

CHAPTER 220.

THE ANIMALS (PREVENTION OF
CRUELTY) ACT.

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CHAPTER 220.

THE ANIMALS (PREVENTION OF
CRUELTY) ACT.

[5TH DECEMBER, 1957]

Ords.—
25 of 1957.
9 of 1962.
L.N. 224
of 1962.

Short title.
Cap. 15.

Interpreta-
tion.

An Act To Make Provision For The Prevention Of Cruelty
To Animals.

1. [Omitted—Acts of Parliament Act, section 12.]

2. In this Act, unless the context otherwise requires—

“authorised officer” means any administrative officer, any police officer, any veterinary officer, any officer of the Game and Fisheries Departments, any chief of or above the rank of sub-county chief or any other person appointed by the Minister to be an authorised officer;

“court” includes any court having jurisdiction;

“licensed person” means a person licensed under section 14 of this Act;

“public place” includes any public way and any building, place or conveyance to which for the time being the public are entitled or permitted to have access either without any condition or under any condition of making any payment, and any building or place which is for the time being used for any public or religious meetings or assembly or as an open court;

“public way” includes any highway, market place, square, street, bridge, or other way which is lawfully used by the public;

“vermin” means any animal injurious to man, crops, or to other animals but does not include any animal wholly or partly protected under the Game (Preservation and Control) Act.

Cap. 226.

Offences of
ty.

3. (1) Any person who—

(a) cruelly beats, kicks, ill-treats, over-rides, over-drives, over-loads, tortures, or infuriates any

animal, or causes or procures, or being the owner, permits any animal to be so used, or by wantonly or unreasonably doing or omitting to do any act, or causing or procuring the commission or omission of any act, causes any unnecessary suffering, or being the owner, permits any unnecessary suffering to be so caused to any animal; or

(b) conveys or carries, or causes or procures, or being the owner, permits to be conveyed or carried, any animal in such manner or position as to cause that animal unnecessary suffering; or

(c) wilfully, without any reasonable cause or excuse, administers, or causes or procures, or being the owner, permits the administration of, any drug or substance to any animal, or wilfully, without any reasonable cause or excuse, causes any such substance to be taken by any animal; or

(d) subjects, or causes or procures, or being the owner, permits to be subjected, any animal to any operation which is performed without due care and humanity;

(e) kills any animal in an unnecessarily cruel manner,

be guilty of an offence of cruelty within the meaning of this Act and liable on conviction to a fine not exceeding one thousand shillings or to imprisonment for a period not exceeding three months or to both such fine and imprisonment.

(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 thereon:

Provided that, where an owner is convicted of permitting cruelty within the meaning of this Act by reason only of having failed to exercise such care and supervision, he shall not be liable to imprisonment without the option of a fine.

(3) Nothing in this section shall apply to the commission or omission of any act in the course of the destruction, the preparation for destruction, of any animal as food for any kind, unless such destruction or such preparation was accompanied by the infliction of unnecessary suffering.

Power of court to order destruction of animal.

4. (1) Where the owner of an animal is convicted of an offence of cruelty, it shall be lawful for the court, if the court is satisfied that it would be cruel to keep the animal alive, to direct that the animal be destroyed, and to assign the animal to any suitable person for that purpose; and the person to whom such animal is so assigned shall, as soon as possible, destroy such animal, or cause or procure such animal to be destroyed in his presence without unnecessary suffering.

(2) Any reasonable expenses incurred in destroying the animal shall be recovered from the owner of the animal as a civil debt recoverable under the Debts (Summary Recovery) Act.

Cap. 67.

Penalty for permitting diseased animal to be at large in public places.

5. (1) Any person who permits any animal of which he is the owner or which is in his possession or under his control to be at large in any public place while such animal is suffering from any contagious or infectious disease shall be guilty of an offence and liable on conviction to a fine not exceeding one thousand shillings.

(2) An authorised officer may seize any animal suffering from any contagious or infectious disease which is at large in any public place and any court may order it to be destroyed.

No appeal against order for destruction.

