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THE PREVENTION OF CRUELTY TO ANIMALS ACT

CHAPTER 360

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CHAPTER 360

PREVENTION OF CRUELTY TO ANIMALS ACT

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CHAPTER 360

PREVENTION OF CRUELTY TO ANIMALS ACT

[Date of assent: 31st December, 1962.]

[Date of commencement: 31st December, 1962.]

An Act to make better provision for the prevention of cruelty to animals; to control experiments on animals; and for matters incidental thereto and connected therewith

[Act No. 42 of 1962, Legal Notice 2 of 1964, Act No. 10 of 1969, Act No. 18 of 1979, Act No. 12 of 2012.]

PART I – PRELIMINARY

1. Short title

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

2. Interpretation

In this Act, except where the context otherwise requires—

"anaesthetic" does not include the substance known as urari or curare;

"animal" means a living vertebrate animal including any mammal, bird, reptile, amphibian and fish;

"authorized officer" means a person appointed as an authorized officer under section 36;

"experiment" means any experiment performed on an animal and calculated to give pain, but does not include an operation;

"licensee" means a person licensed under the provisions of section 16;

"operation" means an operation performed on an animal by a person legally permitted to operate for the purposes of—

- (a) saving or prolonging the life of an animal; or
- (b) alleviating the suffering of an animal; or
- (c) the practice of good animal husbandry; or
- (d) enhancing the value or the appearance of the animal;

"owner" includes any person having the charge, custody or control of an animal.

[L.N. 2/1964.]

PART II – OFFENCES IN RELATION TO ANIMALS

3. Acts and omissions which amount to cruelty and penalties therefor

(1) A person shall be guilty of an offence of cruelty if he—

- (a) cruelly beats, kicks, ill-treats, over-rides, over-drives, over-loads, tortures, infuriates or terrifies any animal; or
- (b) uses an animal which is so diseased, injured or in such physical condition that it is unfit to be so used; or
- (c) conveys, carries, confines or impounds an animal in a manner or position as to cause that animal unnecessary suffering; or

- (d) without sufficient cause, starves, underfeeds or denies water to an animal; or
- (e) being the owner of an animal, without reasonable cause or excuse, abandons it, whether permanently or not, in circumstances likely to cause the animal unnecessary suffering; or
- (f) being the owner of an animal, keeps it in a grossly dirty or verminous condition or, without reasonable cause or excuse, fails to procure or administer veterinary treatment or attention for the animal in case of disease, injury or delivery of young; or
- (g) wilfully, without reasonable cause or excuse, administers any poisonous or injurious drug or substance to an animal or causes any such substance to be taken by an animal;
- (h) subjects an animal to veterinary surgery in contravention of the Veterinary Surgeons and Veterinary Para-professionals Act (Cap. 366); or
- (i) subjects an animal to any operation, surgical interference or other treatment which is performed without due care and humanity; or
- (j) being the owner of any animal, fails to have it destroyed where the animal is so seriously injured or diseased that to prolong its life would cause it unnecessary suffering; or
- (k) hunts, kills or destroys any animal in such a manner as to cause that animal more suffering than is necessary; or
- (l) being the owner of any animal, without reasonable cause or excuse, does or omits to do an act which causes unnecessary suffering to the animal.

(2) Any person who causes or procures any animal to be used or treated in contravention of any of the provisions of subsection (1) of this section, shall be guilty of an offence of cruelty.

(3) Any person guilty of an offence of cruelty shall be liable to a fine not exceeding three thousand shillings or to a term of imprisonment not exceeding six months, or to both.

(4) Nothing in subsection (1) of this section shall render illegal—

- (a) the hunting and killing or destruction of any animal under the provisions of the Wildlife (Conservation and Management) Act (Cap. 376), the Rabies Act (Cap.365) or any other written law for the time being in force; or
- (b) subject to the provisions of section 7 of this Act, the coursing and hunting of captive animals;
- (c) subject to the provisions of section 8 of this Act, the slaughtering of any animal; or
- (d) subject to the provisions of section 9 of this Act, the training of any animal; or
- (e) the performance of an operation on an animal under the provisions of the Veterinary Surgeons and Veterinary Para-professionals Act (Cap. 366); or
- (f) subject to the provisions of Part III of this Act, the performance of any experiment on an animal,

where the compliance with any provisions of that subsection would necessarily frustrate the object or purpose of the hunting and killing or destruction, coursing and hunting, slaughtering, training, or the performance of the operation or experiment.

