

THE ANIMAL WELFARE BILL
(No. XV of 2013)

Explanatory Memorandum

The objects of this Bill are to –

- (a) promote the welfare and good treatment of animals;
- (b) protect animals from distress, pain or suffering;
- (c) regulate dog keeping, dog breeding and the importation of certain types of dangerous dogs; and
- (d) establish the Mauritius Society for Animal Welfare.

S. V. FAUGOO
*Minister of Agro-Industry
and Food Security,
Attorney General*

21 June 2013

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(No. XV of 2013)

ARRANGEMENT OF CLAUSES

Clause

PART I – PRELIMINARY

- 1. Short title
- 2. Interpretation

PART II – PROMOTION OF ANIMAL WELFARE

- 3. Offences of cruelty to animals
 - 4. Authorised officer
 - 5. Power of entry and search
 - 6. Protection order
 - 7. Apprehension of offenders
- PART III – EXPERIMENTS**
- 8. Experiment on animal
 - 9. Restrictions on experiment
 - 10. Records, inspection and returns
 - 11. Offences under Part III

PART IV – THE SOCIETY

Sub-Part A – Establishment of Society

- 12. The Society
- 13. Objects and functions of Society
- 14. Membership of Society

Sub-Part B – Administration of Society

- 15. The Council
- 16. Meetings of Council
- 17. Powers of Council
- 18. Director of Society
- 19. Officers of Society
- 20. Powers of Minister

Sub-Part C – Financial Provisions

- 21. Funds of Society

- 22. Donations and exemptions
- 23. Estimates
- 24. Annual report

Sub-Part D – Miscellaneous

- 25. Execution of documents
- 26. Legal proceedings
- 27. Confidentiality
- 28. Winding up
- 29. Affiliation
- 30. Rules

PART V – CONTROL OF DOGS

- 31. Registration of dogs and other domestic pets
- 32. Obligations of dog owners
- 33. Dogs attacking, chasing or rushing at persons, domestic animals or vehicles
- 34. Inciting or urging dog to attack
- 35. Protected wildlife
- 36. Breeding and connected matters

- 37. Dog shows and pedigree certificates
- 38. Importation of dogs
- 39. Notice to comply
- 40. Power to request information
- 41. Stray dogs

PART VI – MISCELLANEOUS

- 42. Powers of Court
- 43. Euthanasia of animal
- 44. Protection from liability
- 45. Regulations
- 46. Repeals
- 47. Consequential amendments
- 48. Savings and transitional provisions
- 49. Commencement

FIRST SCHEDULE

SECOND SCHEDULE

THIRD SCHEDULE

FOURTH SCHEDULE

FIFTH SCHEDULE

SIXTH SCHEDULE

A BILL

To make better provision for the welfare and protection of animals

ENACTED by the Parliament of Mauritius, as follows –

PART I – PRELIMINARY

1. Short title

This Act may be cited as the Animal Welfare Act 2013.

2. Interpretation

In this Act –

“adult dog” means a dog which is more than 18 months old;

“animal” means a living vertebrate, other than a human being;

“attack” includes to behave in such a manner as to cause an apprehension of being attacked;

“authorised officer” means a public officer designated as such by the supervising officer under section 4;

“Chairperson” means the Chairperson of the Council designated under section 15;

“Council” means the Council referred to in section 15;

“dangerous dog” means a dog of a breed, kind or description listed in the First Schedule;

“Director” means the Director of the Society appointed under section 18;

“dispose of” means to sell, euthanise, exchange or give away for adoption or as gift;

“dog” means a dog of any age or sex;

“dog breeder” means a person referred to in section 36(2);

“dog show” includes –

- (a) a companion dog show;
- (b) a championship dog show;
- (c) a single breed open dog show;
- (d) a dog show within a circus;

“domestic animal” –

(a) means an animal kept by, or living close to, a human being, which is –

- (i) dependent on the human being for its care and sustenance; or
- (ii) kept by the human being in a state of captivity;

(b) includes –

- (i) a bird or reptile kept as a domestic pet;
- (ii) a dog kept by the Police or Customs authorities, the Mauritius Prisons Service, a person issued with a licence to operate a private security service under the Private Security Service Act, or the National Parks and Conservation Service or an officer of that department; and

- (iii) any other animal kept by a person for commercial or recreational purposes, or for a person's occupation or employment;

"domestic pet" means a domestic animal, other than an animal kept by a person for commercial or recreational purposes or for a person's occupation or employment;

"DVS" means the Division of Veterinary Services of the Ministry;

"euthanasia" means painless killing of an animal carried out by a veterinary surgeon;

"experiment" means any experiment performed on an animal and calculated not to give pain;

"licence" means a licence issued under section 8;

"member", in relation to the Society, means –

- (a) a life member; or
- (b) an ordinary member;

"Minister" means the Minister to whom responsibility for the subject of agriculture is assigned;

"neuter", in relation to a dog –

- (a) means to spay or castrate; but
- (b) does not include to vasectomise;

"officer" –

- (a) means a person appointed as such under section 19;
- (b) includes the Director;

"owner", in relation to an animal –

- (a) means a person aged 16 or more who –
 - (i) owns the animal; or
 - (ii) is in charge of the animal; and

- (b) includes –
- (i) the registered owner of the animal; or
 - (ii) the parent or guardian of a minor under the age of 16 who owns the animal or is in charge of the animal; but
- (c) does not include a person who has impounded or seized the animal under this Act;

“pedigree certificate”, in relation to an animal, means a certificate containing genealogical information indicating the ancestral line of descent of the animal;

“protected wildlife” has the same meaning as in the Wildlife and National Parks Act;

“protection order” means an order referred to in section 6;

“public place” –

- (a) means a road or other place, whether enclosed or not, to which any person is permitted to have access, whether against payment or otherwise;
- (b) includes the common parts of a building containing 2 or more separate apartments;

“road” has the same meaning as in the Road Traffic Act;

“Society” means the Mauritius Society for Animal Welfare established under section 12;

“stray”, in relation to an animal, means to be at large and not under the control or charge of any person;

“supervising officer” means the supervising officer of the Ministry;

“vehicle” means any means of transport on land and includes any aircraft or watercraft;

“veterinary surgeon” has the same meaning as in the Veterinary Council Act.

