

MAURITIUS SOCIETY FOR THE PREVENTION OF CRUELTY TO ANIMALS (OFFICERS' POWERS AND PROTECTION) ACT

Act 51 of 1969 – 29 May 1972

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MAURITIUS SOCIETY FOR THE PREVENTION OF CRUELTY TO ANIMALS (OFFICERS' POWERS AND PROTECTION) ACT

1. Short title

This Act may be cited as the Mauritius Society for the Prevention of Cruelty to Animals (Officers' Powers and Protection) Act.

2. Interpretation

In this Act—

“airport” includes the Sir Seewoosagur Ramgoolam International Airport as defined in the Customs Regulations 1989*;

“dog” means any sterilised or unsterilised male or female dog and includes a male or female puppy;

“dog catcher” means any person engaged as such by the Society*;

“driver” means a person employed as such by the Society;

“employer” means a dog catcher, an inspector or a sub-inspector*;

“hunting dog” means a dog registered as such with, and tattooed by, the Society;

“inspector” or “sub-inspector” means any person employed as such by the Society;

* EDITORIAL NOTE: These definitions are to be deleted on the coming into operation of Act 30 of 2000.

"owner" includes the person in charge of any animal, whether the animal belongs to the person or not;

"Society" means the Mauritius Society for the Prevention of Cruelty to Animals;

"stray dog" means any dog at large and apparently not under the control or charge of any person*;

"veterinary surgeon" means any person employed as such by the Society.

[S. 2 amended by Act 45 1989.]

3. Registration of dogs

(1) Every person who becomes the owner of a dog shall, not later than 15 days after the date on which he becomes the owner, cause it to be registered with the Society.

(2) (a) The Society shall, in respect of every dog registered with it, issue to its owner a numbered disc.

(b) Where a hunting dog is registered with the Society, the Society shall, on payment of the prescribed fee, tattoo such dog with the number borne on the disc in such manner and at such part of the body as the Society thinks fit.

(3) Where the disc issued in respect of every dog registered with the Society is lost, destroyed or damaged, the owner of the dog shall forthwith report the fact to the Society, and the Society shall thereupon issue a new disc in respect of the dog.

(4) The owner of a dog registered with the Society shall at all times cause the dog to carry a collar and the disc issued by the Society.

(5) (a) No owner of a dog shall allow the dog to stray.

(b) Any stray dog may be seized by an employer and taken to a place designated by the Secretary of the Society.*

(6) Any person who fails to comply with this section shall commit an offence and shall, on conviction, be liable to a fine of not less than 1000 rupees and not more than 2,000 rupees.**

[S. 3 amended by Act 31 of 1983; Act 45 of 1989.]

3A. Owner's declaration

(1) An owner shall, upon registering a dog under section 3 (1), make a declaration in writing specifying whether the dog will be kept for breeding purposes.

* EDITORIAL NOTE: This definition is to be deleted on the coming into operation of Act 30 of 2000.

** EDITORIAL NOTE: These sections will be deleted on the coming into operation of Act 30 of 2000.

** This subsection will be renumbered (5) on the deletion of existing subsection (5) on the coming into force of Act 30 of 2000.

(2) Where the owner declares that—

- (a) the dog is not kept for breeding purposes; and
- (b) he has no objection to the dog being sterilised,

the dog shall be sterilised at such time and in such manner as the Society shall prescribe.

[S. 3A amended by Act 45 of 1989; Act 23 of 1997.]

4. Stray dogs may be claimed*

(1) A stray dog which is not registered at the time of its seizure under section 3 (5) shall be disposed of as provided for in section 5.

(2) 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 Schedule;
- (b) in the case of a dog seized for the first time, pays the appropriate fee specified in Sub-Part A of Part II of the Schedule;
- (c) in the case of a dog seized for the second time, pays the appropriate fee specified in Sub-Part B of Part II of the Schedule.

(3) (a) Notwithstanding subsections (1) and (2), a stray dog seized under section 3 (5) may, subject to paragraphs (b) and (c), be returned to the person claiming to be its owner where he establishes his claim to the satisfaction of the Society within the period specified in Part I of the Schedule.

(b) Where the stray dog referred to in paragraph (a) is not registered, the owner shall, before the dog is returned to him—

- (i) cause the dog to be registered;
- (ii) in the case of hunting dog, cause the dog to be tattooed in accordance with section 3 (2) (b); and
- (iii) pay the appropriate fee specified in Sub-Part C of Part II of the Schedule.

(c) Where a hunting dog is registered at the time of the seizure, the owner shall, before the dog is returned to him, pay the appropriate fee specified in Sub-Part D of Part II of the Schedule.

(4) (a) Where a registered dog is seized and is found not to be sterilized, the owner shall, upon claiming the dog, make a declaration in accordance with section 3A (1).

(b) The Society shall, following that declaration, proceed in accordance with section 3A (2).

[S. 4 amended by Act 31 of 1983; Act 45 of 1989; Act 23 of 1997.]

* EDITORIAL NOTE: This section will be deleted on the coming into operation of Act 30 of 2000.

