

PREVENTION OF CRUELTY TO ANIMALS ACT

Act 25 of 1957 – 30 November 1957

ARRANGEMENT OF SECTIONS

SECTION

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| PART I – PRELIMINARY* | |
| 1. Short title | 9. Experiments not to be performed for purposes of attaining manual skill* |
| 2. Interpretation | 10. Restrictions upon performances of experiments by licensee* |
| 3. Offences of cruelty to animals | 11. — |
| 4. Persons impounding animals to provide food and water | 12. Records and inspections* |
| 5. Apprehension of offenders | 13. Returns* |
| PART II – VIVISECTION* | 14. — |
| 6. Interpretation* | 15. Penalty* |
| 7. Grant of licence* | 16. Restriction on prosecution of licensee* |
| 8. Experiments by licensed persons only* | 17. Regulations |

PREVENTION OF CRUELTY TO ANIMALS ACT

EDITORIAL NOTE: Provision is made in section 42 of the Veterinary Services (Duties and Powers) Act (No. 16 of 2000) for the repeal of headings “Part I” and “Part II” and sections 6 to 10, 12, 13, 15 and 16. These sections are however still in force inasmuch as the commencement of section 42 of Act 16 of 2000 has to date not been proclaimed.

PART I — PRELIMINARY

1. Short title

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

2. Interpretation

In this Act—

“animal” means a living creature, other than a human being, which is—

- (a) dependent upon man for its care and sustenance; or
- (b) kept by man in a state of captivity;

“Minister” means the Minister to whom responsibility for the subject of health is assigned.

[S. 2 amended by Act 28 of 1988.]

3. Offences of cruelty to animals

(1) Any person who—

- (a) (i) illtreats, over-rides, over-drives, overloads, tortures, infuriates or terrifies an animal;
- (ii) causes, procures, or, being the owner, permits an animal to

- be treated in a manner specified in subparagraph (i);
- (iii) by wantonly or unreasonably doing or omitting to do an act, or causing or procuring the commission or omission of an act, causes unnecessary suffering, or, being the owner, permits unnecessary suffering to be caused, to an animal;
- (b) drives, rides, loads, or otherwise causes to labour, an animal which a hurt, a wound, or lameness, or excessive leanness has rendered unfit for labour;
 - (c) conveys, or carries, or causes or procures, or being the owner, permits to be conveyed or carried, an animal in such manner or position as to cause that animal unnecessary suffering;
 - (d)
 - (i) causes, procures, or assists at, the fighting or baiting of an animal;
 - (ii) keeps, uses, manages, or acts or assists in the management of, any premises or place for the purpose of fighting or baiting an animal, or permits any premises or place to be so kept, managed, or used;
 - (iii) receives, causes or procures any person to receive money for the admission of any person to those premises or place;
 - (e)
 - (i) wilfully, without any reasonable cause or excuse, administers, or causes or procures, or, being the owner, permits the administration of a poisonous or injurious drug or substance to an animal;
 - (ii) wilfully, without any reasonable cause or excuse, causes a substance mentioned in subparagraph (i) to be taken by an animal; or
 - (f) subjects, or causes, procures, or, being the owner, permits to be subjected, an animal to an operation which is performed without due care and humanity,

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 12 months.

(2) For the purposes of this section, an owner shall be deemed to have permitted cruelty within the meaning of this Act if he has failed to exercise reasonable care and supervision in respect of the protection of the animal.

(3) This section shall not—

- (a) —
- (b) apply to the commission or omission of an act in the course of the destruction, or the preparation for destruction, of an animal as food for mankind, unless the destruction or preparation was accompanied by the infliction of unnecessary suffering.

[S. 3 amended by Act 5 of 1999.]

4. Persons impounding animals to provide food and water

(1) Every person who impounds, or confines in any pound or receptacle of the like nature, an animal, shall provide and supply to that animal during its confinement, a sufficient quantity of fit and wholesome food and water.

(2) Every person referred to in subsection (1) who refuses or neglects to provide and supply the animal with food and water, shall commit an offence and shall, on conviction, be liable to a fine not exceeding 500 rupees.

(3) The cost of food and water for an animal impounded or confined under subsection (1) shall be paid by the owner of the animal before it is removed.

(4) (a) Where the animal is not removed within a delay of 7 clear days, the Magistrate may order that the animal be sold, after due notice in the *Gazette* or in 2 daily newspapers.

(b) The proceeds of the sale, after deducting the expenses of maintaining the animal and the costs of sale, shall be handed over to—

- (i) the owner of the animal, if he claims them within 6 months of the date of the sale;
- (ii) the Accountant-General, where the owner does not claim them within 6 months of the date of the sale.

[S. 4 amended by Act 28 of 1988.]

5. Apprehension of offenders

Where an offence is committed under this Act, a police officer or a municipal officer in the district of Port Louis, may seize and secure the offender, and forthwith, without any other authority or warrant, convey him before the Magistrate of the district where the offence has been committed, to be dealt with according to law.

PART II — VIVISECTION*

6. Interpretation*

In this Part—

“animal” means a living vertebrate animal;

“experiment” means any experiment performed on an animal and calculated to give pain;

“licensee” means a person licensed under section 7.

7. Grant of licence*

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

(2) It shall be a condition of any licence granted under subsection (1) that any experiment performed under the licence shall be performed at such place as may be specified in the licence.

8. Experiments by licensed persons only*

(1) No person, other than a licensee, shall perform any experiment.

(2) No licensee shall perform any experiment except in accordance with the terms of his licence and subject to the restrictions imposed by this Act.

9. Experiments not to be performed for purposes of attaining manual skill*

No licensee shall perform any experiment for the purpose of attaining manual skill.

10. Restrictions upon performances of experiments by licensee*

(1) 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 written order of any Judge in any case where he is satisfied that it is essential for the purpose of justice in a criminal case to make the experiment.

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

- (a) throughout the whole of the experiment, the animal is under the influence of some anaesthetic of sufficient power to prevent the animal feeling pain; and
- (b) where the pain is likely to continue after the effect of the anaesthetic has ceased, or where 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 unless appropriate sedation has been administered.

(3) Subsections (1) and (2) shall not apply in cases of routine bacteriological and pathological investigations carried out by the Government Pathological Laboratories on animals.

[S. 10 amended by Act 28 of 1988.]

11. —

12. Records and inspections*

(1) Every licensee shall keep, in such form as may be prescribed, records of all painful experiments performed by him.

(2) Every licensee shall permit any person authorised in writing by the Minister to inspect any records kept by him between 9 am and 3.30 pm on any day, other than a public holiday.

(3) Every licensee shall permit any person authorised in writing to enter and inspect, for the purpose of securing compliance with this Act, any place specified in the licence granted to him for the performance of experiments.

13. Returns*

Every licensee shall render to the Minister, in such form and at such time as may be prescribed, such returns as may be required in relation to any experiments performed by him.

14. —

15. Penalty*

Every person who contravenes—

- (a) Part II; or
- (b) any condition of any licence or special permit granted under this Act,

shall commit an offence and shall, on conviction, be liable to a fine not exceeding 1,000 rupees and to imprisonment for a term not exceeding 12 months.

16. Restriction on prosecution of licensee*

No prosecution under this Act against a licensee shall be instituted except by or with the consent of the Director of Public Prosecutions.

17. Regulations

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

(2) Regulations made under subsection (1) may provide that any person who contravenes them shall commit an offence and shall, on conviction, be liable to a fine not exceeding 3,000 rupees.

[S. 17 amended by Act 5 of 1999.]