[L.N. 2/1964.]

4. Fighting and baiting of animal an offence

A person who—

- (a) causes, promotes or assists at the fighting or baiting of an animal; or
- (b) keeps, uses, manages, or acts or assists in the management of, premises for the purpose, or partly for the purpose of fighting or baiting any animal, or permits any premises or place to be so kept, managed or used; or
- (c) receives, or causes or procures any person to receive any money for the admission of any person to any premises kept or used for the purpose, or partly for the purpose of fighting or baiting any animal,

shall be guilty of an offence and liable to a fine not exceeding three thousand shillings or to a term of imprisonment not exceeding six months, or to both.

5. Offences relating to poisoned grain and flesh, etc.

(1) A person who—

- (a) sells, or offers or exposes for sale, or gives away, or causes or procures any person to sell or offer or expose for sale or give away, or knowingly is a party to the sale or offering or exposing for sale or giving away of any grain or seed which has been rendered poisonous except for *bona fide* use in agriculture; or
- (b) knowingly puts or places, or causes or procures any person to put or place, or knowingly is 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,

shall be guilty of an offence and shall be liable to a fine not exceeding two hundred shillings.

(2) It shall be a defence to proceedings under paragraph (b) of subsection (1) that the poison was placed for the purpose of destroying insects and other invertebrates, rats, mice and small ground vermin or any other animals where such is found to be necessary in the interests of public health, agriculture, or the preservation of other animals, or for the purpose of manuring the land, and that all reasonable precautions to prevent injury to other animals were taken.

6. Offences relating to the use of traps and other devices

(1) Any person who, for the purpose of capturing or killing an animal—

- (a) uses, or causes or procures to be used, any net, snare, trap or other device so designed as to cause unnecessary suffering to an animal captured or killed thereby; or
- (b) having set, or having caused or procured to be set, any net, snare, trap or other device, fails to inspect or to cause some competent person to inspect, the net, snare, trap or other device at reasonable intervals of time and at least once every day between sunrise and sunset,

shall be guilty of an offence and liable to a fine not exceeding five hundred shillings.

(2) Where any person is convicted of an offence under this section the court may, in addition to any penalty that may be imposed, order any net, snare, trap or other device used by such person for the capturing or killing of any animal to be forfeited.

7. Hunting of injured captive animal an offence

(1) Any person who, for the purpose of coursing or hunting, liberates any captive animal—

- (a) in an exhausted, injured or mutilated condition; or
- (b) in such manner or place as to expose it to immediate attack, or danger of attack, by other animals; or
- (c) in an enclosed space from which it has no reasonable chance of escape,

shall be guilty of an offence and liable to a fine not exceeding two thousand shillings or to a term of imprisonment not exceeding three months, or to both.

(2) For the purposes of this section, a captive animal shall not be deemed to be coursed or hunted before it is liberated for the purpose of being coursed or hunted, or after it has been recaptured, or if it is under control.

8. Cruel slaughtering of animals an offence

(1) Any person who, whether in any slaughterhouse or abattoir or in any place than a slaughterhouse or abattoir, and whether for human consumption or not, slaughters an animal—

- (a) in such a manner as to cause it more suffering than is necessary; or
- (b) in the sight of any another animal awaiting slaughter,

shall be guilty of an offence and liable to a fine not exceeding two thousand shillings or to a term of imprisonment not exceeding three months or to both.

(2) It shall be a defence to proceedings under paragraph (a) of subsection (1) of this section, it shall be a defence for the defendant to prove—

- (a) that at the time of the alleged offence he was of a religious persuasion that prescribed the slaughter of an animal in the manner in which it was slaughtered; and
- (b) that the animal was slaughtered in a place other than a slaughterhouse or abattoir; and
- (c) that the animal was slaughtered for private consumption and that the meat of such animal was not the subject of sale, barter or exchange.

