POUNDS ACT

CHAPTER 67:03

Act
16 of 1875
Amended by
37 of 1950
17 of 1979
45 of 1979
47 of 1980
3 of 1994
23 of 1997

Current Authorised Pages

Pages (inclusive)		*Authorised by L.R.O.*
1–10	..	*1/2006*

Note on Subsidiary Legislation

This Chapter contains no subsidiary legislation.

Note on Adaptation

1. Certain fees in this Chapter were increased by the Commission under paragraph 4 of the Second Schedule to the Law Revision Act (Ch. 3:03). Where this occurs, a marginal reference in the form normally indicating an amendment is made to LN 51/1980 (the Legal Notice by which the President's approval was signified).

2. Under paragraph 6 of the Second Schedule to the Law Revision Act (Ch. 3:03) the Commission amended certain references to public officers in this Chapter. The Minister's approval of the amendments was signified by LN 120/1980, but no marginal reference is made to this Notice where any such amendment is made in the text.

CHAPTER 67:03

POUNDS ACT

ARRANGEMENT OF SECTIONS

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CHAPTER 67:03

POUNDS ACT

1950 Ed. Ch. 25. No. 8.
16 of 1875.

An Act as to animals trespassing.

Commencement.

[7TH MARCH 1876]

Short title.

1. This Act may be cited as the Pounds Act.

Interpretation. [17 of 1979 23 of 1997].

2. In this Act—

"poundable animal" means any horse, mare, gelding, colt, filly, ass, mule, bull, cow, ox, steer, heifer, calf, buffalo, goat, kid, sheep, lamb, hog, sow, pig, or other great or small cattle;

"Minister" means the Minister responsible for Agriculture.

Appointment of pounds.

3. The Magistrate of any district in which there are no pounds, or an insufficient number of pounds, may authorise the establishment therein of such pounds as he may think necessary. Such pounds shall be erected at the expense of, and be the property of, the State.

Management of pounds.

First Schedule.

4. The senior officer of Police in every Police district shall act as pound-keeper of all pounds in his district unless some other person is appointed by the Magistrate of the district with the approval of the Minister. Every pound-keeper shall be entitled to demand the fees specified in the First Schedule, and to apply to his own use the whole amount of the fees payable in respect of the feeding of the animal, and half the amount of the pound fees. The other half of such pound fees he shall, once in every month, pay over to the Magistrate of the district to be paid by him to the Comptroller of Accounts.

Animals trespassing.

5. (1) The owner or occupier of any enclosed, cultivated, or pasture land, or any person authorised by him, may seize any poundable animal found trespassing on such land and may send or take every such animal to the pound of the district in which such land or any part of it is situated, or to the nearest pound, to be detained and dealt with according to this Act.

(2) The owner or occupier of the land trespassed upon may secure and keep any animal seized under this section before sending the same to the pound for any time not exceeding two days after the day of seizure.

(3) Where any animal has been seized 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 owner or occupier of the land trespassed upon, to the person having the charge of such animal the seizure fee specified in the Second Schedule, the person having charge of such animal shall, upon such payment being made, deliver the animal to the person making the payment.

Second Schedule.

6. The Minister may by Order, made with the approval of the President, vary the pound fees and seizure fees specified in the First Schedule and Second Schedule, respectively.

Minister may by Order vary pound and seizure fees. First Schedule. Second Schedule. [17 of 1979].

7. Any poundable animal found tethered, wandering, straying, or lying in any public place, square, quay, wharf or highway, may be seized and sent or taken to the pound by any person finding the same, and the pound-keeper shall be entitled to demand—

Animals improperly on highways. [17 of 1979].

(a) the fees specified in the First Schedule and to apply such fees as provided for in section 4; and

First Schedule.

(b) the fees specified in the Second Schedule which fees shall be payable to the person who seized and sent or took the animal to the pound.

Second Schedule.

8. The owner or occupier of any enclosed, cultivated, or pasture land, or any person authorised by him, may shoot or kill with a cutlass or other cutting instrument any hog, sow, pig, goat, or kid found trespassing on such land, and, if the owner of the animal does not claim the same within six hours after it is killed, may bury the carcase.

