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ANIMALS

AN ACT TO REGULATE THE SLAUGHTER OF ANIMALS; TO ENABLE THE RESTRICTION, CONTROL OR REGULATION OF THE REMOVAL OF ANIMALS FROM ONE ADMINISTRATIVE DISTRICT TO ANOTHER; TO MAKE PROVISION FOR THE BRANDING OF ANIMALS AND FOR THE ISSUE OF VOUCHERS IN RESPECT OF ANIMALS WHICH HAVE BEEN BRANDED AND TO REGULATE THE SALE AND TRANSFER OF SUCH ANIMALS; TO PROVIDE FOR THE SEIZURE AND DETENTION OF ANIMALS WHICH COMMIT TRESPASS AND FOR THE ASSESSMENT AND RECOVERY OF DAMAGES FOR SUCH TRESPASS ; TO PROVIDE FOR MEASURES FOR THE IMPROVEMENT OF THE BREED OF ANIMALS; AND TO PROVIDE FOR MATTERS CONNECTED THEREWITH OR INCIDENTAL THERETO.

Act Nos.

29 of 1958

20 of 1964

10 of 1968

46 of 1988

[Parts I, II, III, IV and VI- 20th August, 1962] [Part V not in operation on 31st December, 1980]

[20th August, 1962]**PART I****Short title.****1.**

(1) This Act may be cited as the Animals Act.

(2) Parts I, II, III, IV and VI shall come into operation on the 20th day of August, 1962, and Part V* of this Act shall come into operation, throughout Sri Lanka or in each such part of Sri Lanka as the Minister may determine by Order published in the Gazette, on such later date* as the Minister may appoint by Order so published. (* Part V not in operation on 31st December, 1980.)

PART II**SLAUGHTER AND REMOVAL OF ANIMALS****Slaughter of cows and cow- calves prohibited.**

[2, 46 of 1988]

2.

(1) No person shall slaughter, or cause or permit to be slaughtered, any cow (other than a cow imported for slaughter) unless that cow is certified by the appropriate authority to be

(a) not less than twelve years of age, or

(b) incapable of breeding, or

(c) unfit to be used for any agricultural purpose, and except in accordance with such regulations as may be in force under this Act relating to the slaughter of cows.

[2, 46 of 1988]

In this subsection, "appropriate authority" means a Government Veterinary Surgeon or an officer nominated by him, in writing or a Veterinary Surgeon employed by any local authority or any other officer appointed by the local authority with the concurrence of the Director.

(2) No person shall slaughter, or cause or permit to be slaughtered, any cow-calf.

[2, 46 of 1988] (3) In this section, "cow" includes a female buffalo and the expression "cow calf" shall be construed accordingly.

Regulations.

[3, 46 of 1988]

3. Regulations may be made in respect of all or any of the following matters;

[2, 20 of 1964] (1) the prohibition, restriction, control or regulation, of the transport of animals within, to or from, any administrative district;

(2) the conditions subject to which the slaughter of animals may be permitted;

- [2,10 of 1968] (3) the stoppage and examination of vehicles in which animals are being "transported "; and
- [2, 10 of 1968] (4) the establishment of checking stations at which any vehicles may be required to stop to enable the officer in charge of such station to examine the vehicle for the purpose of ascertaining whether any animals are being transported in contravention of any regulation made under this Part;
- [3, 46 of 1988] (5) procedure to be observed in applying for permits for the transport of animals; and
- [3, 46 of 1988] (6) prescription of fees in respect of transport permits.

Power of Court to confiscate vehicles.
[3, 10 of 1968]

3A. Where any person is convicted of an offence under this Part or any regulations made thereunder, any vehicle used in the commission of such offence shall, in addition to any other punishment prescribed for such offence, be liable, by order of the convicting Magistrate, to confiscation :

Provided, however, that in any case where the owner of the vehicle is a third party, no order of confiscation shall be made, if the owner proves to the satisfaction of the Court that he has taken all precautions to prevent the use of such vehicle or that the vehicle has been used without his knowledge for the commission of the offence.

