ANIMAL NOT KNOWN

Where, at the expiration of 48 hours after any animal is impounded, the poundkeeper is unable to ascertain the identity of the owner of the animal, the poundkeeper shall cause a notice of the impounding of the animal to be posted in accordance with regulations made under this Act.

21. COST OF TAKING ANIMAL TO POUND

- (1) A poundkeeper is entitled to demand from the owner of the animal, in addition to any fees prescribed for the purposes of the pound, the cost incurred in taking or sending the animal to the pound.
- (2) The poundkeeper shall pay the cost referred to in subsection (1) to the person who incurred the cost.

22. DISPOSAL OF IMPOUNDED ANIMAL

An animal received into a pound shall be detained until sold under section 23 unless before the time for the sale the fees prescribed and the cost referred to in section 21 are paid.

23. SALE OF IMPOUNDED ANIMAL

- (1) Subject to subsection (2), a poundkeeper may, on such days as he or she thinks fit, put up for sale by public auction any animal which has been detained for more than 4 days, inclusive of the day of seizure, and may sell and deliver the animal to the best bidder, and, if the amount of the bid is not forthwith paid, may put the animal up for sale again. *(Amended by Act 27 of 2005)*

- (2) The poundkeeper shall give 3 days notice published in the Gazette that he or she intends to sell an impounded animal by public auction. (*Amended by Act 27 of 2005*)
- (3) The notice referred to in subsection (2) shall include—
 - (a) details of the location where the animal was found;
 - (b) the number and type of animal;
 - (c) where and how the animal is branded;
 - (d) the sex and colour of the animal and any other descriptive marks;
 - (e) the name of the person who impounded the animal;
 - (f) the time and place of the auction.
- (3a) Notwithstanding subsection (1), an owner of an impounded animal who identifies himself or herself before the sale of the impounded animal shall upon request be given possession of his or her animal, provided that the owner of the impounded animal has paid to the poundkeeper all of the costs pursuant to section 21(1). (*Inserted by Act 27 of 2005*)
- (4) A poundkeeper shall deduct out of the proceeds of the sale referred to in subsection (1)—
 - (a) the costs prescribed under section 21 (1); and
 - (b) the expenses of the sale.
- (5) Subject to subsection (6), the poundkeeper shall pay the balance, if any, of the surplus referred to in subsection (4)—
 - (a) to the owner of the animal; or
 - (b) to the person authorised by the owner, if the owner or the person attends and demands the cost.
- (6) Where the poundkeeper has been notified of any damage caused by the trespass of the animal sold under this section, the poundkeeper shall—
 - (a) pay the surplus or the balance remaining in his or her possession to the clerk of the court in which the pound is situated, to be kept by him or her until the claim for damage has been resolved; or
 - (b) for a period of 6 months after the sale, whichever is the shorter; and if at the end of that period the clerk has in his or her possession any portion of the moneys

received on account of such sale, he or she shall pay the money to the Accountant General.

24. ANIMALS NOT SOLD

Where an animal is offered for sale and a bid is not made for it, or the bid made is, in the opinion of the poundkeeper, trifling or insufficient to defray the costs and charges under this Act, the animal becomes the property of the Crown and may be dealt with in the manner prescribed under section 25.

25. DISPOSAL OF UNSOLD ANIMALS

- (1) Where an animal—
 - (a) is in such a state or condition that it is unfit to be sold; or
 - (b) is suffering from a communicable animal disease,the poundkeeper shall, upon directions from the Chief Veterinary Officer, have such animal shot or otherwise destroyed, and the carcass buried or otherwise disposed of.
- (2) The owner of an animal referred to in subsection (1) shall, in addition to any other sum that he or she is liable to pay to the poundkeeper, pay the costs, charges, and expenses attending such shooting, destruction, burial or disposition.
- (3) Where a lamb, pig, goat, fowl, cattle or any other animal becomes the property of the Crown in the circumstances referred to under section 27, and the animal is proven to be fit by the Chief Veterinary Officer, the animal may be held at the pound and the meat of the animal supplied to hospitals, homes for the aged, childrens' homes or any other such institution.

