
CHAPTER 77

THE CATTLE TRESPASS ACT

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CATTLE TRESPASS

(1st July, 1982.)

15/1982.

1. This Act may be cited as the Cattle Trespass Act. **Short title.**

2. (1) In this Act, unless the context otherwise requires— **Interpretation.**

"cattle" includes large animals and small animals;

"large animal" means any cow, bull, horse, mule, ass, deer or any animal of the bovine species and includes young animals and castrated animals of the aforementioned species;

"small animal" means any sheep, goat or pig and includes young animals of the aforementioned species.

(2) For the purposes of sections 13 and 23 "authorised person" shall be construed to mean a person authorised by the proprietor, possessor or person in charge of any estate or other land generally or specially to do any act or thing which the proprietor, possessor or person in charge of such estate or other land is empowered to do under this Act.

3. (1) The public pounds in use at the date of the passing of this Act shall continue to be public pounds and shall be subject to the provisions of this Act. **Public pounds.**

(2) The Minister may, by Notice published in the *Gazette*, create new public pounds and may, in like manner, abolish any existing public pounds, whether in use at the date of the coming into force of this Act or created under the provisions of subsection (1).

4. The public pounds in Antigua and Barbuda shall be under the control of the Minister who is hereby empowered to make regulations for the maintenance and management of such public pounds. **Control of pounds.**

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Appointment of pound keepers.

5. A pound keeper shall be appointed to each public pound by the Minister, and such pound keeper shall be removable at the discretion of the Minister.

Cattle trespassing may be impounded.

6. It shall be lawful for the proprietor, possessor, or person in charge of any estate or other land to cause any cattle, which shall be found trespassing on such estate or land to be captured and sent to a public pound, the keeper of which shall receive and impound the same:

Provided that where any animal has been captured under this section, if the owner of such animal or any person lawfully authorised by him, at any time before such animal is received into the pound, pays, for the use of the proprietor, possessor or person in charge of the land trespassed upon, to the person having the charge of such animal the poundage fees specified in section 8, the person having the charge of such animal shall, upon such payment being made, deliver the animal to the person making the payment.

Notice of impounding to be given by pound keeper.

7. The pound keeper to whose custody any cattle shall be committed shall with all convenient speed give notice in writing of the impounding of such animal to the owner, if the owner be known, and for such notice shall be entitled to the sum of two dollars which shall be due and payable by the owner of the animal.

Scale of fees.

8. (1) Subject to subsection (2) the fees payable to any pound keeper shall be as follows—

For each large animal \$20.00

For each small animal \$10.00

(2) Where a pound keeper is satisfied that the animal impounded belongs to a person who within a period of twelve months immediately preceding the date of the present impounding of that animal has paid poundage fees to a pound keeper in respect of any animal owned by such person, the fee payable to the pound keeper shall be as follows—

For each large animal \$40.00

For each small animal \$20.00.

9. The fees specified in sections 7 and 8, together with the cost of supplying food and water to the cattle impounded, shall be termed for the purposes of this Act "poundage fees" and shall be paid to the pound keeper who shall issue an official receipt in respect of each such fee paid.

Poundage fees defined.

10. (1) When any fee under section 8 has been paid to a pound keeper he shall, at the end of the calendar month in which the fee was paid, pay into the Treasury twenty-five per centum of the said fee and pay to the person who captured or seized the impounded cattle fifty per centum of the said fee and shall retain the remaining twenty-five per centum of the said fee.

Disposal of fees.

(2) In the event of any dispute as to the person entitled to be paid as in subsection (1) for having captured or seized the cattle, it shall be lawful for the pound keeper to make the said payment to the person who handed over the cattle to him.

11. (1) If any large animal so impounded shall not be redeemed within five days, or any small animal shall not be redeemed within three days, after such impounding, the same, at the expiration of the said five or three days, as the case may be, shall be sold by public auction by the pound keeper or his agent; and the proceeds arising from the sale thereof, after deducting the poundage fees and expenses attending the sale, shall be paid by the pound keeper to the owner of the animal so sold upon written application by the said owner, and in case no application by or on behalf of the owner shall be made within twenty-one days after such sale shall have taken place, the said proceeds shall be paid into the Treasury.