PART II– PROMOTION OF ANIMAL WELFARE

3. Offences of cruelty to animals

- (1) Subject to subsection (2), any person who –
- (a) tortures or otherwise treats an animal in such a manner as to subject it to distress, pain or suffering, or causes or permits an animal to be so treated;
 - (b) being the owner of an animal, fails to provide the animal with sufficient food, drink or shelter;
 - (c) administers an injurious drug or substance to an animal, or wilfully causes or permits any such drug or substance to be taken by an animal;
 - (d) conveys or carries an animal, in or on a vehicle, in such a manner or position as to subject it to distress, pain or suffering;
 - (e) keeps or confines an animal in a cage or other similar structure which is too small to provide the animal with a reasonable opportunity for its natural movement;
 - (f) keeps an animal chained or tethered with a short or heavy chain or cord, in close confinement or with hobbles on its legs;
 - (g) employs an animal in any work or labour, or causes an animal to be so employed, in such a manner as to subject it to distress, pain or suffering;
 - (h) wilfully or negligently allows an animal to stray, or abandons an animal in circumstances which expose it to distress, pain, suffering or illness;
 - (i) wilfully or negligently causes or permits –
 - (A) an animal, of which he is the owner, to stray in a public place while the animal is afflicted with a contagious or infectious disease; or
 - (B) a diseased, disabled or injured animal, of which he is the owner, to die in a public place;

- (j) not being a veterinary surgeon, mutilates or kills an animal in any manner, or performs ear cropping, tail docking, defanging, declawing, branding, piercing, dehorning, nose roping, or castration on an animal;
- (k) confines an animal, or causes or permits an animal to be confined, or baits an animal so as to make it an object of prey for any other animal, or incites an animal to fight any other animal or any human being;
- (l) organises animal fighting, or keeps or uses, or participates or acts in the management of, any place for animal fighting or for the purpose of baiting an animal, or permits or offers any place to be so used, or contributes or receives consideration for the promotion of such animal fighting or for the admission of any other person to a place kept or used for any such purpose;
- (m) promotes or takes part in a shooting match, or competition, in which animals are released from captivity for the purpose of shooting them; or
- (n) causes, procures, or subjects an animal to, or being the owner, permits his animal to be subjected to, a surgical operation which is performed without due care and in an inhumane manner,

shall commit an offence and shall, on conviction, be liable to a fine not exceeding 15,000 rupees and to imprisonment for a term not exceeding 6 months.

(2) Subsection (1) shall not apply to the commission of an act in the course of the destruction, or the preparation for destruction, of an animal as food for mankind, where the destruction or preparation is not accompanied by the infliction of unnecessary suffering on the animal.

4. Authorised officer

(1) The supervising officer may designate such public officer as he considers appropriate to act as an authorised officer for the purpose of ensuring compliance with this Act.

- (2) (a) Every authorised officer shall –
 - (i) be issued with an identity card issued by the supervising officer; and

(ii) if so requested by the supervising officer or on leaving the public service, surrender his identity card.

(b) An authorised officer who fails to surrender his identity card pursuant to paragraph (a)(ii) shall commit an offence and shall, on conviction, be liable to a fine not exceeding 50,000 rupees.

(3) For the purpose of exercising his powers under this Act, an authorised officer may be accompanied by a police officer.

(4) An authorised officer shall have the power to impound or seize an animal in accordance with this Act.

5. Power of entry and search

(1) Where an authorised officer has reasonable ground to suspect that an offence under this Act has been, is being or is about to be committed against an animal on any land or premises, he may, subject to subsection (2), enter the land or premises in order to –

(a) inspect the animal kept on the land or premises and view the condition in which the animal is being kept; and

(b) impound or seize the animal.

(2) (a) Subject to paragraph (b), an authorised officer shall not enter a dwelling house unless –

(i) he shows the owner or occupier of the land or premises a warrant issued by a Magistrate; and

(ii) he is accompanied by a police officer.

(b) Paragraph (a) shall not apply where an authorised officer has reasonable ground to believe that the life or health of an animal is at risk.

(c) A District Magistrate may, on being satisfied on information on oath that entry and search into a dwelling house are necessary to enable an authorised officer to exercise his powers under this Act, issue a warrant authorising the authorised officer to enter and search the dwelling house.

(d) A warrant issued under paragraph (c) shall be valid for the period stated in the warrant and shall be subject to such conditions as the District Magistrate may specify.

(3) An authorised officer who enters any land or premises for the purposes of this section may be accompanied by such person as he considers necessary.

6. Protection order

(1) Where an authorised officer has reasonable ground to suspect that an animal has been, is being or is likely to be the subject of an offence under section 3, he may serve a protection order on the owner of the animal ordering that the animal be put, for such period as he may specify, in such place and kept in such manner as he may specify.

(2) Any person who is dissatisfied with a protection order may, within 7 days of the date of service of the order on him, appeal to the supervising officer who may uphold or discharge the order.

(3) A protection order shall remain in force pending the determination of the appeal by the supervising officer.