PART 4 IMPOUNDING

26. ANIMALS IMPROPERLY ON HIGHWAYS

- (1) An animal found—
 - (a) tied, wandering, straying, or lying in such a manner as to cause obstruction, danger, damage or injury to any user of the highway or a public place;

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- (b) on any land adjacent to or adjoining a public way or highway which pose a threat of wandering unto the public way or highway,

may be seized by an authorized person and taken to an animal pound where the animal shall be impounded until its owner claims it and pays all the reasonable expenses incurred in its seizure and confinement, or until it is sold pursuant to section 23.

- (2) The owner of an animal—
 - (a) who allows it to stray or ties or allows it to be tied; or
 - (b) which is otherwise found trespassing,
on or near a highway in a manner that is likely to cause obstruction, damage or injury to any user of the highway commits an offence and is liable on summary conviction to a fine of \$5,000 or to imprisonment for 2 years or both.
- (3) Where an animal cannot be seized or poses immediate danger to users of the public way or highway pursuant to subsection (1)—
 - (a) a police officer in uniform may shoot or immobilize the animal; or
 - (b) an authorized person may immobilize the animal.
- (4) Where an animal is immobilized or shot in accordance with subsection (3)—
 - (a) the owner of the animal, if known, shall be notified by the police and he or she shall remove the animal or the carcass within 4 hours; or
 - (b) the animal or the carcass may be removed by the police and disposed of and the owner may be surcharged for the expense incurred in the removal and disposal.
- (5) The Minister may make regulations concerning the manner of disposal of an animal or a carcass under subsection (4).

(Amended by Act 27 of 2005)

27. ANIMAL TRESPASSING

- (1) The owner or occupier of land, or any person authorised by him or her, may seize the animal found trespassing on that land and may—

- (a) send or take that animal to the nearest pound; or
- (b) request an authorised person to take the animal to a pound,

to be detained and dealt with according to this Act. (*Amended by Act 27 of 2005*)

- (2) The owner or occupier referred to in subsection (1) may secure and keep any animal seized under this section, for any time not exceeding 2 days after the day of seizure before sending the animal to the pound.
- (3) Where an animal has been seized under this section, the owner of the animal or any person lawfully authorised by him or her may, at any time before the animal is received into the pound, pay, to the owner or occupier of the land or any person authorised by him or her, reasonable expenses in respect of the seizure, and the owner or occupier of the land or any person authorised by him or her shall, upon payment being made, deliver the animal to its owner or the person authorised by the owner to make the payment.

28. RESCUING ANIMAL IMPOUNDED

A person who—

- (a) rescues or releases, or attempts to rescue or release, any animal while the animal 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 animal impounded may escape or be unlawfully liberated; or
- (d) obstructs an authorised person or a poundkeeper in the execution of his or her duties,

commits an offence and is liable on summary conviction to a fine of \$5,000.

29. FRAUDULENT IMPOUNDING

A person who drives, leads or entices any animal onto any land or onto any public place, square, or highway, with intent to impound the

animal or to procure the animal to be impounded, commits an offence and is liable on summary conviction to a fine of \$5,000.

30. ILLEGAL IMPOUNDING

- (1) The owner of an impounded animal may give notice in writing to the poundkeeper that he or she intends to institute proceedings in the court against the person who impounds the animal claiming that the impounding was illegal under this Act, or that the rates demanded were excessive.
- (2) An application to institute proceedings under subsection (1) shall be made within 10 days after the date on which the notice referred to in that subsection is given.

PART 5 DANGEROUS DOGS

31. PROHIBITION ON IMPORTATION

- (1) A person shall not import into Saint Lucia a fighting dog, or the semen or embryo of a fighting dog.
- (2) A person who contravenes subsection (1), commits an offence and is liable on summary conviction to a fine of \$5,000 and to imprisonment for 2 years.

32. NEUTERING AND PROHIBITION ON BREEDING

- (1) A person who owns a fighting dog shall ensure that the dog is spayed or neutered by a veterinary surgeon within 3 months of the coming into force of this Act.
- (2) A person shall not—
 - (a) breed or breed from a fighting dog;
 - (b) sell or exchange a fighting dog or offer, advertise or expose a fighting dog for sale or exchange;
 - (c) make or offer to make a gift of a fighting dog or advertise or expose a fighting dog.

