

THE KEEPING OF ANIMALS ACT

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THE KEEPING OF ANIMALS ACT

[15th November, 1979.]

Act
26 of 1979.

1. This Act may be cited as the Keeping of Animals Act. Short title.

2. In this Act—

“animal” means any horse, mare, gelding, foal, colt, filly, mule, ass, bull, ox, steer, heifer, calf, sheep, lamb, goat, kid, hog, pig, or any other animal declared by the Minister by order, to be an animal to which this Act applies;

Interpreta-
tion.

“Competent Authority” means—

- (a) in relation to any area within the Corporate Area as defined in the Kingston and St. Andrew Corporation Act, the Council of the Kingston and St. Andrew Corporation; and
- (b) in relation to an area within any other parish, the Parish Council of that parish;

“exempted animal” means an animal kept for any of the following purposes or under any of the following conditions, that is to say—

- (a) an animal kept for experimental research in any place appointed for the purpose by a Competent Authority; and
- (b) an animal kept as part of a zoological collection approved by a Competent Authority;
- (c) an animal seized under the provisions of this Act or the Pound Act and kept for a period not exceeding three days for the purpose of

taking proceedings or any other step to enforce the Pound Act or this Act, as the case may be;

- (d) an animal purchased within a prohibited area or restricted area and kept for a period not exceeding three days before removal therefrom;
- (e) any animal in a pound, slaughter house or a market;
- (f) such other animal as may be prescribed by the Minister by order;

“owner of an animal” means the owner in possession or person in charge of any animal;

“owner of land” means the owner, lessee or occupier of land and their respective servants or agents;

“pound” means any pound established under the Pound Act;

“prescribed animal” means an animal, not being an exempted animal, specified in an order under paragraph (b) of subsection (1) of section 3;

“prohibited animal” means an animal, not being an exempted animal, specified in an order under paragraph (a) of subsection (1) of section 3.

Order
restricting
the keeping
of animals
in certain
areas.

3.—(1) The Minister may from time to time, by order, as from such date as may be specified in the order—

- (a) prohibit the keeping of any animal specified in the order (in this Act referred to as a “prohibited animal”) within any area specified in the order (hereinafter referred to as a “prohibited area”);
- (b) restrict or control the keeping of any animal (in this Act referred to as a “prescribed animal”) within any area specified in the order (hereinafter referred to as a “restricted area”) so as to ensure

that such animal is not kept otherwise than under the authority of a licence issued by a Competent Authority for the purpose.

(2) An order under subsection (1) may contain such supplementary and ancillary provisions as the Minister considers necessary to give full effect thereto.

(3) Any person who keeps an animal in contravention of any order made under this section shall be guilty of an offence and shall be liable on conviction in a Resident Magistrate's Court to a fine not exceeding two hundred dollars or, in default of payment, to imprisonment with or without hard labour for a term not exceeding three months.

4. Where an order is made under section 3 in respect of any area, it shall be the duty of the Competent Authority for that area to give public notice thereof in such manner as such Authority thinks best suited to bring the purport of such notice to the attention of persons likely to be affected thereby.

Duty of Competent Authority to give publicity to orders.

5.—(1) Where any person desires to keep any prescribed animal in a restricted area he shall apply to the Competent Authority for that area for a licence for the purpose.

Licence for the keeping of animals in restricted areas.

(2) Every application for a licence under sub-section (1) shall—

- (a) be made in the prescribed form and manner;
- (b) contain the prescribed particulars; and
- (c) be accompanied by the prescribed fee.

(3) On an application pursuant to subsection (1), the Competent Authority if satisfied—

- (a) that the place where the prescribed animals are to be kept provides adequate space and other amenities suitable for the number of animals to be kept therein; and

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(b) that no health hazard or nuisance will arise from the use of that place for the purpose of keeping such animals,
 may grant the application or grant such application subject to such conditions or limitations as the Competent Authority may consider desirable; and in any other case shall refuse the application.