(4) Where the supervising officer –

(a) dismisses an appeal, the protection order shall remain in force until the owner is able to show that appropriate corrective measures have been taken in relation to the animal;

(b) allows the appeal, the protection order shall be discharged.

7. Apprehension of offenders

Where an offence is committed under section 3, a police officer may, without any authority or warrant and in presence of an authorised officer, forthwith arrest the offender and convey him as soon as is reasonably practicable before the Magistrate of the district where the offence has been committed, to be dealt with according to law.

PART III – EXPERIMENTS

8. Experiment on animal

(1) No person shall perform an experiment unless he is issued with a licence to that effect under subsection (5).

(2) Where a person wishes to perform an experiment, he shall make an application to the Minister for a licence in such form and manner as may be prescribed.

(3) On receipt of an application under subsection (2), the Minister may require the applicant to furnish such additional information as he considers appropriate.

(4) The Minister may grant or refuse an application made under subsection (2).

(5) Where the Minister grants an application, he shall issue a licence to the applicant in such form as may be prescribed and, subject to subsection (6), on such conditions as he may determine.

(6) A licence shall specify the place where the experiment is to be performed.

9. Restrictions on experiment

(1) No licensee shall perform an experiment except in accordance with this Act and the conditions of his licence.

(2) No licensee shall perform an experiment for the purpose of attaining manual skill.

(3) Subject to subsection (5), no licensee shall perform an experiment except –

(a) for the purpose of the advancement by new discovery of –

(i) physiological knowledge; or

(ii) any knowledge which will be useful for saving or prolonging life, alleviating suffering or combating any disease of human beings, animals or plants;

(b) for the purpose of testing any previous discovery alleged to have been made for the advancement of the types of knowledge referred to in paragraph (a); or

(c) on the written order of a Judge who is satisfied that it is essential for the purposes of justice in a criminal case to perform the experiment.

(4) Subject to subsection (5), no licensee shall perform an experiment unless –

(a) throughout the experiment, the animal is under the influence of an anaesthetic of sufficient power to prevent the animal from feeling pain; and

- (b) the animal is administered appropriate sedation where the pain is likely to continue after the effect of the anaesthetic has ceased.

(5) Subsections (3) and (4) shall not apply in the case of a routine bacteriological or pathological investigation carried out by a public officer in the performance of his duties.

10. Records, inspections and returns

Every licensee shall –

- (a) keep a record of every experiment performed by him, in such form as may be prescribed;
- (b) permit any person authorised in writing by the Minister to inspect at any reasonable time any record kept by him;
- (c) permit any person authorised in writing by the supervising officer to enter and inspect any place specified in his licence for the performance of experiments; and
- (d) submit to the Minister, in such form and at such time as may be prescribed, such returns as he may require in relation to any experiment performed by him.

11. Offences under Part III

(1) Any person who contravenes –

- (a) this Part; or
- (b) any condition of his licence,

shall commit an offence and shall, on conviction, be liable to a fine not exceeding 50,000 rupees and to imprisonment for a term not exceeding 3 years.

(2) No prosecution for an offence under this Part shall be instituted except by or with the consent of the Director of Public Prosecutions.

PART IV – THE SOCIETY

Sub-Part A – Establishment of Society

12. The Society

(1) There is established for the purposes of this Act the Mauritius Society for Animal Welfare.

(2) The Society shall be a body corporate.

13. Objects and functions of Society

(1) The objects of the Society shall be to –

(a) promote the welfare and good treatment of animals;

(b) prevent cruelty to animals.

(2) The Society shall –

(a) organise and be responsible for the catching and disposal of stray dogs and cats; and

(b) implement such project or programme related to the welfare of animals as the Minister may approve.

14. Membership of Society

(1) (a) A person having an interest in the objects of the Society may apply to become a member of the Society.

(b) An application for membership shall be made in such form as the Council may approve, signed by the applicant and submitted to the Director.

(c) The decision of the Council on an application for membership shall be notified to the applicant within a period of one month from the date of receipt of an application.

(d) Where an application is granted –

(i) the applicant shall pay the admission fee specified in Part I of the Second Schedule to the Council within one month from the date of notification; and

- (ii) on payment by the applicant of the admission fee, the name of the applicant shall be entered on the roll of members of the Society.

(e) Where an application is rejected, the applicant may appeal to the supervising officer within 15 days from the date of such notification.

(2) (a) Where a member of the Society pays the subscription fee specified in paragraph (a) of Part II of the Second Schedule in one lump sum, he shall be registered as a life member.

(b) Where a member elects to pay the yearly subscription fee specified in paragraph (b) of Part II of the Second Schedule, he shall be registered as an ordinary member.

(c) (i) An ordinary member who does not pay his subscription fee within 3 months from the date it becomes due shall be notified in writing by the Director.

(ii) Where an ordinary member fails to pay his subscription fee within one month of the date of the notification referred to in subparagraph (i), he shall cease to be a member of the Society from the day he is notified and his name shall be erased from the roll of members of the Society.

(3) For the purpose of subsection (2), the yearly subscription fee –

(a) shall become due –

(i) on 10 January of each year;

(ii) in the case of any person who is admitted as a member after 10 January of any year, on the tenth day after his admission as a member;

(b) shall be payable in full notwithstanding that a person has been or will be a member for part of a year only.

(4) (a) A person shall cease to be a member of the Society and shall forfeit all rights and privileges where his conduct, in the opinion of not less than two-thirds of the members of the Council present and voting at a meeting of the Council, is found to be prejudicial to the interests of the Society.

(b) The Director shall, not less than 14 days before the meeting of the Council at which a decision is to be taken regarding the conduct of a member of the Society, give notice of the meeting to the member by registered post at his last known address and inform him that he may, either personally or in writing, submit an explanation regarding the matter complained of.

