

Seychelles

Prevention of Cruelty to Animals Act Act 23 of 1902

Legislation as at 30 June 2012

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Prevention of Cruelty to Animals Act
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Seychelles

Prevention of Cruelty to Animals Act

Act 23 of 1902

Commenced on 2 October 1902

[This is the version of this document at 30 June 2012 and includes any amendments published up to 30 June 2014.]

[Act 23 of 1902; Act 3 of 1903; Act 4 of 1956; Act 11 of 1957; Act 3 of 1959; Act 3 of 1963; SI. 95 of 1975; Act 23 of 1976; SI. 61 of 1988; SI. 41 of 1991]

1. Short title

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

2. Definition of terms

In this Act, unless the context otherwise requires—

- (i) the word "animal" means any horse, mare, gelding, bull, ox, cow, heifer, steer, calf, mule, ass, sheep, lamb, hog, pig, sow, goat, dog, cat, or any other domestic animal, and shall include any turtle or tortoise;
- (ii) the word "bird" means any fowl, poultry, or seabird, and shall include any other kind or species whatsoever of birds.

3. Penalty for cruelty to animals

Any person who shall cruelly beat, illtreat, overdrive or override, overload, abuse, wound or torture, or cause or procure to be cruelly beaten, illtreated, overdriven or overridden, overloaded, abused, wounded or tortured, any animal, shall, for every such offence, be liable to a fine not exceeding one hundred rupees.

4. Penalty for neglect causing suffering to animals

Any person who shall, by neglect to feed, water, tend to sickness or injuries or in any neglectful manner, cause suffering to any animal, shall be guilty of an offence and liable on conviction to a fine not exceeding one hundred rupees.

5. Penalty for driving, loading, and riding lame or wounded animals

Any person who shall drive, ride, load, or otherwise, cause to labour any animal which a hurt, or a wound, or lameness, or excessive leanness has rendered unfit for labour, shall, for every such offence, be liable to a fine not exceeding one hundred rupees.

6. Penalty for cock fighting, etc.

Every person who shall keep or use, or who shall suffer to be kept or used, or who shall act in the management of any place, for the purpose of fighting, any cock, or other bird, or any animal, whether of a domestic or wild nature, and every person who shall in any manner encourage, aid, or assist at the fighting of any cock, bird, or animal as aforesaid, and every person who shall cause such fighting to take place in any public thoroughfare or upon any private premises shall, for any such offence, be liable to a fine not exceeding one hundred rupees.

7. Persons guilty of cruelty to animals liable to damages

Any person who, by cruelly beating, illtreating, overdriving or overriding, overloading, abusing, wounding or torturing any animal shall do any damage or injury to such animal, or shall thereby cause any damage or injury to be done to any person or to any property, shall, on conviction of such offence, pay to the owner of such animal (if the offender shall not be the owner thereof), or to the person who shall sustain damage or injury as aforesaid, such sum of money by way of compensation, not exceeding the sum of one hundred rupees, as shall be ascertained and determined by the Court:

Provided that the payment of such compensation shall not prevent or in any manner affect the punishment to which such person or the owner of such animal may be liable for or in respect of the beating, illtreating, overdriving or overriding, overloading or abusing of the said animal:

Provided further that nothing herein contained shall prevent any proceeding by action against such offender, or the employer of such offender, where the amount of damage or injury is not sought to be recovered under this Act.

8. Penalty for improperly conveying animals

Any person who shall convey or carry, or cause to be conveyed or carried in or upon any vehicle, or otherwise, any animal in such manner or position as to subject such animal to unnecessary pain or suffering, shall be liable to a fine not exceeding thirty rupees for the first offence, and not exceeding fifty rupees for the second and for every subsequent offence.

9. Penalty for impropriety conveying birds

Any person who shall convey, or cause to be conveyed or carried, from one place to another, any bird, except in baskets, or hen-coops, or in such other manner so that such birds may not be subjected to any unnecessary pain, shall be liable to a fine not exceeding thirty rupees for the first offence and not exceeding fifty rupees for the second and for every subsequent offence.

10. Persons impounding animals or birds to provide food and water

- (1) Every person, who shall impound or confine in any pound or receptacle of the like nature any animal or bird, shall provide and supply, during such confinement, a sufficient quantity of fit and wholesome food and water to such animal or bird, and every such person who shall refuse or neglect to provide and supply such animal or bird with such food and water as aforesaid shall, for every such offence, be liable to a fine of ten rupees.
- (2) The cost of such food and water for any animal or bird so impounded or confined shall not exceed the amount fixed per diem under the schedule, and the said costs shall be paid by the owner of such animal or bird before such animal or bird is removed.
- (3) The Minister may amend, add to or alter the schedule.