Sale of animals impounded.

(2) If upon any sale under subsection (1) the amount realized after deducting the expenses attending the sale shall be less than the poundage fees due in respect of the animal sold, the owner of such animal shall pay to the pound keeper the difference between the amount so realised and the poundage fees; and if he shall fail to do so such difference may be recovered by the pound keeper summarily before a Magistrate, and for the purpose of court fees upon any such

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proceedings shall be deemed to be a debt due to the Government and the pound keeper shall be deemed to be a public officer.

(3) If any impounded animal is offered for sale and no offer is made for it, or the offer made is, in the opinion of the pound keeper, trifling or insufficient to defray the fees and expenses attending the sale under this Act, or if the animal is in such a state or condition that it is unfit to be sold with a view of being worked, it shall be lawful for the pound keeper, in his discretion, to have such animal shot or otherwise destroyed and the carcase buried or otherwise disposed of. In such case the costs, charges and expenses attending such shooting, destruction, burial or disposition may be added to the poundage fees due in respect of such animal and the total received from the owner thereof by the pound keeper in the manner provided by subsection (2)

(4) If an impounded animal is dealt with under the provisions of subsection (3) and the owner is not known or cannot be found, the reasonable costs, charges and expenses attending the shooting, destruction, burial or disposition of such animal shall be paid to the pound keeper by the Accountant-General.

Penalty for not providing food and water, or giving notice.

12. If any pound keeper shall fail to provide sufficient food and water for any animal impounded, or shall fail to give notice, if notice be practicable, of such impounding, he shall be guilty of an offence and liable on summary conviction to a fine of one hundred dollars.

Cattle trespassing may be impounded on private property.

13. (1) It shall be lawful for the proprietor, possessor, or person in charge of any estate or other land, or any authorised person to cause any cattle found trespassing on the same to be there impounded.

(2) Notice in writing shall then be given by the person so impounding to the owner of such cattle or his attorney or agent, if known, of such impounding.

(3) On payment by the owner of the cattle impounded of the poundage fees specified in section 8, the cattle shall be delivered up to him or his agent.

(4) If no payment is made as aforesaid within forty-eight hours of a notice given under subsection (2) it shall be lawful for the person impounding to give notice at the nearest police station of the said impounding, to insert an advertisement of the fact of the impounding in a newspaper published in Antigua and Barbuda or by broadcast and offering the cattle so impounded for sale and giving particulars of the date, time and place of such sale and, where, the person impounding knows the name and address of the person who is the owner or person in charge of the animal impounded, he shall at the same time inform such person of the fact of the impounding and the date, time and place of the intended sale.

(5) Copies of the said notice to the police shall be posted up in a conspicuous place in every Police Station.

(6) Forty-eight hours after—

(a) the sending of such notice to the police; and

(b) the publication of such advertisement in the newspaper or by broadcast,

it shall be lawful for the person so impounding to sell by auction the cattle so impounded. The said auction shall be conducted by a police officer of the police station to which the notice of impounding has been given under subsection (4), which police officer shall be duly assigned for that purpose by the senior police officer in charge of such station.

(7) From the proceeds of such sale the person so impounding shall pay to the police officer holding the auction a fee of two and one-half per centum of the sale or five dollars whichever is the greater, and retain for himself the poundage fees as above, together with the cost of the said advertisement, and then pay the balance to the owner of the cattle sold.

(8) If the owner shall not be ascertained within seven days from the day of such sale, then the balance aforesaid shall be paid into the Treasury.

(9) If the person so impounding shall fail to provide sufficient food and water for any cattle so impounded, or

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shall fail to give notice to the police and insert an advertisement, as before provided, he shall be guilty of an offence and liable on summary conviction to a fine of one hundred dollars.

Illegal impounding or capture.

14. Any person who shall illegally impound, or illegally capture for the purpose of impounding, any cattle, shall be guilty of an offence and liable on summary conviction to a fine of two hundred dollars and it shall be lawful for the Magistrate to order and direct the release of any animal so impounded upon payment by the owner thereof to the pound keeper of any expense which shall have been incurred by him.