(c) A member of the Society who is dissatisfied with the decision of the Council to erase his name from the roll of members of the Society may, within 30 days of being notified of the Council's decision, appeal from the Council's decision to the supervising officer.

Sub-Part B – Administration of Society

15. The Council

(1) The Society shall be administered by a Council, which shall consist of –

- (a) 7 members elected, in the manner specified in the Third Schedule, from among the members of the Society;
- (b) a representative of the Ministry;
- (c) a representative of the Ministry responsible for the subject of environment;
- (d) a representative of the Ministry responsible for the subject of local government;
- (e) a representative of the Ministry responsible for the subject of tourism;
- (f) a representative of the Ministry responsible for the subject of health;and
- (g) 3 persons,one of whom shall be a veterinary surgeon, to be appointed by the Minister.

(2) (a) The election of members of the Council referred to in subsection (1)(a) shall be held within 30 days of the expiry of everyperiod of 2 years from the first election of members of the Council.

- (b) An elected member of the Council shall hold office –
 - (i) for a period of 2 years commencing on the date of his election;
 - (ii) for a maximum of 2 terms.

(c) A member of the Council appointed under subsection (1)(g) shall hold office for a period of 2 years and may be reappointed.

(3) There shall be a Chairperson of the Society, who shall be designated by the Minister from among the members of the Council and who shall hold office for a period of 2 years and on such other terms and conditions as the Minister may determine.

(4) (a) The Council may co-opt any other person who may be of assistance in relation to any matter before it.

(b) A person co-opted under paragraph (a) shall –

(i) not have the right to vote at a meeting of the Council; and

(ii) be paid such allowance as the Council may determine.

(5) Every member of the Council shall be paid such allowance as the Minister may determine.

(6) The office of a member of the Council shall become vacant where –

(a) by notice in writing addressed to the Director, he resigns as member of the Council or where he is an elected member, he ceases to be a member of the Society; or

(b) he fails to attend 3 consecutive meetings of the Council and after having been notified by the Director of such failure, he does not furnish a satisfactory explanation to the Council within 15 days of receipt of the notification.

16. Meetings of Council

(1) The Council shall meet as often as the Chairperson thinks necessary but at least once every month.

(2) A meeting of the Council shall be held at such time and place as the Chairperson thinks fit.

(3) At a meeting of the Council, 7 members of the Council, including the Chairperson, shall constitute a quorum.

(4) The Director shall, unless otherwise directed by the Council, attend every meeting of the Council and may take part in its deliberations, but shall not have the right to vote.

(5) The Council shall designate an officer to act as Secretary to the Council who shall –

- (a) prepare and attend every meeting of the Council;
- (b) keep minutes of proceedings of every meeting of the Council; and
- (c) have such other duties as may be conferred on him by the Council.

(6) At any meeting of the Council, each member of the Council shall have one vote on a matter in issue and in the event of an equality of votes, the person presiding shall have a casting vote.

(7) Where a member of the Council or a person related to him by blood or marriage has a pecuniary or other material interest in relation to any matter before the Council, the member shall –

- (a) disclose the nature of the interest before or at the meeting convened to discuss that matter; and
- (b) not take part in any deliberations of the Council relating to that matter.

(8) Subject to this section, the Council shall regulate its meetings and proceedings in such manner as it may determine.

17. Powers of Council

(1) The Council shall, except as otherwise provided, have and exercise the same powers concerning the Society as those conferred on the Society by this Act and may perform all acts for the due execution and exercise of those powers.

(2) The Council may appoint subcommittees which shall consist of such members of the Council and have such powers as the Council may determine.

18. Director of Society

(1) The Council shall, with the approval of the Minister, appoint a Director of the Society on such terms and conditions as it may determine.

(2) The Director shall –

- (a) be responsible for the execution of the policy of the Council and for the control and management of the day-to-day business of the Society;

- (b) act in accordance with such directives as he may receive from the Council.

(3) The Director may, with the approval of the Council, delegate his powers and functions to such officer as he may determine.

19. Officers of Society

(1) The Council may, on such terms as it may determine, appoint such number of officers as may be necessary for the proper discharge of the functions of the Society.

(2) Every officer shall be under the administrative control of the Director.

(3) The Council shall make provision, in such manner as it may determine, to govern the conditions of service of officers and in particular to deal with –

- (a) the appointment, dismissal, discipline, pay and leave of, and the security to be given to, officers;
- (b) appeals by officers against dismissal or other disciplinary measures; and
- (c) the establishment and maintenance of provident and pension fund schemes and the contributions payable to and the benefits recoverable from those schemes.

20. Powers of Minister

(1) The Minister may give such directions of a general character to the Council, not inconsistent with this Act, as he considers necessary in the public interest and the Council shall comply with those directions.

(2) The Minister may require the Council to furnish such information in such manner and at such time as he thinks necessary in respect of its activities, and the Council shall supply that information.

Sub-Part C – Financial Provisions

21. Funds of Society

- (1) The Society shall set up a General Fund –
 - (a) into which shall be paid –

- (i) such fees or charges as may be levied by the Society;
 - (ii) any money appropriated from the Consolidated Fund;
and
 - (iii) any other sum that may lawfully accrue to the Society
from any other source; and
- (b) out of which all payments required to be made by the Society for the purposes of this Act shall be effected.

(2) The property and income of the Society shall be applied solely towards the promotion and attainment of the objects of the Society.

(3) No portion of the property or income shall be distributed or transferred by way of dividend or bonus to any member of the Society or Council.

22. Donations and exemptions

(1) Article 910 of the Code Civil Mauricien shall not apply to the Society.