- (3) A person who contravenes this section commits an offence and is liable on summary conviction to a fine of \$5,000 and to imprisonment for 2 years.

33. REGISTRATION OF FIGHTING DOGS

- (1) Within 6 months of the coming into force of this Act, every owner of a fighting dog shall register that dog with the Minister of Local Government in the prescribed form, and pay the prescribed registration fee.
- (2) A register of all fighting dogs shall be maintained and shall be open to the public for inspection at all reasonable times.
- (3) A fighting dog shall not be registered unless the owner presents a certificate in the prescribed form verifying that the fighting dog is spayed or neutered.
- (4) Subject to subsection (5), there shall be paid a one time fee of \$500 for each fighting dog registered.
- (5) The registration fee required to be paid under subsection (6) may be varied from time to time by the Minister of Local Government by order published in the Gazette.
- (6) A registration issued in accordance with subsection (1) shall expire on the death of the dog.
- (7) Despite any other written law, all monies received in respect of registration under this Act shall be retained for the purposes of administering this Act.
- (8) With every registration granted under this Act, there shall be—
 - (a) issued free of charge and delivered to the dog's owner or his or her agent a metal label or other badge bearing a registration number in such form as may be prescribed by the Minister of Local Government;
 - (b) branded onto the pinna of the ear of the dog the registration number referred to in paragraph (a) or such other form of identification as may be prescribed by the Minister of Local Government.
- (9) A person who owns a fighting dog shall ensure that—
 - (a) the dog wears a collar at all times; and

- (b) the metal label or badge referred to in paragraph (9)(a) is at all times securely affixed to the collar worn by the dog.
- (10) A person who contravenes this section, removes or defaces the metal label, badge or branded registration number or such other form of identification referred to in subsection (9) commits an offence and is liable on summary conviction to a fine of \$500.

34. MINISTRY TO TAKE CHARGE OF DANGEROUS DOGS

An owner of a dangerous dog who is unable to fulfill the requirements of this Act shall notify the Ministry of Local Government of that fact, transfer possession of the dangerous dog to the Ministry of Local Government whereupon the Ministry of Local Government shall take charge of the dangerous dog, and, where the dangerous dog has not been adopted by a suitable person within a reasonable time, destroy the dangerous dog.

35. PROHIBITION ON OWNERSHIP OF DANGEROUS DOG

- (1) A person under the age of 18 years shall not own a dangerous dog.
- (2) Where a person under the age of 18 years owns a dangerous dog in contravention of this Act any reference to the owner of the dangerous dog in this Act is a reference to the head of the household of which the person under the age of 18 years is a member.
- (3) Where there is no head of household in circumstances referred to in subsection (2), the dangerous dog shall be taken charge of by the Ministry of Local Government and the Ministry of Local Government shall act in accordance with section 34.

36. PROHIBITION FROM CERTAIN PLACES

- (1) Except for the purposes of compliance with subsection 32(1), a person who owns a dangerous dog shall keep that dog under proper control in his or her private premises.
- (2) A person who keeps a dangerous dog on premises that accommodates more than one household shall ensure that the other households may use the premises free from fear of attack by the dangerous dog.

- (3) A person who contravenes subsection (1) commits an offence and is liable on summary conviction to a fine of \$500.
- (4) A person who contravenes subsection (2) commits an offence and is liable on summary conviction to a fine of \$1,000.
- (5) If the owner of a dangerous dog allows it to enter private premises where it is not permitted to be and the dog injures any person, the owner commits an offence and is liable on summary conviction to a fine of \$5,000.
- (6) Where a dangerous dog enters onto private premises and the owner or occupier of those premises has reasonable grounds for apprehension that the dog may attack and injure any person that owner or occupier may take all steps to prevent attack and injury to a person including destroying the dog.

37. TRANSPORTATION OF DANGEROUS DOG

- (1) An owner of a dangerous dog who transports his or her dog from its usual place of residence, or appears in any public place with his or her dog, shall ensure that the dog is—
 - (a) securely fitted with a muzzle sufficient to prevent it from biting any person;
 - (b) securely held on a lead by a person who is not less than 18 years old and who is capable of controlling the dog.
- (2) A person who contravenes subsection (1) commits an offence and is liable on summary conviction to a fine of \$500.