Power to compound offences.
[3, 10 of 1968]
[4, 46 of 1988]

3B

(1) The Government Agent or the Director or any officer not below the rank of divisional Assistant Government Agent or Government Veterinary Surgeon, empowered in that behalf by the Government Agent or the Director, as the case may be, may accept from any person reasonably suspected of having committed any offence under this Part or any regulations made thereunder, any sum of money by way of composition for the offence which may have been committed.

Commission of words

(2) In any case where a sum of money is accepted under subsection (1), the officer compounding the offence shall forthwith release to the offender any animal in respect of which the offence has been committed or the vehicle used in the commission of the offence, and no further proceedings shall be taken against the offender.

(3) Where any offence is compounded under this section, the full facts of the case shall forthwith be reported to the Director.

(4) All sums of money received under this section shall be credited to the Consolidated Fund.

Transport permits in respect of removal of animals.
[5, 46 of 1988]

3C

new subsec

(1) No person shall transport any animal within, to, or from, any administrative district except under the authority of a transport permit issued by the Assistant Government Agent of a division of that Administrative District, for that purpose.

(2) Every application for a transport permit shall be made to the Assistant Government Agent of the division of that administrative district within, or from, which any animal is to be transported, in such form as may be prescribed and shall be accompanied by the prescribed fee.

(3) Every transport permit shall, unless it is cancelled earlier, be in force for a period of three months from the date of its issue.

substitute & insert new

Offences under this Part to be cognizable.
[5, 46 of 1988]

3D. All offences under this Part or any regulation made thereunder shall be cognizable for the purpose of the application of the provision of the Code of Criminal Procedure Act, No. 15 of 1979, notwithstanding anything contained in the First Schedule to that Act.

insert substitute new section

PART III
BRANDING OF CATTLE

Cattle above age of eighteen months to be branded.

5. Every person who has any Cattle over the age of eighteen months belonging to him shall, unless brand marks have been made on such cattle in accordance with the regulations in force under the Cattle Ordinance and such brand marks have not become

indistinct, cause such cattle to be branded in accordance with such regulations as may be in force under this Act relating to the branding of cattle.

Branding of animals in non-stipulated places, an offence.

[6, 46 of 1988]

5A. A person required under section 5 to have his cattle branded shall not cause such cattle to be branded in places other than those specified in such regulations as may be in force under this Act relating to the branding of cattle.

Return of description and brand marks on cattle to be furnished to the Government Veterinary Surgeon by owners.

[7, 46 of 1988]

6. Every person who has any cattle belonging to him shall furnish, not later than the thirty-first day of January in each year, to the Government Veterinary Surgeon of the area in which such cattle are kept, a return, in such form as may be prescribed, of the description of, and the brand marks on, each head of such cattle.

Duty of Government Veterinary Surgeon to maintain a cattle register and to issue cattle vouchers.

[8, 46 of 1988]

7. Every Government Veterinary Surgeon shall-

(a) maintain, in such form as may be prescribed, a register of the description of, and the brand marks on, cattle within his area; and

(b) issue, or cause to be issued, to the owner of cattle branded in accordance with such regulations as may be in force under this Act relating to the branding of cattle a voucher in the prescribed form in respect of each head of such cattle.

Cattle vouchers:

8.

(1) A voucher issued in respect of a head of cattle under the regulations in force under the Cattle Ordinance* shall, unless the brand marks specified in that voucher as those on that head of cattle have become indistinct, be deemed to be in force as if it were a voucher issued under section 7.

(2) Where in any legal proceedings any question arises as to the ownership of any animal, the voucher issued or deemed to be issued under section 7 shall be admissible in evidence and shall be sufficient prima facie evidence of any fact stated therein as to the ownership of that animal.

Power of Government Veterinary Surgeon to direct owner of an animal to brand with marks to indicate locality.

[9, 46 of 1988]

9. The Government Veterinary Surgeon of any area may, if he considers it necessary, direct the owner of any animal to have that animal branded, within such time as he may specify, with such other marks as he may require so as to indicate the locality in which that animal is kept and such owner shall carry out such direction.

~~9(A)~~ Insert new.