9. Training of animals in cruel manner an offence

(1) A person who, whether for the purposes of the exhibition or not, trains any animal by the cruel infliction of pain or terror, or by the excessive use of a whip, goad or other instrument, or by the application of heat, electrical shock, or other similar appliance or agency, shall be guilty of an offence and liable to a fine not exceeding two thousand shillings or to a term of imprisonment not exceeding three months, or to both such fine and imprisonment.

(2) Where any person is convicted of an offence under this section, the court may, in addition to any penalty that may be imposed, order any whip, goad or other instrument, or appliance used by such person for the training of any animal to be forfeited.

(3) Where it is proved to the satisfaction of a subordinate court on a complaint made by an authorized officer or police officer that the training or exhibition of any animal has been accompanied by cruelty and should be prohibited or allowed subject only to conditions, the court may make an order against the person in respect of whom the complaint is made prohibiting the training or exhibition or imposing such conditions thereon as may be specified by the order.

(4) If any person is aggrieved by the making of an order, or by the refusal to make such an order, he may appeal to the Supreme Court whose decision shall be final.

(5) An order made under this subsection shall not come into force until seven days after it is made, or, if an appeal has been entered within that period, until the determination of the appeal.

(6) For the purpose of this section, "exhibition" means an exhibition and any entertainment to which the public are admitted whether on payment of money or otherwise.

(7) This section shall not apply to the training of any animal for *bona fide* military or police purposes nor to the exhibition of an animal so trained.

10. Prohibition of certain public contests, performances and exhibitions with animals

(1) A person who promotes, or takes part in, or causes or knowingly permits to take place, any public performance which includes an episode consisting of or including—

- (a) throwing or casting, with ropes or other appliances, of any unbroken or untrained animal; or
- (b) riding, or wrestling, fighting or struggling with, any untrained animal; or
- (c) riding, or attempting to ride, any animal which by the use of any appliance or treatment involving cruelty is or has been stimulated with the intention of throwing off the rider,

shall be guilty of an offence and shall be liable to a fine not exceeding two thousand shillings or to a term of imprisonment not exceeding three months, or to both.

(2) For the purposes of proceedings under paragraphs (a) and (b) of subsection (1), if an animal appears or is represented to spectators to be unbroken or untrained it shall lie on the defendant to prove that the animal is in fact broken or trained; and

(3) In proceedings under paragraph (c) of subsection (1) of this section in respect of the use of any such appliance or treatment as is therein mentioned upon an animal before or during a performance, it shall be a defence for the defendant to prove that he did not know, and could not reasonably be expected to know, that the appliance or treatment was to be or was used.

(4) In this section, "public performance" does not include a performance presented to the public by means of the cinematograph.

11. Prohibition of films involving cruelty to animals

(1) No person shall exhibit to the public, nor supply to any person for public exhibition (whether by him or by another person), any cinematograph film if in connexion with the production of the film any scene represented in the film was organized or directed in such a way as to involve the cruel infliction of pain on or terror to an animal or the cruel goading of any animal to fury.

(2) In any proceedings brought under this section in respect of any film, the court may (without prejudice to any other mode of proof) infer from the film as exhibited to the public or supplied for public exhibition, as the case may be, that a scene represented in the film as so exhibited or supplied was organized or directed in such a way as to involve the cruel infliction of pain on or terror to any animal or the cruel goading of any animal to fury, but (whether the court draws the inference or not) it shall be a defence for the defendant to prove that he believed, and had reasonable cause to believe, that no scene so represented was so organized or directed.

(3) Any person who contravenes the provisions of this section shall be guilty of an offence and liable to a fine not exceeding two thousand shillings or to a term of imprisonment not exceeding three months, or to both.

(4) For the purposes of this section, a cinematograph film shall be deemed to be exhibited to the public when, and only when, it is exhibited in a place to which for the time being members of the general public as such have access, whether on payment of money or otherwise, and the expression "public exhibition" shall be construed accordingly.