6. An appeal shall not lie from any order for destruction made under either of the two preceding sections, and such order shall be final and shall not be liable to be contested by suit or otherwise.

Power of court to deprive person convicted of cruelty of ownership of animal.

7. If the owner of any animal is guilty of cruelty within the meaning of this Act to the animal, the court, upon his conviction thereof, may, if it thinks fit, in addition to any other punishment, deprive such person of the ownership of the animal, and may make such order as to the disposal of the animal as it thinks fit under the circumstances:

Provided that no order shall be made under this section unless it is shown by evidence as to a previous conviction, or as to the character of the owner, or otherwise, that the animal, if left with the owner, is likely to be exposed to further cruelty.

Poisoned grain, etc.

8. Any person who—

(a) sells, or offers or exposes for sale, or gives away, or causes or procures any person to sell or offer or expose for sale or give away, or knowingly is a party to the sale or offering or exposing for sale,

or giving away of any grain or seed which has been rendered poisonous except for *bona fide* use in agriculture; or

- (b) knowingly puts or places, or causes or procures any person to put or place, or knowingly is a party to the putting or placing, in or upon any land or building any poison, or any fluid or edible matter, not being sown seed or grain, which has been rendered poisonous,

shall be guilty of an offence and liable on conviction to a fine not exceeding one thousand shillings :

Provided that, in any proceedings under paragraph (b) of this section, it shall be a defence that the poison was placed by the accused for the purpose of destroying insects and other vertebrates, or vermin where such is found to be necessary in the interests of public health, agriculture, forestry or the preservation of other animals, domestic or wild, or for the purpose of manuring the land, and that he took all reasonable precautions to prevent access thereto of dogs, cats, fowls, or other domestic animals.

9. (1) If an authorised officer finds any animal so diseased or so severely injured or in such a physical condition that, in his opinion, having regard to the means available for removing the animal, there is no possibility of removing it without cruelty, and that it is cruel to keep it alive, it shall be lawful for an authorised officer without the consent of the owner, to slaughter the animal, or cause or procure it to be slaughtered, with such instruments or appliances, and with such precautions, and in such manner as to inflict as little suffering as possible, and, if the slaughter takes place on any public highway, to remove the carcass or cause or procure it to be moved therefrom.

Injured animals.

(2) If in the opinion of the authorised officer the injured animal can, without cruelty, be removed, it shall be the duty of the person in charge of the animal to cause it forthwith to be removed with as little suffering as possible, and, if that person fails so to do, an authorised officer may, without the consent of that person, cause the animal forthwith to be so removed.

10. Where a person in possession of an animal is charged with an offence under this Act, and such animal is required

Detention of animals.

for the purpose of the trial it shall be lawful for an authorised officer to take charge of such animal, and to deposit the same in some place of safe custody until the termination of the proceedings or until the court directs such animal to be delivered to the person charged or the owner, and the reasonable costs of such detention, including the reasonable costs of veterinary treatment where such treatment is required, shall, in the event of a conviction in respect of the said animal, be recoverable from the owner of the animal as a civil debt recoverable under the Debts (Summary Recovery) Act, or, where the owner himself is convicted, shall be part of the costs of the case.

Cap. 67.

Owners to produce animal if so required.

11. (1) Where proceedings are instituted under this Act it shall be lawful for the court to issue a summons direct to the owner of the animal requiring him to produce either at or at any time before the hearing of the case as may be stated in the summons the animal for the inspection of the court if such production is possible without cruelty.

(2) Where a summons is issued under subsection (1) of this section and the owner fails to comply therewith without satisfactory excuse he shall be guilty of an offence and liable on conviction to a fine not exceeding five hundred shillings or in the case of a second or subsequent offence to a fine not exceeding one thousand shillings and may be required to pay the costs of any adjournment rendered necessary by his failure.

Experiments on living animal.

Amended Ord. 9 of 1962, s. 2.

12. (1) No person shall perform on a living animal any experiment calculated to give pain except subject to the restrictions imposed by section 13 of this Act.