11. Remuneration to custodian of animals impounded. Poundage for a period exceeding ten days; when allowed

- (1) Any person who shall either by order of a judge, magistrate, or police officer, or under the provisions of the Curatelle Act for the time being in force, or under this Act, or any other Act or law in force in Seychelles, impound or have the custody of animals or birds not belonging to himself, shall be entitled to receive either from the public treasury, or from the Curator of Vacant Estates, or owner of the animal impounded or kept in custody, as the case may be, a certain allowance per diem as provided in the schedule.
- (2) Such allowance shall be paid to such person over and above any sum due to him for costs of food and water actually incurred as provided under subsection (2) of [section 10](#).

- (3) No allowance shall be paid for any period of time exceeding ten days unless the reason set forth for the time in excess be, upon the report of the Principal Secretary of the Ministry of Finance, deemed satisfactory by the Minister.

12. Sale of impounded animals or birds

It shall be lawful for a Judge or a Magistrate if such animal or bird is not removed within seven clear days, to order that such animal or bird be sold; and the proceeds of such sale, after deducting the expenses of maintaining any animal or bird as aforesaid and the costs of sale, shall be handed over to the owner of such animal or bird, if such person claim the same within the period of six months from the date of the sale. If he shall not, the amount shall be paid into the Treasury.

13. Apprehension of offender. Penalty for obstructing officers

- (1) Any police officer may arrest without a warrant any person committing an offence against the provisions of this Act when such offence is committed in his presence:

Provided that no such arrest shall be made if the offender be known to such officer or gives satisfactory information with respect to his name and place of residence.
- (2) Any person arrested without a warrant under the powers given by the preceding subsection shall be dealt with in accordance with the provisions of the Criminal Procedure Code.
- (3) Any person who shall, at any time or in any manner unlawfully obstruct, hinder, molest, or assault any officer or constable of police acting under the authority of this Act, shall be liable to a fine not exceeding five hundred rupees, or to imprisonment not exceeding one year, without prejudice to the penalties provided for in the Penal Code.

14. Court may suspend dog licence or debar from obtaining same

Any court before whom a person is convicted under the provisions of [section 3](#) or [section 4](#) with respect to a dog, may, if the person convicted holds a dog licence, *suspend his licence for any specified period, and may, whether the person convicted holds a dog licence or not, declare such person to be debarred from obtaining a dog licence for any period specified by the Court.

15. Slaughter of injured animals by, or by order of, police

- (1) If any member of the police force finds any animal so severely injured that it cannot, without cruelty, be led away, or so mortally or so severely injured that it is cruel to keep it alive, he shall, if the owner is absent or refuses to consent to the destruction of the animal, at once, in the Central Area of the Town of Victoria, send for and inform the officer acting as veterinary officer within the meaning of the Animals (Diseases and Imports) Act or, if such officer is not available, in the Central Area, any police officer of the rank of subinspector or above and, in any other district, the justice of the peace, or, if such officer is not available, the officer for the time being in charge of the police station of such district.
- (2) If it appears by the certificate of such veterinary officer, or in the opinion of the police officer, the justice of the peace, or of the officer in charge as aforesaid, that the animal is mortally or so severely injured that it is cruel to keep it alive, it shall be lawful for the police, without the consent of the owner, to slaughter the animal or cause it to be slaughtered with such instruments or appliances, and with such precautions and in such manner as to inflict as little pain and suffering as practicable.

16. Expenses

Any reasonable expense which may be incurred by the police in so slaughtering any such animal or causing any such animal to be slaughtered or in removing the carcass of such animal from any street or public place for the purposes of section 15 of the Act, may be recovered from the owner summarily as a

civil debt. Subject as aforesaid, any expense incurred for the purposes of [section 15](#) shall be defrayed out of the Treasury.

Schedule (Section 10)

Description of animals	Per diem	
	R.	c.
Horse	1	
Mare, with or without foal	1	
Mule	1	
Bull	40	
Ox	40	
Cow, including calf or heifer at foot	40	
Ass	40	
Hog	20	
Pig	20	
Sow	20	
Heifer or calf, not at foot	20	
A herd of oxen or cows when the number of animals exceeds five; for each animal exceeding five	20	
Dog	10	
Sheep	10	
Lamb	10	
Goat	10	

Cat	4	
Poultry of every description	2	
Pigeons and other birds	2	
Other animals or birds not included in this list, any such sum not exceeding seventy-five cents of a rupee each per diem as may be allowed by the taxing officer subject to review by the Principal Secretary, of the Ministry of Finance	75	