

REPUBLIC OF ZAMBIA

THE PREVENTION OF CRUELTY TO ANIMALS ACT

CHAPTER 245 OF THE LAWS OF ZAMBIA

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CHAPTER 245

PREVENTION OF CRUELTY OF ANIMALS

An Act to provide for the prevention of cruelty to animals; to specify acts and omissions which amount to cruelty and penalties therefor; to prescribe the powers of police officers; and to provide for matters incidental thereto.

[20th January, 1921]

20 of 1920
36 of 1933
32 of 1952
47 of 1963
Government Notice
319 of 1964
Statutory Instrument
29 of 1964
Act No.
13 of 1994

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

Short title

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

Interpretation

"animal" means any horse, mare, gelding, bull, cow, ox, heifer, steer, calf, mule, ass, sheep, lamb, hog, pig, sow, goat, fowl, ostrich, dog, cat, or any other domestic animal, fowl or bird, and shall also include any wild animal, fowl or bird in a state of captivity;

"owner", in addition to its ordinary meaning, includes any person having the charge, custody or control of any animal.

3. (1) Any person who-

Acts and omissions
which amount to
cruelty and penalties
therefor

- (a) shall cruelly beat, kick, ill-treat, over-ride, over-load or torture any animal, or shall cause any animal to be so used, or shall drive or use any animal which is so diseased or so injured, or in such a physical conditions that it is unfit to do any work, or shall by wantonly or unreasonably doing or omitting to do any act, or causing or procuring the commission or omission of any act, cause any unnecessary suffering, or, being the owner, permit in manner aforesaid any unnecessary suffering to be caused to any animal; or
- (b) shall convey or carry, or cause or procure, or, being the owner, permit to be conveyed or carried, any animal in such a manner or position as to cause that animal any unnecessary suffering; or
- (c) shall cause, procure or assist at the fighting of any animal, or shall keep, use, manage, or act or assist in the management of any premises or place used for the purpose, or partly for the purpose of fighting any animal, or shall permit any premises or place to be so kept, managed or used, or shall receive or cause or procure any person to receive money for the admission of any person to such premises or place; or

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- (d) shall, without any reasonable cause or excuse, administer, cause or procure, or, being the owner, permit such administration of, any poisonous or injurious drug or substance to any animal, or shall without any reasonable cause or excuse, cause any such substance to be taken by any animal; or
- (e) shall subject, or cause or procure, or, being the owner, permit to be subjected, any animal to any operation which is performed without due care and humanity; or
- (f) shall kill an animal in the sight of any other animal awaiting slaughter;

shall be guilty of cruelty and of an offence under this Act, and shall, on conviction, be liable to a fine not exceeding seven hundred and fifty penalty units, or in default of payment, to imprisonment with or without hard labour for a period not exceeding three months, or to such imprisonment without the option of a fine, or in case of a second or further conviction, to a fine not exceeding one thousand five hundred penalty units, or in default of payment, to imprisonment with or without hard labour for a period not exceeding six months, or to such imprisonment without the option of a fine, or to corporal punishment in any number of cuts not exceeding fifteen, or to any two of the aforesaid punishments:

Provided that corporal punishment shall only be awarded if the court considers that the offence was of an aggravated nature.

(2) For the purposes of this section, an owner shall be deemed to have permitted cruelty if he shall have failed to exercise reasonable care and supervision in respect of the protection from such cruelty of any animal which is his property or in his charge.

(3) The Minister may, from time to time by statutory instrument, make regulations as to the supply of food and water to animals while in the custody of a railway company for the purpose of being conveyed by train, and any railway company which fails to cause food and water to be supplied to any animal in accordance with such regulations, and any officer of such company who, having been charged with the duty of supplying food and water to any animal in accordance with such regulations, wilfully neglects to fulfil such duty shall be guilty of cruelty and of an offence under this Act and shall, on conviction, be liable to the penalties prescribed by this section.

Regulations for feeding and watering animals in transit by train

(As amended by No. 32 of 1952, G.N. No. 319 of 1964 and Act No. 13 of 1994)

4. (1) Where the owner of an animal is convicted of an offence under this Act in respect of such animal, it shall be lawful for the court, if 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 assigned shall, as soon as possible, destroy such animal or cause or procure such animal to be destroyed in his presence without unnecessary suffering. Any reasonable expenses incurred in destroying the animal and removing and burying the carcass may be ordered by the court to be paid by such owner, and thereupon shall be recoverable from him as a civil debt.

Order of court for destruction of animals

(2) No appeal shall lie from an order for the destruction of an animal under subsection (1).

5. Where the owner of an animal is convicted of an offence under this Act in respect of such animal, the court may, in addition to any other punishment, deprive such person of the ownership of the animal, and make such order as to the disposal of the animal as it shall think fit:

Deprivation of ownership

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.