Rescuing animals impounded.

15. Any person who rescues or releases, or attempts to rescue or release any animal while in or being taken to any pound, or which has been lawfully captured for the purpose of being impounded, or breaks or damages any pound, or does, or aids or abets the doing of any act whereby any animal impounded may escape or be unlawfully liberated, shall be guilty of an offence and liable on summary conviction to a fine of one hundred dollars and to imprisonment for three months.

Cattle improperly on highway.

16. Any cattle found tethered, wandering, straying, or lying in any public place, square, quay, wharf, or highway without lawful authority may be seized and sent or taken to a public pound by any person finding the same.

Cattle straying in public places.

17. (1) Any person who is the owner of cattle found tethered, wandering, straying or lying in any public place, square, quay, wharf or highway without lawful authority shall be guilty of an offence and liable on summary conviction to a fine of one hundred dollars in respect of each animal so found.

(2) It shall be lawful for any police officer or any other person authorised in writing by the Minister to cause any cattle which shall be found trespassing as specified in subsection (1) hereof to be captured and sent to a public pound and the provisions of section 6 shall *mutatis mutandis* apply to such impounding.

18. The Minister may, by Notice published in the *Gazette* and after consultation with the Commissioner of Police, appoint one or more persons who have been trained in the use of firearms to be cattle disposal officers.

Appointment of
cattle disposal
officer.

19. In addition to the other powers conferred under this Act it shall be lawful for a cattle disposal officer to shoot any cattle found wandering, straying or lying in any public place, square, quay, wharf or highway without lawful authority.

Powers of cattle
disposal officer.

20. (1) When any cattle have been shot under the provision of section 19 the cattle disposal officer shall forthwith notify the Chief Veterinary Officer of such shooting and shall also, where the cattle shot are identified as the particular property of any person, give notice to the owner within six hours of such identification.

Disposal of
carcase.

(2) Upon receipt of notice under subsection (1) the Chief Veterinary Officer shall make arrangements for removal of the carcase to a suitable place to await its being claimed by the owner and, if within twelve hours after such removal the identified carcase has not been claimed or forthwith if it is not identified, the same shall be considered as abandoned and shall be deemed the property of the Government and shall be disposed of as the Chief Veterinary Officer shall think fit.

21. A cattle disposal officer shall not be accountable to the owner of any cattle shot under the provisions of section 19 and shall not be liable to be sued by such owner in respect of such shooting.

Immunity from
action.

22. Where any damage whether direct or indirect is caused to any person or thing as a result of any cattle wandering, straying or lying in any public place, square, quay, wharf or highway, notwithstanding the provisions of any other law, the owner or person in charge of such cattle shall be liable for such damage unless he can prove, the onus of which proof is upon him—

Liability for
cattle in public
places.

(a) that he neither—

(i) knew nor suspected, nor

- (ii) had reason to know or suspect that such cattle had wandered, strayed, or were lying in any public place, square, quay, wharf or highway;

(b) that he had taken all reasonable precautions to prevent such cattle from wandering, straying or lying in any public place, square, quay, wharf or highway.

Cattle and feathered stock trespassing may be destroyed.

23. It shall be lawful for any proprietor, possessor, or other person in charge of any estate or other land, or any authorised person to shoot any cattle or feathered stock which shall be found trespassing upon any such estate or other land; and if upon such shooting the cattle or feathered stock shot shall be identified as particular property, notice of such shooting shall be given by the proprietor, or possessor of land, or his agent, to the owner of the cattle or stock, within twelve hours of such identification; and if such proprietor, possessor or agent fails to give such notice he shall be guilty of an offence and liable on summary conviction to a fine of one hundred dollars; and if the owner of such animal or stock shall not remove the same within twelve hours after the receipt of such notice, or if the property cannot be identified, the same shall be considered as abandoned and be deemed the property of the party aggrieved.

Act not to affect rights of action.

24. The remedies given by this Act in respect of animals trespassing shall be in addition to, and not in derogation of, any remedy by action or suit to which any person may be entitled in respect of any such trespass.