12. Hawking of animals in cruel manner prohibited

(1) Any person who hawks any animal in such a manner as to cause unnecessary suffering to the animal shall be guilty of an offence and liable to fine not exceeding five hundred shillings.

(2) For the purposes of this section, "hawk" means to carry in any manner for sale, barter or exchange any animal and includes the act of selling or exposing for sale an animal by any person in or at any place in or at which he does not usually reside or carry on business.

PART III – CONTROL OF EXPERIMENTS

13. Experiments only to be performed by licensed persons

Any person, other than a licensee, who performs any experiment shall be guilty of an offence and shall be liable to a fine not exceeding three thousand shillings or to a term of imprisonment not exceeding six months, or to both.

14. Prohibition of performance of experiments subject to certain conditions

(1) A licensee who—

- (a) performs an experiment otherwise than in accordance with the terms of his licence or permit and subject to the restrictions imposed by section 15.
- (b) performs any experiment for the purpose of attaining manual skill; or
- (c) performs any experiment for the purpose of illustrating any lecture at any university, college, hospital, medical school, agricultural college, farm school or any other academic institution unless he is the holder of a teaching permit issued under section 17 of this Act, and, unless the experiment is of a class specified in such permit and is performed in accordance with the terms of the permit,

shall be guilty of an offence.

(2) Any person who aids, or takes part, in the performance of any experiment in contravention of the provisions of subsection (1) of this section shall be guilty of an offence.

(3) Any person guilty of an offence under this section shall be liable to a fine not exceeding two thousand shillings or to a term of imprisonment not exceeding three months, or to both.

[L.N. 2/1964.]

15. Restrictions upon performance of experiments by licensee

(1) Except as otherwise provided in paragraph (c) of subsection (1) of section 14 of this Act, no licensee shall perform any experiment except—

- (a) for the purpose of the advancement by new discovery of physiological knowledge, or of any knowledge which will be useful for saving or prolonging life, or alleviating suffering, or for combating any disease, whether of human beings, animals or plants;
- (b) for the purpose of testing any former discovery alleged to have been made for the advancement of the types of knowledge referred to in paragraph (a);
- (c) by the order in writing of a Judge of the Supreme Court in any where such Judge is satisfied that it is essential for the purpose of justice in a criminal case to make such experiment.

(2) Except as otherwise provided in subsection (3) of this section, no licensee shall perform any experiment unless—

- (a) throughout the whole of the experiment the animal is under the influence of an anaesthetic of sufficient power to prevent the animal feeling pain; and
- (b) if the pain is likely to continue after the effect of the anaesthetic has ceased, or if any serious injury has been inflicted on the animal, the animal is killed before it recovers from the influence of the anaesthetic which has been administered.

(3) The provisions of subsection (2) of this section shall not apply to a licensee who is the holder of a special permit granted under section 18 of this Act in relation to any experiment specified in such special permit.

[L.N. 2/1964.]

16. Grant of licence

(1) The Cabinet Secretary may grant a licence to any person to perform any experiment for any purpose specified in such licence during such period and subject to such conditions in addition to the conditions specified in this Act as he may think fit.

(2) It shall be a condition of a licence granted under this section that any experiment performed pursuant to such licence shall be performed at such place as may be specified in such licence.

(3) It shall be a condition of any licence granted under this section to any person who is not registered under the Veterinary Surgeons and Veterinary Para-professionals Act (Cap. 366) or the Medical Practitioners and Dentists Act (Cap. 253) that any experiment performed pursuant to the licence shall be performed under the supervision or direction of a person duly registered under one or other of the Acts aforesaid.

17. Teaching permits

(1) Where the Cabinet Secretary is satisfied that it is absolutely necessary for the due instruction of persons attending any course of lectures for the purpose

of acquiring physiological knowledge or knowledge which will be used for saving or prolonging life, or alleviating suffering, or for combating any disease whether of human beings, animals or plants, for any such lecture to be illustrated by the performance of an experiment, the Cabinet Secretary may grant to a licensee under this Act a teaching permit to perform any experiment specified in such licence for the purpose of illustrating the lecture.