6. (1) Whenever any person is convicted of an offence under this Act and it appears that such person has by that offence caused damage to any person, the court may, at the written request of the aggrieved person, but in the presence of the convicted person, inquire summarily and without pleadings into the amount of damage so caused.

Damages

(2) Upon proof of such amount, the court shall give judgment therefor in favour of the person aggrieved and against the convicted person, and such judgment shall be of the same force and effect, and be executable in the same manner as if it had been given in a civil action duly instituted before such court:

Provided that judgment shall not be given under this section for a sum exceeding three thousand penalty units.

(As amended by Act No. 13 of 1994)

7. (1) If a police officer find any animal so diseased or so severely injured or in such a physical condition that in his opinion it ought to be destroyed, he shall, if the owner be absent or refuse to consent to the destruction of the animal, at once summon a veterinary surgeon, if any veterinary surgeon be within reasonable distance, or two landowners, and if such veterinary surgeon or such landowners, after having duly examined such animal, shall give a certificate that the animal is mortally injured or so severely injured or so diseased or in such physical condition that it is cruel to keep it alive, it shall be lawful for the police 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 practicable, and if the slaughter takes place on any public road, to remove the carcass or cause it to be removed therefrom.

Destruction of animals by police officer without consent of owner

(2) Any expenses which may be reasonably incurred by any police officer in carrying out the provisions of this section (including the expenses of any veterinary surgeon or the said owners of land, and whether the animal is slaughtered under this section or not) may be recovered from the owner as a civil debt.

Expenses of such destruction

(3) Where a person having charge of a vehicle or animal is apprehended by a police officer for any offence under this Act, or where any animal is found by any police officer being treated with cruelty, it shall be lawful for that or any other police officer to take charge of such vehicle or animal, and to deposit the same in some place of safe custody until the termination of the proceedings or until the court shall direct such vehicle or 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 when such treatment is required, shall, in the event of a conviction in respect of the said animal, be recoverable from the owner as a civil debt, or where the owner himself is convicted, shall be part of the costs of the case.

Safe custody, and expenses of same, of animals, etc., pending proceedings

8. (1) In all cases where the offender is not in custody and where proceedings are instituted under this Act, it shall be lawful for the court to issue a summons directed to-

Production of driver, conductor or animal at hearing

- (a) the employer of any driver or conductor of any vehicle against whom any proceedings are instituted under this Act;
- (b) the owner of any animal in respect of which any proceedings are instituted under this Act;

requiring him, as the case may be, and if in his power so to do, to produce the driver or conductor at the hearing of the case, or the animal for inspection (if such can be done without cruelty) either at or at any time before the hearing of the case.

(2) Where a summons is issued under subsection (1) and the owner or employer, as the case may be, fails to comply therewith, without satisfactory excuse, he shall be liable upon conviction to a fine not exceeding one hundred and fifty penalty units for the first occasion and not exceeding three hundred penalty units for the second or any subsequent occasion on which he so fails, and may be required to pay the costs of any adjournment rendered necessary by his failure.

(As amended by No. 36 of 1933 and Act No. 13 of 1994)

9. A police officer may, without any warrant, and at any time, upon obtaining permission from the owner, or failing such permission, on obtaining an order from a magistrate, enter any premises where animals are kept for the purpose of examining the conditions under which they are so kept.

Power of entry on premises

(As amended by No. 36 of 1933)

10. Every person who is suspected on reasonable grounds of having committed an offence against this Act may, if there is reason to believe that the ends of justice would be defeated by the delay in obtaining a warrant, be arrested without warrant by a police officer of or above the rank of Assistant Inspector.

Powers of arrest without warrant

(As amended by No. 36 of 1933 and No. 47 of 1963)

11. Separate charges may be brought against any person or persons in respect of each animal, if more than one is concerned.

Separate charges may be brought in respect of each animal

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12. The Director or Deputy Director of Veterinary Services and Tsetse Control may, by writing under his hand, authorise any officer of any society for the prevention of cruelty to animals to exercise within his district all or any of the powers conferred by this Act upon a police officer, and, in the exercise of such powers, the officer of the society shall, when required, produce for inspection such documents of authority. The Director or Deputy Director in Charge of Veterinary Services and Tsetse Control may, for good cause, revoke any such authority.

Delegation of powers
to a society

*(As amended by No. 36 of 1933
and S.I. No. 29 of 1964)*

13. If, upon the prosecution of any person for any offence under this Act, the court, upon hearing the charge or complaint, shall pronounce the same unfounded or vexatious, the court may award costs according to the scale of costs set forth in the Subordinate Courts (Civil Jurisdiction) Rules against the society or person at whose instance the charge or complaint was laid.

Vexatious complaints
Cap. 28

(As amended by No. 36 of 1933)

14. In any proceedings under this Act against a company, service of any process may be effected upon any officer or person acting or appearing to act in the management of the business or affairs of such company or local agent or representative of such company.

Service of process on
a company