38. OBLIGATION TO SECURE PREMISES

- (1) A person who owns a dangerous dog shall ensure that the premises on which that dog is kept are secured by a fence or wall of a suitable height and that such fence or wall is so constructed and maintained as to prevent the escape of the dog.
- (2) For the purpose of this section, fence or wall includes a gate.
- (3) A person who contravenes this section commits an offence and is liable on summary conviction—
 - (a) for a first offence, to a fine of \$500; and
 - (b) for a continued offence, to a fine of \$50 for each day thereafter that the offence continues.

- (4) Where a person is charged with an offence under this section, the onus of proof lies on that person to show that he or she complied with the requirements of subsection (1).

39. OBLIGATION NOT TO ABANDON DANGEROUS DOG

- (1) An owner of a dangerous dog shall not abandon the dog.
- (2) A person who contravenes this section commits an offence and is liable on summary conviction to a fine of \$1,000.

40. LIABILITY FOR ESCAPE OF DANGEROUS DOG

- (1) Where a dangerous dog escapes from any premises and causes injury or damage to another person or property, the owner of that dog is liable for the injury or damage caused by that dog.
- (2) Where a dangerous dog injures a person, the owner of the dangerous dog commits an offence and is liable on summary conviction to a fine of \$5,000.
- (3) Where a dangerous dog kills a person or causes the death of a person, the owner of the dangerous dog commits an offence and is liable on summary conviction to a fine of \$20,000.
- (4) Where a dangerous dog injures or kills or causes the death of a person and it is proven that the owner of the dangerous dog knew that the dog had shown a previous propensity to attack, the court may impose a term of 5 years imprisonment on the owner of the dangerous dog.

41. NOTICE

- (1) A person who owns a dangerous dog or keeps a dangerous dog on his or her premises shall cause to be displayed in a prominent place on the premises, a notice indicating that there is a dangerous dog on the premises.
- (2) A person who contravenes this section commits an offence and is liable on summary conviction to a fine of \$500.

42. INCITING A DANGEROUS DOG TO ATTACK A PERSON

- (1) Despite section 55, a person who incites a dangerous dog to attack another person commits an offence and is liable, in addition to any other penalties he or she may incur under this Act, on summary conviction to a fine of \$5,000.
- (2) It is a defence for a person charged with an offence under this section to establish that the other person was committing or had an intention of committing a criminal offence.

43. SEIZURE AND DESTRUCTION

An authorised person may seize or destroy in a humane manner a dangerous dog or a dog which appears to him or her to be a dangerous dog which is in a public place or in a place where it is not permitted to be.

44. EXEMPTION

- (1) Any reference in this Act to an owner of a dangerous dog does not include a veterinary surgeon who keeps a dangerous dog in a professional capacity.
- (2) Despite subsection (1), a veterinary surgeon is liable for any damage caused by a dangerous dog in his or her charge.

45. IMPOUNDING OR DESTRUCTION OF DANGEROUS DOG FOR NON-COMPLIANCE

- (1) Where an owner of a dangerous dog has not fulfilled a requirement in respect of a dangerous dog under this Act, the Ministry of Local Government shall impound the dog until the requirement is fulfilled.
- (2) Where 7 days after notice for fulfilling a requirement under this Act has elapsed the Ministry of Local Government shall inform the owner of the dangerous dog referred to in subsection (1) of that fact.
- (3) Where an owner of a dangerous dog has still not fulfilled the requirements 3 days after receiving notice under subsection (2) the Ministry of Local Government shall destroy the dangerous dog.

46. CIVIL ACTIONS

- (1) This Act does not prevent a person from bringing an action under any other law in respect of any injury inflicted by a dangerous dog.
- (2) The common law principle of scienter shall not apply where an action is brought under any other law.