(2) A teaching permit under this section shall be subject to such conditions, in addition to the conditions specified in this Act, as may be specified in such permit, and such permit shall remain in force for twelve months from the date on which it is granted.

[L.N. 2/1964.]

18. Special permits

(1) Where the Cabinet Secretary is satisfied that the object of any experiment permitted to be performed by a licensee under this Act would necessarily be frustrated—

- (a) by the performance of the experiment under anaesthetic; or
- (b) by killing the animal on which the experiment is performed before it recovers from the influence of an anaesthetic,

he may grant a special permit authorizing the licensee to perform such experiment without administering any anaesthetic to the animal or without killing the animal before it recovers from the influence of the anaesthetic as the case may be.

(2) Any special permit under this section shall specify the period for which it shall remain in force.

[L.N. 2/1964.]

19. Revocation of licence or permit

Every licence or permit granted under this Act may be revoked at any time by the Cabinet Secretary on being satisfied that such licence or permit ought to be revoked.

[L.N. 2/1964.]

20. Records

(1) A licensee shall keep, in such form as may be prescribed, records of all experiments performed by him under a special permit.

(2) A licensee shall permit any person authorized in writing by the Cabinet Secretary to inspect those records at any reasonable hour.

(3) A licensee shall render to the Cabinet Secretary in such form and at such time as may be prescribed such returns as may be required in relation to an experiment performed by him under a special permit.

(4) A licensee who contravenes, or fails to comply with, the provisions of this section shall be guilty of an offence and shall be liable to a fine not exceeding three thousand shillings or to a term of imprisonment not exceeding two months or to both.

21. Inspections

(1) A licensee shall permit a person authorized in writing by the Cabinet Secretary to enter and inspect, for the purpose of ascertaining whether the

provisions of this Act are being complied with, any place specified in any licence for the performance of experiments.

(2) Any person who resists, hinders or obstructs any person authorized under subsection (1) in the exercise of his powers of inspection under this subsection, or conceals any animal with intent to defeat the exercise of such powers of inspection, shall be guilty of an offence and liable to a fine not exceeding one thousand shillings or to a term of imprisonment not exceeding one month, or to both.

(3) For the purposes of this section no person shall be authorized by the Cabinet Secretary unless he is registered under the Veterinary Surgeons and Veterinary Para-professionals Act (Cap. 366) or the Medical Practitioners and Dentists Act (Cap. 253).

[L.N. 2/1964.]

22. Absolute prohibition of public exhibition of experiments

(1) No experiment shall be exhibited to the general public.

(2) Any person who performs or aids in performing an experiment which is exhibited to the general public, whether admitted on payment of money or otherwise, shall be guilty of an offence and liable to a fine not exceeding two thousand shillings or to a term of imprisonment not exceeding three months, or to both.

23. Consent to prosecution

A prosecution under this Part of this Act against a licensee shall not be instituted except by or with the written consent of the Director of Public Prosecutions.

[L.N. 2/1964, Act No. 12 of 2012, Sch.]

PART IV – MISCELLANEOUS AND SUPPLEMENTARY PROVISIONS

24. Liability of owners

(1) A person who, being the owner of an animal, permits the commission of an offence under this Act or against any regulation made thereunder in relation to that animal shall be guilty of that offence and liable to the penalties prescribed therefor.

(2) For the purposes of this section an owner shall be deemed to have permitted the commission of an offence if he fails to exercise reasonable care and supervision in respect of the protection of the animal therefrom provided that, where an owner is convicted of permitting the commission of an offence by reason only of his having failed to exercise reasonable care and supervision, he shall not be liable to imprisonment without the option of a fine.