4A. Disposal of stray dogs*

Except in the case of a hunting dog, where a stray dog which has been returned to its owner under section 4 is caught for the third time, it shall forthwith be destroyed in as humane a manner as possible or otherwise disposed of.

[S. 4A inserted by Act 45 of 1989.]

4B. Disposal of stray dogs caught at the airport*

Notwithstanding this Act, any stray dog caught within any airport may be forthwith destroyed in as humane a manner as possible or otherwise disposed of.

[S. 4B inserted by Act 19 of 1995.]

5. Disposal of unclaimed stray dogs*

Any stray dog seized under section 3 which has not been claimed and returned under section 4 may, with the approval of a veterinary surgeon, be destroyed in as humane a manner as possible or otherwise disposed of.

6. Stray dogs suffering from disease*

Any stray dog which, on being examined by a veterinary surgeon, is found to be suffering from any infectious or dangerous disease, may be destroyed in as humane a manner as possible and the carcass of the dog shall be disposed of in such manner as a veterinary surgeon may direct.

6A. Registration of dog breeders

(1) Any person who wishes to breed dogs shall make an application for registration as a dog breeder.

(2) An application for registration under subsection (1)—

- (a) shall be made to the Society in such form as the Society may approve;
- (b) shall not be granted except upon payment of the fee specified in Part III of the Schedule;
- (c) may be granted subject to such conditions as the Society may deem fit to impose, including the furnishing of returns relating to the disposal of the dogs.

(3) Any person who—

- (a) not being registered as a dog breeder under subsection (1)—
 - (i) disposes of a dog for gain; or
 - (ii) breeds dogs; or
- (b) fails to comply with any of the conditions attached to his registration under subsection (2),

shall commit an offence.

* EDITORIAL NOTE: Sections 4A, 4B, 5 and 6 will be deleted on the coming into operation of Act 30 of 2000.

(4) Any person who disposes of a dog shall, within 30 days of such disposal, inform the Society of the name and address of any person to whom the dog has been disposed of.

(5) Any person who contravenes subsection (4) shall commit an offence.

(6) Any person who commits an offence under this section shall, on conviction, be liable to a fine of not less than 1,000 rupees and not more than 2,000 rupees.

(7) For the purposes of this section—

- (a) a person shall be deemed to breed dogs where he keeps on his premises 2 dogs or more including an unsterilised female dog aged 6 months or more; and
- (b) “premises” includes a private dwelling, a cage or a pen.

[S. 6 amended by Act 45 of 1989; Act 19 of 1995.]

7. Powers of inquiry

(1) Any person who is reasonably suspected of having committed or of attempting to commit an offence under this Act or the Mauritius Society for the Prevention of Cruelty to Animals Act shall, at the request of a veterinary surgeon, an inspector or a sub-inspector, on a written authority to that effect, issued by the Secretary of the Society, give his name and address and grant access to his premises to that person.

(2) Any person who fails to comply with a request made under subsection (1), or who knowingly gives any false or misleading information in relation to the request, shall commit an offence and shall, on conviction, be liable to a fine of not less than 500 rupees and not more than 1,000 rupees.

[S. 7 amended by Act 45 of 1989.]

8. Protection of officers*

A veterinary surgeon, inspector or sub-inspector, driver or dog catcher acting in the exercise of his duties under this Act shall, for the purposes of the Public Officers’ Protection Act, be deemed to be a public officer.

[S. 8 amended by Act 45 of 1989.]

8A. Protection from criminal or civil liability

No criminal or civil liability shall attach to the Society, any member of its Executive Council or any employee for anything done, or omitted to be done, in good faith in the execution of the duties, or the exercise of the powers, under this Act.

[S. 8A inserted by Act 23 of 1997.]

* EDITORIAL NOTE: Section 8 will be amended on the coming into operation of Act 30 of 2000.

8B. Evidence

A certificate under the hand of the Honorary Secretary of the Society or of a veterinary surgeon of the Society shall, in any proceedings before any Court, be sufficient evidence of a fact stated therein without proof of the handwriting of the signatory, unless the Court decides that his attendance is necessary.

[S. 8B inserted by Act 23 of 1997.]

9. Regulations

The Society may, with the approval of the Minister—

- (a) make such regulations as it thinks fit for the purposes of this Act; and
- (b) by regulations, amend the Schedule.

[S. 9 amended by Act 31 of 1983.]

SCHEDULE

PART I

[Section 4]

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

PART II

Sub-Part A

[Section 4 (2) (b)]

Fee payable Rs 500

Sub-Part B

[Section 4 (2) (c)]

Fee payable Rs 500

Sub-Part C

[Section 4 (3) (b) (iii)]

Fee payable Rs 500

Sub-Part D

[Section 4 (3) (c)]

Fee payable Rs 500

PART III

[Section 6A]

For the registration of a dog breeder Rs 1,000
per annum or part
thereof

[Sch. amended by Act 31 of 1983; Act 45 of 1989; GN 202 of 1995; Act 23 of 1997;
GN 35 of 2006.]