(2) Notwithstanding any other enactment –

- (a) the Society shall be exempt from payment of any duty, rate, charge, fee or tax; and
- (b) no stamp duty or registration fee shall be payable in respect of any document under which the Society is the sole beneficiary.

23. Estimates

(1) The Society shall submit to the Minister, not later than 30 September in every year, an estimate of the income and expenditure of the Society for the next financial year for his approval.

(2) Where the Minister gives his approval under subsection (1), he may direct the Society to amend the estimate in respect of any item in such manner as he may determine.

24. Annual report

(1) The Society shall, not later than 4 months from the end of a financial year, submit to the Minister an annual report together with an audited

statement of accounts, to be audited by the Director of Audit, on the operations of the Society in respect of that financial year.

(2) The Minister shall, at the earliest available opportunity, lay a copy of the annual report and audited accounts of the Society before the Assembly.

Sub-Part D – Miscellaneous

25. Execution of documents

(1) Subject to subsection (2), no deed or other document shall be executed by or on behalf of the Society unless it is signed by –

- (a) the Chairperson or, in his absence, a member of the Council designated by the Council; and
- (b) the Director, or, in his absence, an officer designated by the Council.

(2) All cheques shall be signed by the Chairperson and the Director.

26. Legal proceedings

(1) The Society shall act, sue and be sued in its corporate name.

(2) Service of process by or on the Society shall be sufficient if made on behalf of or on the Director.

(3) No liability, civil or criminal, shall be incurred by the Society, a member of the Council or an officer in respect of any act done or omitted in good faith in the performance of its or his functions or exercise of its or his powers under this Act.

27. Confidentiality

(1) No member of the Council or officer shall, during or after his relationship with the Society, use or disclose any matter which comes to his knowledge in the performance of his functions, except for the purposes of administering this Act.

(2) Any person who contravenes subsection (1) shall commit an offence and shall, on conviction, be liable to a fine not exceeding 10,000 rupees and to imprisonment for a term not exceeding one year.

28. Winding up

Where the Society is wound up, all the assets, after payment of all debts and meeting all liabilities of the Society, shall be transferred to the Consolidated Fund.

29. Affiliation

The Society may, subject to the approval of the Minister, affiliate with any other society or body corporate, in Mauritius or elsewhere, which has the same objects as those of the Society.

30. Rules

The Council may, subject to the approval of the Minister, make rules –

- (a) to provide for the management of the affairs of the Society;
- (b) to amend the Third Schedule;
- (c) generally for carrying out the objects of the Society.

PART V – CONTROL OF DOGS

31. Registration of dogs and other domestic pets

(1) (a) Every person who becomes the owner of a dog shall, not later than 30 days, and in the case of a dangerous dog, within 15 days, after the date on which he becomes the owner, cause it to be registered with the Society and pay such registration fee as may be prescribed.

(b) Every owner of a dog shall cause the dog to be micro-chipped before registration.

(c) Every owner of a dog shall, on registering a dog under subsection (1), make a declaration in writing, in such form as the Council may approve, specifying whether the dog shall be kept for breeding purposes.

(d) Where the owner of a dog declares that –

- (i) the dog shall not be kept for breeding purposes; and
- (ii) he has no objection to the dog being sterilised,

the dog shall be sterilised at such time and in such manner as the Council may determine.

(2) Every person who becomes the owner of a domestic pet, other than a dog, shall, not later than 30 days on which he becomes the owner, cause it to be registered with the Society and pay such registration fee as may be prescribed.

(3) Any person who contravenes this section shall commit an offence and shall, on conviction, be liable to a fine not exceeding 5,000 rupees.

32. Obligations of dog owners

(1) Every owner of a dog shall ensure that the dog does not –

- (a) injure or intimidate any person, or endanger any poultry, domestic animal or protected wildlife; or
- (b) damage any property belonging to any other person.

(2) Every owner of a dog shall –

- (a) cause the premises on which the dog is kept to be secured by a fence, wall or gate which is of a suitable height and constructed and maintained in such manner as to prevent the dog from escaping;
- (b) not allow the dog to be at large, except when confined within a vehicle or cage, or on leash;
- (c) where the dog is of a breed, kind or description listed in the Fourth Schedule, cause it to be neutered;
- (d) where the dog is a dangerous dog –
 - (i) cause to be displayed in a conspicuous place on his premises, a notice, in such form as the Council may approve, indicating that there is a dangerous dog on the premises; and
 - (ii) not, without the written consent of the DVS, dispose of the dog.

(3) Notwithstanding subsection (2)(b), every owner of a dangerous dog shall ensure that the dog is–

- (a) muzzled in such a manner as to prevent it from biting any person, domestic animal or any other dog;

(b) under the effective control of at least one person who is aged 16 or above by means of an adequate chain, cord or leash that is attached to the dog and held by, or secured to, that person; and

(c) not left alone at any time.

(4) Any person who contravenes this section shall commit an offence and shall, on conviction, be liable to a fine not exceeding 10,000 rupees and to imprisonment for a term not exceeding 6 months.

(5) Where a person contravenes this section, an authorised officer may –

(a) seize the dog and remove it from the person's possession; and

(b) retain custody of the dog until the DVS is satisfied that the person agrees to comply with subsection (1), (2) or (3), or to dispose of the dog within a period of one month.

33. Dogs attacking, chasing or rushing at persons, domestic animals or vehicles

(1) Subject to subsections (2) and (3), where a dog –

(a) attacks, rushes at or chases any person or domestic animal; or

(b) rushes at or chases a vehicle, causing damage to the vehicle,

the owner of the dog shall commit an offence and shall, on conviction, be liable to a fine not exceeding 10,000 rupees and to imprisonment for a term not exceeding 6 months.