25. Destruction of injured animals by authorized officer or police officer without consent of owner

(1) If an authorized officer or a police officer of or above the rank of Sub-Inspector finds an animal so diseased or so severely injured or in such a physical condition that in his opinion it ought to be destroyed, he shall, if the owner is absent or refuses to consent to the destruction of the animal at once summon a veterinary surgeon, if any veterinary surgeon is within reasonable distance, or two adult persons, and if such veterinary surgeon or adult persons, after having duly examined the animal, shall give a certificate that the animal is mortally injured or so severely injured or so diseased or in such physical condition that it is cruel to keep it alive, it shall be lawful for such officer, without the consent of the owner to destroy the animal, or cause or procure it to be destroyed, with such instruments or

appliances and with such precautions and such manner as to inflict as little suffering as practicable, and if the destruction takes place on any public road, to remove the carcass or cause it to be removed therefrom.

(2) Where any animal is destroyed in accordance with this section and the owner thereof is absent and cannot be found without unreasonable delay, it shall be lawful for such authorized officer or police officer to take such reasonable steps as are necessary to dispose of the carcass.

(3) A veterinary surgeon summoned under this section certifies that any injured animal can without cruelty be removed, it shall be the duty of the person in charge of the animal to cause it forthwith to be removed with as little suffering as possible, and, if that person fails so to do, or if there is no person in charge of the animal, the authorized officer or the police officer may cause the animal forthwith to be so removed.

(4) Any expenses which may be reasonably incurred by an authorized officer or a police officer in carrying out the provisions of this section may be recovered from the owner summarily as a civil debt.

(5) It shall be a defence to any action or proceeding which may be brought against a person for or arising from the destruction of an animal by such person or with his authority that such animal was so severely injured, or so diseased or in such a physical condition that it would have been cruel to have kept it alive and that to summon an authorized officer or a police officer or veterinary surgeon would have occasioned unreasonable delay and unnecessary suffering to such animal.

[Act No. 10 of 1969, Sch.]

26. Custody of animals pending proceedings

(1) Whenever a person is charged with an offence under this Act or any regulation made thereunder in relation to an animal, a magistrate having jurisdiction in the area which the offence is alleged to have been committed may by order in writing authorize any person to seize that animal and to cause it to be removed to some place of custody, pending the hearing of the charge, if the magistrate is satisfied, from information given on oath, that such seizure and removal are necessary in order to prevent the animal being exposed to further damage, injury or unnecessary suffering.

(2) Upon the conviction of any person of an offence committed in relation to an animal which has been seized and placed in custody under subsection (1) of this section, the court shall, in addition to any penalty that may be imposed, order the person convicted to pay such sum equal to the costs which the court finds to have been incurred in connection with the seizure and custody of that animal and the sum so ordered to be paid shall be recoverable as if it were a fine.

(3) At the conclusion of proceedings in respect of an offence committed in relation to an animal which has been seized and placed in custody in terms of this section, the said animal may be delivered to the owner thereof or dealt with in such other manner as the court directs.

27. Power of court to order destruction of animals

(1) Where the owner of an animal is convicted of an offence under this Act or against any regulation made thereunder in relation to any animal, 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 assign the animal to any suitable person for that purpose, and the person to whom such animal is so assigned shall, as soon

as possible, destroy the animal, or cause or procure the animal to be destroyed, in his presence, without unnecessary suffering.

(2) Unless the owner assents, no order shall be made under this section except upon the evidence of a veterinary surgeon.

(3) Any reasonable expenses incurred in destroying the animal may be ordered by the court to be paid by the owner, and may be recovered summarily as a civil debt.

28. Power of court to deprive person convicted of offence of ownership of animal

(1) If any person is convicted of an offence under this Act or any regulation made thereunder in relation to any animal, the court may, if it thinks fit, in addition to any other punishment, make an order—

- (a) depriving such person of the ownership of the animal;
- (b) disqualifying such person from owning, possessing or controlling any similar kind, type or class of animal for such period as it thinks fit under the circumstances:

(2) No order shall be made under this section unless the court is satisfied by evidence of a previous conviction for an offence involving cruelty to an animal, or as to the character of the convicted person or by other evidence, that animals owned, possessed or controlled by such person are likely to be exposed to a further offence under this Act.