Swine or goats trespassing.

9. When any animal is brought to any pound the pound-keeper shall make, and the person bringing the animal to the pound

Enquiry as to ownership of animals impounded.

shall answer, all such enquiries as are likely to make known the owner or person having the charge of the animal. Any person bringing an animal to the pound who, upon any enquiry being made of him pursuant to this section, does not, according to the best of his knowledge, remembrance, information, and belief, truly answer such enquiry is liable to a fine of two hundred dollars.

Notice to owner of animal impounded. [51/1980].

10. (1) Where any animal is impounded, the pound-keeper shall serve notice of such animal being impounded upon the owner or person having the charge of the animal, by leaving such notice at the usual place of abode or business of the person to be served, in all cases in which such pound-keeper by any means obtains sufficient information to enable him to effect such service.

(2) Any pound-keeper who omits to give notice as required by this section is liable to a fine of two hundred dollars.

(3) A pound-keeper who gives notice as required by this section is entitled to receive in respect of such notice the sum of five dollars.

Costs of keeping animal in pound.

11. Where any animal has been impounded, and notice of such impounding has been served under section 10 upon the owner or person having the charge of such animal, such owner or person shall, in default of such animal being sold for a sum sufficient to defray such costs and charges, be liable to pay the costs of keeping the animal in the pound until the same can legally be offered for sale under section 18.

Cost of taking animal to pound. [17 of 1979 23 of 1997]. First, Second and Third Schedules.

12. A pound-keeper shall be entitled to demand, in addition to the fees specified in the First and Second Schedules and in the case of a tagged animal, the fees specified in the Third Schedule the cost incurred in taking or sending an animal to the pound and money collected in respect of any such demand shall be paid to the person who incurred the cost.

Notice where owner of animal not known.

13. (1) If, at the expiration of the day after any animal is impounded, the pound-keeper is unable to ascertain who is the owner or person having the charge of such animal, such pound-keeper shall cause a notice of the impounding of the animal to be posted at the Police Station of the district in which the pound

is situated, and at any other place which the Commissioner of Police may direct.

(2) A pound-keeper who omits to cause to be posted the notices required by this section is liable to a fine of two hundred dollars.

Fraudulent impounding.

14. Any person who drives, leads, or entices any animal into any land or into any public place, square, quay, wharf, or highway, with intent to impound such animal or to procure the same to be impounded, is liable to a fine of one thousand dollars or to imprisonment for three months.

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 having been lawfully seized for the purpose of being impounded, or breaks or injures any pound, or does, or aids or abets the doing of any act whereby any animal impounded may escape or be unlawfully liberated, is liable to a fine of one thousand dollars.

Transport of animals to pound. [23 of 1997].

15A. Any person who transports or who is responsible for the transportation of any animal to the pound in a vehicle must ensure that such vehicle—

(a) is adequately equipped with bedding, railings and restraint facilities;

(b) has the number of experienced animal handlers required to safely transport the animal to the pound;

(c) is not overcrowded.

Ill-treating or injuring animals impounded.

16. Any pound-keeper or person taking an animal to the pound, who cruelly beats, wounds, or otherwise ill-treats, or who wilfully injures or damages any animal in his charge, is liable to a fine of four hundred dollars.

Disposal of impounded animals. [17 of 1979 23 of 1997]. First, Second and Third Schedules.

17. Any animal received into a pound shall be detained until sold under section 18 unless before the time for such sale the fees specified in the First and Second Schedules and the cost referred to in section 12 and in the case of tagged animals the fees specified in the Third Schedule are paid.

Tagging of animal. [23 of 1997].

17A. Upon payment of the fees and costs referred to in section 17 the pound-keeper shall cause to be tagged and recorded any impounded animal before its release.

Fee for tagged animals. [23 of 1997]. Third Schedule.