(2) Any person performing or taking part in performing any experiment calculated to give pain in contravention of this Act shall be guilty of an offence and shall on first conviction be liable to a fine not exceeding one thousand shillings and shall on a second or subsequent conviction be liable to a fine not exceeding two thousand shillings or to imprisonment for a period not exceeding three months or to both such fine and imprisonment.

(3) A prosecution under this section against any licensed person shall not be instituted except with the consent in writing of the Director of Public Prosecutions.

Restrictions on experiments

13. (1) Subject to the provisions of subsection (2) of this section the following restrictions shall be observed in the

performance on any living animal of an experiment calculated give pain, that is to say—

- (a) the experiment shall be performed only with a view to the advancement by new discovery of physiological knowledge or of knowledge that will be useful in saving or prolonging life or alleviating suffering; and
- (b) the experiment shall be performed by or under the direction of a licensed person; and
- (c) the animal shall during the whole of the experiment be under the influence of some anaesthetic of sufficient power to prevent the animal feeling pain; and
- (d) the animal shall, if the pain is likely to continue after the effect of the anaesthetic has ceased, or if any serious injury has been inflicted on the animal, be killed before it recovers from the influence of the anaesthetic which has been administered; and
- (e) the experiment shall not be performed as an illustration to lectures in medical schools, hospitals, colleges or elsewhere; and
- (f) the experiment shall not be performed for the purpose of attaining manual skill.

(2) Notwithstanding the provisions of subsection (1) of this section the restrictions imposed thereby shall not apply in the circumstances and to the extent set out hereunder—

- (a) experiments may be performed under the foregoing provisions as to the use of anaesthetics by a licensed person giving illustrations to lectures in medical schools, hospitals, colleges or elsewhere, if such experiments are in his opinion necessary for the due instruction of the persons to whom such lectures are given with a view to their acquiring physiological knowledge or knowledge which will be useful to them for saving or prolonging life or alleviating suffering; and
- (b) experiments may be performed without the use of anaesthetics by a licensed person, if in his opinion insensibility cannot be produced without necessarily frustrating the object of such experiments; and

- (c) experiments may be performed by a licensed person without such person being under an obligation to cause the animal on which any such experiment is performed to be killed before it recovers from the influence of the anaesthetic if in his opinion so killing the animal would necessarily frustrate the object of the experiment, provided that the animal be killed as soon as such object has been attained; and
- (d) experiments may be performed by or under the direction of a licensed person not directly for the advancement by new discovery of physiological knowledge, or knowledge which will be useful for saving or prolonging life or alleviating suffering, but for the purpose of testing a particular former discovery alleged to have been made for the advancement of such knowledge as last aforesaid if in his opinion such testing is necessary for the effectual advancement of such knowledge.

(3) The substance known as urari or curare and other substances specified by the Minister by statutory instrument shall not for the purposes of this section be deemed to be anaesthetics.

Minister
may grant
and revoke
licences.

14. (1) The Minister may license any person whom he thinks qualified to hold a licence to perform and to direct the performance of experiments under this Act.

(2) A licence granted by the Minister may be for such time as he may think fit and shall be revoked by him on being satisfied that the licensed person has caused pain to an animal in contravention of this Act or that for any other reason such licence ought to be revoked.

(3) There may be attached to such licence such conditions which the Minister may think expedient for the purpose of better carrying into effect the objects of this Act but not inconsistent with the provisions thereof.

Minister
may
require
reports.

15. The Minister may direct any person performing or directing the performance of experiments under this Act from time to time to make such reports to him of the result of such experiments, in such form, and with such details as he may require.

16. Courts established under the provisions of the Native Courts Act, the Buganda Courts Ordinance or the African Courts Act, are hereby authorised to try cases brought under the provisions of sections 3, 5, 8 and 11 of this Act, and to order the destruction of animals in the manner courts are so authorised in this Act.

Courts
authorised
to administer
Act.

Cap. 40
Cap. 39.
Cap. 38.

17. The Minister may make rules

Rules.

(a) regulating and controlling the manner and methods which may or may not be used in the slaughtering of animals;

Amended
L.N. 224
of 1962.

(b) generally for the better carrying out of the provisions of this Act.