(2) Subsection (1) shall not apply –

(a) where a person or animal is trespassing on the property on which the dog is kept;

(b) where the dog is acting in reasonable defence of a person or any property; or

(c) in the course of lawful hunting.

(3) Subsection (1) shall not apply to a dog which is –

(a) kept by –

- (i) the Police or Customs authorities;
- (ii) the Mauritius Prisons Service;
- (iii) a person issued with a licence to operate a private security service under the Private Security Service Act; or
- (iv) the National Parks and Conservation Service or an officer of that department; and

(b) under the control of an appropriate person assisting in the performance of the duties of any of the authorities or persons referred to in paragraph (a).

(4) (a) Subject to paragraph (b), a person may, for the purpose of stopping an attack, intervene or seize a dog which is outside the owner's premises where that person –

- (i) is attacked by the dog; or
- (ii) witnesses the dog attacking any other person or a domestic animal.

(b) Where the owner of the dog is present at or immediately after the attack, he shall immediately remove the dog and place it in a secure place for any action deemed necessary by an authorised officer.

(c) Where a person seizes a dog under paragraph (a), he shall, within 24 hours, inform the DVS.

(5) Where an authorised officer has reasonable ground to believe that an offence has been committed under this section, he may impound or seize the dog.

34. Inciting or urging dog to attack

(1) Subject to subsection (2), a person who incites or urges a dog to attack, bite, harass or chase any person, or any domestic or other animal, whether causing injury or not, shall commit an offence and shall, on conviction, be liable to a fine not exceeding 10,000 rupees and to imprisonment for a term not exceeding 6 months.

(2) Subsection (1) shall not apply where the dog acted in –

- (a) the reasonable defence of a person or any property;

- (b) the course of the proper performance of a person's duties as a police officer, prison officer or security guard;
- (c) the course of lawful hunting;
- (d) the course of its training by the Police, Mauritius Prisons Service, Customs authorities or their officers in the exercise of their powers and performance of their duties.

35. Protected wildlife

(1) Where a dog attacks protected wildlife and causes –

- (a) such injury to the protected wildlife that it becomes necessary to euthanise the protected wildlife to terminate its suffering; or
- (b) the death of the protected wildlife,

the owner of the dog shall commit an offence and shall, on conviction, be liable to a fine not exceeding 10,000 rupees and to imprisonment for a term not exceeding one year.

(2) Where a dog is at large and is an immediate disturbance or threat to, or causes the death of, any protected wildlife –

- (a) the occupier or person having control of the land on which the dog is; or
- (b) a police officer or authorised officer,

may forthwith seize the dog and inform the DVS within 24 hours.

36. Breeding and connected matters

(1) No person shall –

- (a) cause or permit a dog of a breed, kind or description listed in the Fourth Schedule to breed with any other dog;
- (b) sell or exchange a dog of a breed, kind or description listed in the Fourth Schedule or offer, advertise or expose such a dog for sale or exchange;
- (c) advertise that a dog of a breed, kind or description listed in the Fourth Schedule is available for breeding;

- (d) make or offer to make a gift of a dog of a breed, kind or description listed in the Fourth Schedule, or advertise or expose such a dog as a gift.

(2) Any person who wishes to breed one or more dogs for the purpose of reproduction, other than a dog of a breed, kind or description which is listed in the Fourth Schedule, shall apply for registration as a dog breeder.

(3) (a) An application for registration under subsection (2) shall be made to the DVS which shall determine the application within a period of one month as from the date of receipt of the application.

(b) Where an application is granted, the DVS shall issue a breeder's permit –

- (i) subject to such terms and conditions as the DVS may impose, including the furnishing of such returns relating to the disposal of dogs as may be approved by the supervising officer;

- (ii) on payment of the fee specified in the Fifth Schedule.

(4) (a) Any person who, without being registered as a dog breeder under subsection (3), breeds a dog or disposes of a dog for gain shall commit an offence.

(b) Any person registered as a dog breeder under subsection (3) who breaches any condition attached to his breeder's permit shall commit an offence.

(5) A dog breeder who disposes of a dog which he is breeding shall, within 30 days of such disposal, inform the DVS of the name and address of any person who is now in charge of the dog.

(6) Any person who commits an offence under this section shall, on conviction, be liable to a fine not exceeding 50,000 rupees and to imprisonment for a term not exceeding 2 years.

37. Dog shows and pedigree certificates

(1) No person shall –

- (a) hold a dog show; or
- (b) issue a pedigree certificate,

unless he has applied for and obtained a permit issued by the DVS.

(2) The permit referred to in subsection (1) shall be issued on such terms and conditions as the supervising officer may determine.

38. Importation of dogs

(1) (a) No person shall import any dog of a breed, kind or description listed in the Fourth Schedule.

(b) In this subsection –

“dog” includes the embryo, ova or semen of a dog.

(2) Any person who contravenes subsection (1) shall commit an offence and shall, on conviction, be liable to a fine not exceeding 50,000 rupees and to imprisonment for a term not exceeding 2 years.

39. Notice to comply

(1) Where an authorised officer is not satisfied with the condition in which a dog is kept, he shall –

(a) issue a notice of non-compliance, specifying the shortcoming and the time frame for compliance;

(b) impound the dog at the owner’s cost until the owner complies with the notice.

(2) Where the owner fails to comply with the notice, he shall commit an offence and shall, on conviction, be liable to a fine not exceeding 10,000 rupees and to imprisonment for a term not exceeding 6 months.

40. Power to request information

(1) A police officer or an authorised officer may, for the purposes of this Act, request from any person who is –

(a) the owner of a dog;

(b) the occupier of the land or premises on which a dog is kept,

such information as he may consider necessary.

