

OBJECTS AND REASONS

This Bill would amend the *Prevention of Cruelty to Animals Act*, Cap. 144A to make further provision for the protection of animals.

Arrangement of Sections

Section

1. Short title.
2. Amendment of section 2 of Cap. 144A.
3. Amendment of section 3 Cap. 144A.
4. Amendment of section 4 of Cap. 144A.
5. Insertion of section 4A into Cap. 144A.
6. Amendment of section 5 of Cap. 144A.
7. Amendment of section 8 of Cap. 144A.
8. Amendment of section 13 of Cap. 144A.

BARBADOS

A Bill entitled

An Act to amend the *Prevention of Cruelty to Animals Act*.

ENACTED by the Parliament of Barbados as follows:

1. This Act may be cited as the *Prevention of Cruelty to Animals (Amendment) Act, 2007*. Short title.

2. Section 2 of the *Prevention of Cruelty to Animals Act*, in this Act referred to as the principal Act, is amended by deleting the definition of "authorised person" and substituting the following: Amendment of section 2 of Cap. 144A.

" "authorised person" means a person authorized by the Minister pursuant to section 4A;"

Amend-
ment of
section 3 of
Cap. 144A.

3. Section 3 of the principal Act is amended by deleting subsection (1) and substituting the following:

"Ill-treating
animals.

3. (1) Any person who

- (a) wantonly and cruelly beats, ill-treats, starves, over-drives, over-loads, abuses, tortures, infuriates, teases, terrifies, causes unnecessary mutilation or suffering to, or otherwise maltreats an animal;
- (b) causes or procures to be done an act referred to in paragraph (a); or
- (c) permits an animal to be infuriated, teased, terrified, or caused any unnecessary suffering

is guilty of an offence and is liable on summary conviction to a fine of \$1 000 in respect of each animal mentioned in the charge or to imprisonment for a term of 12 months or to both.

Amend-
ment of
section 4 of
Cap. 144A.

4. Section 4 of the principal Act is amended by deleting subsections (1), (2) and (3) and substituting therefor, the following:

(1) Subject to subsection (3), a person who performs an operation on an animal, that affects the sensitive tissue or bone structure of the animal, without the use of the appropriate anaesthetic is guilty of an offence.

(2) The owner or person in charge of an animal who permits the animal to undergo an operation referred to in subsection (1), knowing that the operation would be performed without the appropriate anaesthetic, is guilty of an offence.

(3) No offence referred to in subsection (1) is committed where the operation

- (a) constitutes the rendering of first aid, without anaesthetic, in emergency circumstances for the purpose of saving the life of the animal or relieving pain;
- (b) entails only the administering of an injection or the performing of an extraction using a hollow needle;
- (c) constitutes the castration of
 - (i) a sheep under the age of 3 months; or
 - (ii) a bull, goat or pig under the age of 2 months,
 - (A) using a method other than the application of a rubber ring or device that constricts the flow of blood to the scrotum; or
 - (B) using the method of applying a rubber ring or device that constricts the flow of blood to the scrotum only within the first week of the animal's life.
- (d) is a minor operation performed by a veterinary surgeon which by reason of its quickness or painlessness is customarily performed without an anaesthetic.

Insertion of
section 4A
into
Cap. 144A.

5. The principal Act is amended by inserting, immediately after section 4, the following new section as section 4A:

Authorised
persons.

" 4A. The Minister may by instrument in writing designate any of the following persons as an authorised person:

Cap. 166

(a) a parish constable appointed under the *Parish Constables Act*;

(b) an

(i) Animal Control Officer;

(ii) Animal Control Inspector;

(iii) Assistant Control Officer;

(iv) Animal Control Attendant

assigned to the Animal Control Unit, Ministry of Health;

(c) the

(i) Senior Agricultural Officer;

(ii) Senior Veterinary Officer;

(iii) Veterinary Officer;

(iv) Senior Animal Health Assistant;

(v) Animal Health Assistant

assigned to the Ministry of Agriculture and Rural Development;

Cap. 374

(d) a veterinary surgeon who is registered as such under the *Veterinary Surgeons (Registration) Act*; or

(e) any other person whom the Minister considers necessary to be an authorized person for the purpose of carrying out the provisions of this Act."

6. Section 5 of the principal Act is amended by deleting

Amend-
ment of
section 5 of
Cap. 144A.

(a) subsection (3) and substituting the following:

"(3) An authorised person may seize and take control of an animal that is suffering as a result of a contravention of this Act."; and

(b) subsection (6) and substituting the following:

"(6) Where in the opinion of a police officer or an authorised person who is not a veterinary surgeon, an animal is considered to be suffering from serious injury or disease, that authorised person shall refer the matter to a veterinary surgeon for a determination of whether the animal should be disposed of.";

7. Section 8 of the principal Act is amended by deleting subsection (1) and substituting the following:

Amend-
ment of
section 8 of
Cap. 144A.

"(1) Where the conduct of a person results in the conviction of that person of an offence under section 3 and also in damage or injury to

- (a) an animal;
- (b) a person; or
- (c) any property

the magistrate may, during the proceedings for the trial of the case, order that compensation be paid, of an amount determined by the magistrate, to the owner of the animal, the person who sustained injury and the person whose property was damaged."

Amend-
ment of
section 13
of
Cap. 144A.

8. Section 13 of the principal Act is amended by inserting the following new subsections immediately after subsection (2):

"(3) A warrant referred to in subsection (1) shall be issued by a Magistrate where

- (a) the authorised person has presented information on oath setting out the facts on which the warrant is being sought; and**
- (b) the Magistrate is satisfied that sufficient grounds exist for the issue of the warrant.**

(4) A warrant issued under subsection (3) shall on the face of it specify its duration."