17B. Where any animal tagged in accordance with section 17A is impounded, in addition to the fees and costs payable under this Act, the owner shall pay the fees specified in the Third Schedule before its release.

Sales of impounded animals. [17 of 1979].

18. (1) The keeper of any pound may, on such days as the Commissioner of Police from time to time may direct, put up for sale by public auction any animal which has been detained for more than ten days, exclusive of the days of seizure and sale, and may sell and deliver such animal to the best bidder for ready money for the same on receiving the amount of the bidding, and, if such amount is not forthwith paid, may put up the animal again for sale. Public notice of every sale under this section shall be given as the Commissioner may direct.

(2) Out of the moneys received by any sale under this section, the pound-keeper shall in the first place deduct the pound fees, and out of the surplus shall pay on demand the seizure fee and the cost incurred in taking or sending the animal to the pound, to the person or persons respectively entitled thereto under sections 5, 7 and 12 when he attends and demands the same, and shall pay the balance of such surplus (if any) to any person known to be the owner of the animal, and who attends and demands such balance. If no person having authority to receive such surplus, or the balance of such surplus, attends to demand the same before the expiration of the day of sale, the pound-keeper shall forthwith pay such surplus or the portion thereof remaining in his hands to the Magistrate of the district in which the pound is situated, to be kept by him until the person or persons respectively entitled thereto appear before such Magistrate and prove their claims to the same.

(3) If at the expiration of twelve months after any sale under this section, the Magistrate has in his hands any portion of the moneys received on account of such sale, he shall forthwith pay the same to the Comptroller of Accounts and the moneys so

paid shall thereupon vest in the State and all existing rights thereto shall be extinguished.

Costs of killing and burying.

19. In case a poundable 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 costs and charges under this Act, or in case the animal is in such a state or condition that it is unfit to be sold with a view to being worked, the pound-keeper may, in his discretion, have such animal shot or otherwise destroyed, and the carcase buried or otherwise disposed of. In such case the owner or person having charge of such animal shall, in addition to any other sum for which he may be liable, repay to the pound-keeper the costs, charges, and expenses attending such shooting, destruction, burial, or disposition.

Regulations.

20. The Commissioner of Police may, subject to the approval of the Minister, make Regulations as to the sum per day to be paid for the feeding of animals in pounds, as to the manner of giving or posting any notice required by this Act to be given or posted, as to the form of such notices, and as to the time and mode of conducting the sales of animals impounded.

Books kept by pound-keepers.

21. Every pound-keeper shall keep such book or books as the Commissioner of Police may from time to time direct for the purpose of identifying the animals impounded, describing the owners of the same, the persons bringing the same to the pound, specifying the moneys due or received in respect of any animal, and the disposal of all moneys received by such pound-keeper, and registering such other matters as the Commissioner of Police may from time to time direct.

Recovery of penalties.

Ch. 4:20.

22. All offences under this Act may be prosecuted, and all penalties incurred may be imposed or recovered, in the manner provided by the Summary Courts Act.

Act not to affect rights of action.

23. 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.

(Section 4).
[23 of 1997].

FIRST SCHEDULE

POUND FEES

	$
For every horse, mare, gelding, colt, filly, ass, mule, bull, cow, ox, steer, heifer, calf or buffalo	200.00
For every other poundable animal … …	100.00
For feeding of every horse, mare, gelding, colt, filly, ass, mule, bull, cow, ox, steer, heifer, calf or buffalo in pound … … … …	20.00 p/day
For feeding of every other animal in pound …	12.00 p/day.

(Section 5).
[23 of 1997].

SECOND SCHEDULE

SEIZURE FEES

	$
For every horse, mare, gelding, colt, filly, ass, mule, bull, cow, ox, steer, heifer, calf or buffalo	200.00
For every other poundable animal … …	100.00

(Section 17B).
[23 of 1997].

THIRD SCHEDULE

SEIZURE FEES

	$
For every horse, mare, gelding, colt, filly, ass, mule, bull, cow, ox, steer, heifer, calf or buffalo	500.00
For every other poundable animal … …	200.00