(2) Any person who –

- (a) without reasonable excuse, fails or refuses to comply with a request under subsection (1); or
- (b) wilfully provides false information under this section,

shall commit an offence and shall, on conviction, be liable to a fine not exceeding 10,000 rupees.

(3) (a) A police officer who has reasonable ground to believe that a person has committed an offence under subsection (2) and has warned that person of the provisions of subsection (1) or (2), may arrest that person after obtaining a warrant from a District Magistrate of the district in which the offence is committed, and shall convey the person as soon as is reasonably practicable before the Magistrate, to be dealt with according to law.

(b) An authorised officer who has reasonable ground to believe that a person has committed an offence under subsection (2) may seize or impound the dog.

41. Stray dogs

(1) A stray dog may be seized by an officer and taken to a place designated by the Director.

(2) A stray dog which is not registered at the time of its seizure shall be disposed of as provided for under this Act.

(3) A stray dog which is registered at the time of its seizure may be returned to the person claiming to be its owner where that person –

- (a) establishes his claim to the satisfaction of the Society within the period specified in Part I of the Sixth Schedule; and
- (b) in the case of a dog seized –
 - (i) for the first time, pays the appropriate fee specified in Part II of the Sixth Schedule;
 - (ii) for the second time, pays the appropriate fee specified in Part II of the Sixth Schedule.

(4) Where a stray dog is not registered at the time of its seizure, the owner of the stray dog shall, before the dog is returned to him –

- (a) cause the dog to be registered and micro-chipped; and

- (b) pay the appropriate fee specified in Part II of the Sixth Schedule.

(5) Where a stray dog which has been returned to its owner under this section is caught for the third time, it shall forthwith be euthanised.

(6) Notwithstanding this section –

- (a) a stray dog caught within any airport, seaport or hospital compound shall forthwith be euthanised;
- (b) a stray dog which has been seized and not been claimed nor returned under this section may, with the approval of a veterinary surgeon, be euthanised;
- (c) a stray dog which, on being examined by a veterinary surgeon, is found to be suffering from any infectious or dangerous disease, may be euthanised and the carcass of the dog shall be disposed of in such manner as the veterinary surgeon may direct.

PART VI – MISCELLANEOUS

42. Powers of Court

Where a person is convicted of an offence under this Act, the Court may, in addition to any penalty imposed on the owner –

- (a) order the euthanasia of an animal involved in the commission of the offence;
- (b) order the owner of the animal involved to be disqualified, for a period not exceeding 2 years, from owning an animal; and
- (c) make such other order as regards an animal in the custody of the DVS as it considers necessary.

43. Euthanasia of animal

(1) Where a Court orders the euthanasia of an animal, its owner shall –

- (a) cause the animal to be euthanised –
 - (i) immediately and in such manner as the DVS may approve; or

(ii) within such time as the Court may specify in the order; and

(b) within 15 days of the euthanasia, produce to the DVS a certificate issued by a veterinary surgeon, certifying that the animal has been euthanised.

(2) The owner of an animal who contravenes an order of the Court under subsection (1) shall commit an offence and shall, on conviction, be liable to a fine not exceeding 5,000 rupees and to imprisonment for a term not exceeding 6 months.

44. Protection from liability

(1) Any person who is entitled under this Act to euthanise or seize any animal, who does so in a reasonable manner and involuntarily wounds or maims the dog in the course of attempting to do so, shall not incur any civil or criminal liability for the injury done to the dog or its death.

(2) The DVS shall not be held liable for the death of any animal due to natural cause or caused accidentally during the process of impounding.

45. Regulations

(1) The Minister may, for the purposes of this Act, make such regulations as he thinks fit.

(2) Any regulations made under subsection (1) may –

(a) provide for the levying of fees and charges;

(b) amend the Schedules, other than the Third Schedule;

(c) prescribe minimum standards for the accommodation of animals;

(d) limit the number of animals that may be kept on any land or premises;

(e) provide that any person who contravenes them shall commit an offence and shall, on conviction, be liable to a fine not exceeding 10,000 rupees.

46. Repeals

The following enactments are repealed –

- (a) the Animal Destruction Act;
- (b) the Control of Stray Dogs Act;
- (c) the Mauritius Society for the Prevention of Cruelty to Animals Act;
- (d) the Mauritius Society for the Prevention of Cruelty to Animals (Officers' Powers and Protection) Act;
- (e) the Prevention of Cruelty to Animals Act;
- (f) the Mauritius Society for the Prevention of Cruelty to Animals (Temporary Provisions) Act 2013;
- (g) the Prevention of Cruelty to Animals Regulations 1925;
- (h) the Prevention of Cruelty to Animals (Vivisection) Regulations 1959;
- (i) the Registered Dogs (Issue of Discs) Regulations 1976;
- (j) the Mauritius Society for the Prevention of Cruelty to Animals Rules 1978.

47. Consequential amendments

(1) The Criminal Code is amended –

- (a) by repealing sections 359, 360 and 361;
- (b) in section 378, by repealing paragraphs (u) and (za);
- (c) in section 379, by deleting the words “(u),”;
- (d) in section 382, by repealing paragraphs (h) and (i).

(2) The Statutory Bodies (Accounts and Audit) Act is amended –

- (a) in the First Schedule, in Part I, by inserting, in the appropriate alphabetical order, the following new item and its corresponding entry –

Mauritius Society for Animal Welfare Mauritius Society for Animal Welfare Act 2013

- (b) in the Second Schedule, in Part I, by inserting, in the appropriate alphabetical order, the following new item and its corresponding entry –

Mauritius Society for Animal Welfare Mauritius Society for Animal Welfare Act 2013

48. Savings and transitional provisions

(1) Every person employed by the former Society at the commencement of this Act shall be dealt with in accordance with this section.