(3) Where a court makes an order under paragraph (a) of subsection (1) of this section, it may make a further order as to the disposal of the animal and where a court makes an order under paragraph (b) of that subsection, it may stipulate the manner in which and the time within which such person shall be required to dispose of any other animals of a kind, type or class which he may then own, possess or control.

(4) Any convicted person who fails to comply with any provision of any order made by a court under the provisions of this section shall be guilty of an offence and shall be liable to a fine not exceeding three thousand shillings or to a term of imprisonment not exceeding six months or to both.

29. Compensation in certain cases

(1) Where any person, by committing an offence in relation to any animal under section 3, 4, 5, 6, 7, 9 or 10 of this Act, does, or causes to be done, any damage or injury to the animal or to any person or property he shall upon conviction for that offence be liable, upon the application of the owner of the animal or the person who has sustained damage or injury to his person or property, to be ordered to pay as compensation to such owner of the animal or such person, as the case may be, such sum not exceeding six hundred shillings which the court before whom he is convicted may consider reasonable and the sum so ordered to be paid shall be recoverable as if it were a fine.

(2) A person convicted of an offence under this Act or against any regulation made thereunder in relation to any animal shall, upon the application of any person who has incurred expenses in providing necessary veterinary or other treatment, food or shelter or other care or attention for any animal in respect of which such offence was committed, or for caring for such animal until the making of an order by the court for the disposal of animal, be liable to be ordered to pay as compensation to such person such sum not exceeding six hundred shillings which the court finds

to have been reasonably incurred for the purpose aforesaid and the sum so ordered to be paid shall be recoverable as if it were a fine.

(3) Nothing in this section shall—

- (a) prevent the taking of any other legal proceedings in respect of any such damage or injury or expenses incurred, so, however, that a person be not twice proceeded against in respect of the same claim; or
- (b) affect the liability of any person to be proceeded against and punished under this Act for an offence under this Act.

30. Any person authorized to prevent cruelty

If any person has reason to believe that any offence is being or is about to be committed under this Act or against any regulation made thereunder in relation to any animal it shall be lawful, where to summon an authorized officer or a police officer will occasion unreasonable delay and unnecessary suffering to such animal, for such person to take such reasonable steps as are necessary to prevent the commission of such offence.

31. Power to enter and inspect land, premises or vehicle

(1) An authorized officer, on production of his authority, or for any police officer of or above the rank of Sub-Inspector, may enter without warrant and inspect any land, premises or vehicle in or upon which he has reason to believe an offence under this Act or against any regulation made thereunder has been or is about to be committed and may therein—

- (a) seize any animal, vehicle or any other thing which he has reasonable grounds for believing to be evidence of an offence;
- (b) require the owner or occupier of the land or premises or the owner or driver of such vehicle to render such explanation and such information relating to any animal as may be reasonably required by such officer in the performance of his duties:

But no such person may be required to answer any question the answer to which may tend to expose him to any criminal charge, penalty or forfeiture.

(2) The power to act under subsection (1) of this section shall only be exercised without a warrant if the officer so acting has reasonable cause to believe that the delay occasioned in obtaining a search warrant would seriously hinder him in the performance of his duties, and such power shall be exercised only by or under the directions of a police officer of or above the rank of Sub-Inspector unless the person exercising it has reasonable cause to believe that the delay occasioned in summoning such police officer would, or would tend to, defeat the purposes of this section.

(3) Before removing anything under the provisions of paragraph (a) of subsection (1) of this section, the officer removing it shall furnish the person in whose custody or possession the article is at the time of removal with a written receipt therefor.

(4) Every seizure under this section shall be reported without unnecessary delay to a magistrate.

32. Power to seize animal or vehicle

(1) Where a person having charge of a vehicle or animal is apprehended by an authorized officer or a police officer for an offence under this Act or any regulation made thereunder, it shall be lawful for such officer or any other police officer to seize

such vehicle or animal, and to deposit the same in some place of safe custody, until the termination of the proceedings in respect of such offence or until the court directs such vehicle or animal to be delivered to the person charged or the owner thereof, and the reasonable costs of detention, including the reasonable costs of veterinary treatment where such treatment is required, shall, in the event of a conviction in respect of the said animal, be recoverable from the owner as if such costs were a fine.