**PART 6
OFFENCES****47. ANIMALS ENDANGERING PERSONS OR PUBLIC PROPERTY**

- (1) A person shall not commit any of the following nuisances—
 - (a) keep any animal at any public place as to cause damage to the lands, crops, animals, goods, or as to cause material interruption to lawful business or occupations, or to materially affect the value of property;
 - (b) keep any animal or permit the animal to be at large to cause damage to public property.
- (2) A person who commits an offence under subsection (1) is liable on summary conviction—
 - (a) for a first offence, to a fine of \$1,000; and
 - (b) for a continued or repeated offence, to a fine of \$5,000.
- (3) A person shall not—
 - (a) being the owner of an animal, drive or allow the animal to be driven on and along a public way in such numbers or in such manner as to endanger the safety of other users of the public way;
 - (b) drive or lead any animal in a public way or public place, without proper and sufficient supervision.
- (4) A person who commits an offence under subsection (3) is liable, on summary conviction to a fine of \$500.
- (5) Regulation 50 of the Motor Vehicles and Road Traffic Regulations No. 20 of 1995 is revoked.

48. ANIMAL FASTENED ON FOOTPATH

A person who—

- (a) fastens any horse or other animal in a manner that it can or does stand across or upon any footpath;
- (b) leads, drives or rides a horse or other animal along any footpath;
- (c) by means of any horse or other animal wilfully obstructs a public way, or wilfully causes any obstruction in a public footpath, or other public road,

commits an offence and is liable on summary conviction to a fine of \$500.

49. ANIMAL RIDDEN, LED OR DRIVEN ON PLACE NOT OPEN TO ANIMALS

- (1) A person shall not without permission or excuse ride, lead, or drive an animal along, or across or on to any promenade or other part of any public square or across, along or on to any public place not open to animals.
- (2) A person who contravenes subsection (1) commits an offence and is liable on summary conviction to a fine of \$500.
- (3) Where a person is charged with an offence under subsection (1) the onus of proof lies on that person to show that he or she complied with the requirements of this section.

50. ANIMAL RIDDEN IN PUBLIC WAY

- (1) A person shall not—
 - (a) in any public way, ride any horse or other animal so as to endanger the life or limb of any user of the public way; or
 - (b) pass or turn any horse or other animal on any public way, or cross any public way at a rapid or dangerous pace.
- (2) A person who contravenes subsection (1) commits an offence and is liable on summary conviction to a fine of \$500.

51. URGING ANIMALS TO ATTACK A PERSON OR ANIMAL

- (1) A person shall not set on or urge an animal to attack, harass or put in fear any person or other animal.
- (2) A person who contravenes subsection (1) commits an offence and is liable on summary conviction to a fine of \$1,000.
- (3) It shall be a defence for a person charged with an offence under this section to establish that the other person was committing or had an intention of committing a criminal offence.

52. RIDING ANIMALS ON THE BEACH CAUSING ANNOYANCE

- (1) A person shall not ride a horse, mule or other animal on any beach or seashore as to cause annoyance to any other person.
- (2) A person who contravenes subsection (1) commits an offence and is liable on summary conviction to a fine of \$1,000.
- (3) An authorised person or a person employed by the National Conservation Authority as a ranger or warden may arrest without a warrant a person who commits an offence specified in subsection (1).

53. ANIMALS ON PRIVATE PROPERTY

- (1) The owner of a horse, mule or cattle shall not permit the animal to—
 - (a) be ridden;
 - (b) run at large; or
 - (c) trespasson private property.
- (2) An owner who contravenes subsection (1) commits an offence and is liable on conviction—
 - (a) for a first offence, to a fine of not less than \$500 and to not more than \$5,000;
 - (b) for the second or subsequent offence, to a fine of not less than \$1,000 and not more than \$5,000.
- (3) For the purposes of this section—

- (a) “**run at large**” means to be found at a place other than the premises of the owner of the animal and not under the control of any person; and
- (b) “**trespass**” means to be on private property or run at large on private property without the permission of the owner of the private property where the animal is found.

PART 7 LEGAL PROCEEDINGS

54. ARREST OF OFFENDERS

- (1) Whenever any person, having charge of any vehicle or any animal is taken into custody, a police officer may take charge of that vehicle or animal and convey the same to a police station.
- (2) Where an animal or a vehicle has been taken into custody under subsection (1) and it is found that neither is the subject of the charge, that animal or vehicle shall be returned to the person entitled to the animal or vehicle.
- (3) An animal which is the subject of the charge 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.

55. ISSUE OF WARRANT

A magistrate who is satisfied by information on oath, that there are reasonable grounds for believing—

- (a) that an offence under this Act is being or has been committed; or
- (b) that evidence of the commission of any such offence is to be found on any premises,

may issue a warrant to an authorised person to enter and search those premises and to seize any dangerous dog or other thing found there which is evidence of the commission of such an offence.