(4) A licence issued under this section—

- (a) shall be valid for a period of one year from the date of issue and, unless (subject to subsection (5)) the Competent Authority otherwise decides, may be renewed from year to year on payment of the prescribed fee; and
- (b) may, subject to subsection (5), be revoked by the Competent Authority at any time if it is satisfied that the licensee has not complied with the terms and conditions of the licence.

(5) Before revoking or refusing to renew a licence the Competent Authority shall give to the licensee notice of its intention to consider whether such licence should be revoked or not renewed and shall specify in such notice the contraventions that have been brought to the attention of the Competent Authority and shall take into consideration any representation made by or on behalf of the licensee.

Appeals
 from
 refusal,
 revocation
 etc., of
 licence.

6.—(1) Any person aggrieved by a decision of a Competent Authority refusing an application for a licence or revoking or refusing to renew a licence or attaching conditions to any licence may, on such terms and manner as may be prescribed, appeal to the Minister against such decision.

(2) The Minister may allow or dismiss the appeal or may reverse or vary any part of the decision of the Competent Authority.

(3) The decision of the Minister on such appeal shall be final and conclusive.

7. Whosoever shall allow—

(a) any prohibited animal to be at large within a prohibited area; or

(b) any prescribed animal to be at large within a restricted area,

shall be guilty of an offence and liable on summary conviction in a Resident Magistrate's Court to a fine not exceeding \$400 or to imprisonment with or without hard labour for a term not exceeding six months.

Penalty for allowing animals to be at large.

8.—(1) All prohibited animals found within a prohibited area shall be forfeited to the Competent Authority for disposal.

Prohibited animals found in prohibited areas to be forfeited.

(2) Any prescribed animal found in a restricted area in contravention of this Act or of any licence thereunder, or a prohibited animal found in a prohibited area may be impounded under the Pound Act, and that Act shall, *mutatis mutandis*, apply accordingly subject to such modifications as may be prescribed by the Minister, by order, for the purpose of giving effect to the provisions of this Act.

9. It shall be lawful for a Competent Authority to appoint one or more persons (hereinafter referred to as an "authorized officer") to enforce the provisions of this Act within the limits of jurisdiction of such Authority.

Appointment of authorized officer.

10.—(1) Any constable may upon view, seize any animal which he shall find in any street, lane or open place within any prohibited area or restricted area.

Power of police in relation to animals found in certain areas.

(2) Any Justice of the Peace, on application of any constable and on proof of possession, or reasonable suspicion of the possession, of any animal by any person

in contravention of an order made under section 3, may grant a warrant authorizing any constable, at any reasonable time, to enter upon the premises of the person complained against and to take and seize any animal there found.

(3) Any animal seized pursuant to this section may be dealt with in such manner as may be prescribed by the Minister, by order.

Penalty for obstructing the police.

11. Any person who shall—

(a) hinder or obstruct a constable attempting to take or seize any animal; or

(b) prevent a constable, having such warrant as aforesaid, from entering the premises mentioned therein, shall be guilty of an offence and, on conviction thereof in a Resident Magistrate's Court, be liable to a penalty not exceeding three hundred dollars or in default of payment to imprisonment for a term not exceeding three months.

Penalty for obstructing authorized officer.

12. Whoever shall offer or cause any obstruction to any authorized officer in the performance of his duties shall be guilty of an offence and on conviction thereof in a Resident Magistrate's Court shall be liable to a penalty not exceeding three hundred dollars or, in default of payment, to imprisonment for a term not exceeding three months.

Construction and interpretation of this Act in relation to the Pound Act.

13. The provisions of this Act shall be read and construed as supplementary and not in derogation of the provisions of the Pound Act but where there is conflict or inconsistency between the provisions of this Act and the Pound Act, the provisions of this Act shall prevail over the provisions of the Pound Act.