(2) Every person who, at the commencement of this Act, is employed on the permanent and pensionable establishment of the former Society, shall be entitled to be transferred to the permanent and pensionable establishment of the Society on terms and conditions which shall not be less favourable than those of his previous employment.

(3) The period of service of every person employed on the permanent and pensionable establishment of the former Society who is transferred to the Society under subsection (2) shall be considered to be an unbroken period of service with the Society.

(4) No person employed on the permanent and pensionable establishment of the former Society shall, on account of his transfer to the Society or any resulting change in his job title, be entitled to claim that his employment has been terminated or adversely affected in breach of any enactment.

(5) Any disciplinary inquiry or proceedings pending at the commencement of this Act against a person employed on the permanent and pensionable establishment of the former Society shall be taken up, continued or completed by the supervising officer of the Ministry, and any resulting order or decision shall have the same force and effect as if made by the former Society.

(6) Notwithstanding any other enactment, the contract of every person employed on a fixed term contract by the former Society which is in force at the commencement of this Act shall be deemed to have been entered into with the Society and shall remain governed by its existing terms and conditions.

(7) The assets and funds of the former Society shall, at the commencement of this Act, vest in the Society.

(8) All rights, obligations and liabilities subsisting in favour or against the former Society shall, at the commencement of this Act, continue to exist under the same terms and conditions in favour or against the Society.

(9) Any judicial proceedings instituted by or pending against the former Society at the commencement of this Act shall be continued against the Society.

(10) (a) Any authorisation, certificate, licence or permit issued by the former Society, as the case may be, shall be deemed to have been issued, made or granted by the Society and shall remain valid for the period specified in the authorisation, certificate, licence or permit, as the case may be.

(b) Paragraph (a) shall not apply to any permit issued before the commencement of this Act for the holding of a dog show.

(11) An application made to the former Society which is pending at the commencement of this Act, shall be considered to have been made to the Society and shall be dealt with in accordance with this Act.

(12) Notwithstanding section 46, pending the constitution of the Council under this Act, the interim Committee as set up under the repealed Mauritius Society for the Prevention of Cruelty to Animals (Temporary Provisions) Act 2013 shall exercise all the powers vested in the Society under this Act.

(13) Where this Act does not make provision for any transition, the Minister may make such regulations as may be necessary for such transition.

(14) In this section –

“former Society” means the Mauritius Society for the Prevention of Cruelty to Animals established under the Mauritius Society for the Prevention of Cruelty to Animals Act.

49. Commencement

(1) Subject to subsection (2), this Act shall come into operation on a date to be fixed by Proclamation.

(2) Different dates may be fixed for the coming into operation of different sections of this Act.

FIRST SCHEDULE

[Section2]

DANGEROUS DOGS

Alaskan Malamute

American Pit Bull Terrier

American Staffordshire Terrier

Blue Rose Pit Bull

Boer Bull

Bull Mastiff

Cane Corso

Dobermann

Dogo Argentino

Fila Brasileiro

Japanese Tosa

Kangal

Mastino Napoletano

Presco Canario

Red Rose Pit Bull

Rhodesian Ridgeback

Rottweiler

Staffordshire Terrier

SECOND SCHEDULE
[Section 14]

	FEE (Rs)
PART I	
Admission fee	5,000
PART II	
Subscription fee –	
(a) Life member	15,000 (minimum)
(b) Ordinary member	1,000

THIRD SCHEDULE

[Section 15]

1. Nomination of members for election

(1) No person shall be eligible for election as member of the Council unless his name appears on the roll of members of the Society.

(2) A nomination as candidate for election as member of the Council shall be submitted in writing to the Director of the Society not later than 14 days before the date of election.

(3) Every candidate for election shall be nominated by not less than 4 registered members of the Society.

(4) The nomination paper of a candidate shall be in such form as may be approved by the Council.

2. Vote by ballot

(1) The votes shall be cast by secret ballot.

(2) The ballot paper shall be in such form as may be approved by the Council.

3. Proxy

(1) Any registered member of the Society may apply to the Director of the Council not less than 7 days before the date of election for the issue of a proxy paper appointing another person to vote as proxy for such registered member.

(2) A registered member shall not be entitled to have more than one proxy at a time appointed to vote for him at an election, nor shall a registered member be entitled to vote in person at an election where that registered member's application for proxy has been allowed.

4. Election of members

(1) The election of members of the Council shall be conducted by the supervising officer.

(2) No person shall be eligible to vote at the election of members of the Council unless his name appears in the register of members.

(3) The members of the Council shall be elected by the vote of a majority of members of the Society present.

(4) Where there is an equality of votes in respect of the election of members of the Council, an election shall be held for those members.

FOURTH SCHEDULE
[Sections 32, 36 and 38]

DOGS OF CERTAIN BREEDS, KINDS OR DESCRIPTIONS

American Pit Bull Terrier

American Staffordshire Terrier

Blue Rose Pit Bull

Boer Bull

Dogo Argentino

Fila Brasileiro

Japanese Tosa

Red Rose Pit Bull

Staffordshire Terrier

Any other breed, kind or description listed in the First Schedule which is not pure breed

FIFTH SCHEDULE
[Section 36]

REGISTRATION FEE FOR BREEDERS

Number of breeding females	(Rs)
1-5	10,000
5-10	25,000
More than 10	100,000

SIXTH SCHEDULE

[Section 41]

RETURN OF STRAY DOGS

PART I

Period during which a seized stray dog may be claimed	3 days
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PART II

	FEE (Rs)
Registered dog seized for –	
(a) the first time	1,000
(b) the second time	2,000
Non-registered stray dog seized	3,000