56. DESTRUCTION AND DISQUALIFICATION ORDERS

- (1) Where a person is convicted of an offence under Part 5, the court may—
 - (a) order the humane destruction of the dangerous dog in respect of which the offence was committed; and
 - (b) order the offender to be disqualified, for such period as the court thinks fit, from having custody of a dangerous dog.
- (2) Where a court makes an order under subsection (1)(a), in respect of a dangerous dog owned by a person other than the offender, the owner may appeal against the order.
- (3) A dangerous dog shall not be destroyed under an order under subsection (1)(a)—
 - (a) until the end of the period for giving notice of appeal against the order; and
 - (b) if the notice of appeal is given within that period, until the appeal is determined or withdrawn.
- (4) Where a court makes an order under subsection (1)(a), it may order the offender to pay such sum as the court may determine to be the reasonable expenses incurred in destroying the dangerous dog and in keeping the dangerous dog pending its destruction.
- (5) Where any sum is ordered to be paid by the offender under subsection (4), the offender is liable on conviction to the sum imposed.
- (6) A person who has custody of a dangerous dog in contravention of an order under subsection (1)(b) commits an offence and is liable on summary conviction to a fine of \$5,000.

57. DESTRUCTION OF UNFIT ANIMALS BY ORDER OF COURT

- (1) When any charge is laid before any court for any offence committed under this Act, the court may if it thinks fit, direct that a registered veterinary surgeon be summoned to give evidence on the hearing of the charge.
- (2) Where, in the opinion of a registered 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 court 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 humane manner.

58. APPEAL AGAINST DECISION OF COURT

In case of an appeal from an order of a court 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 cost 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.

59. SUMMONS TO DISCLOSE

(1) Where—

- (a) a person in charge of any animal whose name is unknown contravenes any of the provisions of this Act; and
- (b) such person is not arrested and taken into custody,

it is lawful for the court, upon the complaint of any person who was present when the offence was committed and can identify the animal, to summon the owner of the animal before him or her to disclose the name of the person who was in charge of the animal at the time when the offence was committed, in order that such person may be proceeded against according to law.

(2) Where—

- (a) the owner of the animal refuses or neglects to attend after having been summoned; or
- (b) in case he or she attends but refuses to disclose the name of the person who was in charge of the animal,

the owner commits an offence and is liable to the same penalty that the person who was in charge of the animal, if known, would have been subject and liable to under the provisions of this Act.

60. TAKING AND PLACING IN CUSTODY ANIMAL ON ARREST OF OFFENDER

- (1) Where any person having charge of any animal, is arrested for any offence against the provisions of this Act, it shall be lawful for the person arresting the offender to take charge of the animal, and to deposit the animal in a place of safe custody, as a security for the payment of any necessary expenses which may have been or may be incurred in taking charge of and keeping the animal.
- (2) It is lawful for the court, before which the case is brought, to order such animal to be sold for the purpose of satisfying such penalty and all such reasonable expenses.

61. POWERS OF COURT

- (1) The court before which a person charged with an offence under this Act appears, may—
 - (a) make an order against the defendant for all bills incurred as a result of the injury or death of the person;
 - (b) make such order for costs and expenses as the court thinks fit;
 - (c) take into consideration before passing sentence, all the circumstances of the case.
- (2) Where the owner of an impounded animal makes an application under section 30, the court may—
 - (a) dismiss the application;
 - (b) find that the impounding was illegal under this Act; or
 - (c) find that the rates demanded were excessive;and may make an order against the defendant for the amount in consequence of the illegal impounding or excessive demand and for the amount of all charges paid by the owner to the poundkeeper, and, may make such order for costs and expenses as the court thinks fit.
- (3) The court may hear and determine an application under section 30 despite any question of title to property or suggestion of right that may be involved.

PART 8

MISCELLANEOUS

62. NON-APPLICATION

This Act shall not apply to—

- (a) registered security personnel;
- (b) members of the Royal Saint Lucia Police Force; and
- (c) other persons employed to guard and protect premises in the execution of their duties.

63. REGULATIONS

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 animals;
- (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.