(2) Where any animal, whether drawing a vehicle or otherwise, shall appear to an authorized officer or police officer to be so diseased or injured as to be unfit for work or to have suffered such ill-treatment as would be an offence under this Act or against any regulation made thereunder it shall be lawful for such officer to detain or seize such animal or vehicle and take charge of and deal with the same in like manner as is provided for under subsection (1) of this section, and the reasonable costs and expenses incurred shall be recoverable in the manner therein provided.

(3) A seizure under this section shall be reported without unnecessary delay to a magistrate.

33. Employers and owners to produce drivers or animals if so required

(1) Where proceedings are instituted under this Act or any regulation made thereunder against the driver or conductor of any vehicle, it shall be lawful for the court to issue a summons directed to the employer of the driver or conductor, as the case may be, requiring him, if it is in his power so to do, to produce the driver or conductor at the hearing of the case.

(2) Where proceedings are instituted under this Act or under any regulation made thereunder it shall be lawful for the court to 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.

(3) Where a summons is issued under either subsection (1) or (2) of this section and the owner or employer, as the case may be, fails to comply therewith without reasonable excuse, he shall be liable to a fine not exceeding three hundred shillings for the first offence and not exceeding six hundred shillings for the second or any subsequent offence on which he so fails, and may be required to pay the costs of any adjournment rendered necessary by his failure.

34. Awards

Where in any proceedings under this Act or against any regulation made thereunder any fine is imposed, the court may award any sum or sums not exceeding half the total fine to the person, not being a public officer, who shall complain, or to such other person as to the court seems fit or proper.

35. Obstruction of authorized officer or police officer

Any person who resists, hinders or obstructs an authorized officer or police officer in the exercise of his powers under this Act or conceals any animal with intent to defeat the exercise of such powers, or who on any requisition under paragraph (b) of subsection (1) of section 31 of this Act wilfully withholds information or gives any information knowing or having reason to believe it to be false or misleading, shall be guilty of an offence and shall be liable to a fine not exceeding three thousand shillings or to a term of imprisonment not exceeding six months or to both.

36. Appointment of authorized officer

The Cabinet Secretary may, after consulting with the East African Society for the Prevention of Cruelty to Animals by notice in the *Gazette*, appoint such persons as he thinks fit to be authorized officers for the purposes of this Act.

[L.N. 2/1964.]

37. Regulations

The Cabinet Secretary may make regulations generally for the better carrying out of the objects of this Act, and more particularly, but without prejudice to the generality of the foregoing, for—

- (a) prescribing and regulating the manner in which animals may be kept;
- (b) the licensing and inspection of boarding establishments for dogs, cats and horses, riding establishments, pet shops and menageries;
- (c) prescribing and regulating the manner in which animals may be transported by land, air, sea or inland waters and the manner in which animals are loaded into or off-loaded from any transport;
- (d) ensuring that animals, whilst being transported, are supplied with adequate food, water and shelter;
- (e) prescribing and regulating the load that may be placed on an, animal, and stating such maximum load, in relation to size, sex or type of animal;
- (f) prescribing and regulating the type of vehicle that may be drawn by any animal;
- (g) prescribing and regulating the manner in which animals shall be slaughtered at slaughter-houses and abattoirs;
- (h) regulating and controlling any form of experiment relating to or connected with an animal;
- (i) providing for the keeping of records of all or any experiments performed by a licensee and for the rendering of returns in relation to any experiments and the inspection thereof;
- (j) prescribing the form of any licence or permit;
- (k) prescribing and regulating the payment and recovery of costs and expenses incurred under this Act or any regulation made thereunder;
- (l) prescribing the persons who and the manner in which persons may be appointed as authorized officers;
- (m) prescribing any fee, matter or thing which is or ought to be prescribed under this Act.

[LN 2 of 1964, Act No. 18 of 1979, Sch.]

38.

[Spent]