Appointment of branding officers.

10. There may be appointed for each administrative district such number of branding officers as may be necessary for that district.

Regulations.

11. Regulations may be made in respect of all or any of the following matters :

(a) all matters stated or required by this Part to be prescribed ;

(b) the procedure to be observed in the branding of cattle;

(c) the imposition and recovery of fees for the branding of cattle and the disposal of such fees;

(d) the procedure to be observed in the sale and transfer of animals which have been branded ; and

(e) all matters necessary for the identification of animals and for the verification of their ownership.

PART IV
TRESPASS BY ANIMALS

offence of
Permitting animals
to trespass. **13.**

(1) No person who is the owner, or who is in charge, of any animal shall permit that animal to commit trespass on any private land which is under cultivation, or any irrigation work, aerodrome, saltern, line of railway or land appertaining thereto, public road, public park or State land, other than a jungle or a land set apart for the grazing of animals.

(2) For the purposes of this section and the succeeding sections of this Part, "irrigation work" shall have the same meaning as in the Irrigation Ordinance.

Power of the
owner or occupier
of any cultivated
private land to
seize and detain
any animal
trespassing on
such land.

14 It shall be lawful for the owner or occupier of any private land which is under cultivation to seize any animal trespassing on that land and to tie up and detain that animal until

(a) the full amount of the damages, if any, occasioned by the trespass and assessed in the prescribed manner, and

(b) the fair expenses of maintenance of that animal during detention after seizure, are paid to him by the owner or the person in charge of that animal or are recovered as hereinafter provided from such owner or person and paid to him.

Power of a
Government
Agent or a person
authorized by him
to seize and
detain animals
trespassing on
irrigation works,
aerodromes,
salterns, lines of
railway or land
appertaining
thereto, public
roads, public
parks or State
lands.

15.

(1) It shall be lawful for the Government Agent of any administrative district or any person authorized in that behalf by such Government Agent to seize any animal trespassing, within that district, on any irrigation work, aerodrome, saltern, line of railway or land appertaining thereto, public road, public park or State land, other than a Jungle or a land set apart for the grazing of animals, and to tie up and detain it until

(a) the full amount of damages, if any, occasioned by the trespass and assessed in the prescribed manner, and

(b) the fair expenses of maintenance of that animal during detention after seizure, are paid to him by the owner or person in charge of that animal, or are recovered as hereinafter provided from such owner or person.

(2) All sums of money received by a Government Agent under subsection (1) shall be credited to the Consolidated Fund.

Persons
authorized by a
Government
Agent to seize
trespassing
animals to be
deemed to be
public servants.

16. Every person authorized by a Government Agent to seize, tie up and detain any animal committing such trespass as is referred to in section 15 shall, when acting or purporting to act in pursuance of the provisions of that section, be deemed to be a public servant within the meaning of the Penal Code.

Remuneration of
persons
authorized by a
Government
Agent to seize
trespassing
animals.

17. Every person authorized by a Government Agent to seize, tie up and detain any animal committing such trespass as is referred to in section 15 shall be remunerated at such rates as may be prescribed.

Payment of
penalty by the
owner or person in
charge of an
animal which is
seized by a
person authorized
by the
Government

18.

(1) Where any animal is seized under section 15 by any person authorized thereto by a Government Agent, the owner or person in charge of that animal shall pay, in addition to the sums referred to in that section, a penalty not exceeding one hundred rupees. *One hundred rupees.*

(2) The amount of any penalty referred to in subsection (1) shall, when paid, be credited to the Consolidated Fund.

ccdo.

Agent.

[10, 46 of 1988]

Liability of owner or person in charge of animal committing trespass which cannot be seized.

19. Where any animal trespasses on any private land and the owner or occupier of owner or that land or any other person duly authorized by such owner or occupier is unable to seize, tie up and detain that animal, but is able to prove the trespass by that animal and in whose ownership or charge that animal was at the time of the trespass, the owner or person in charge of that animal shall be liable to pay to the owner or occupier of that land the same damages and expenses as he would be liable to pay under this Part if that animal were seized, tied up and detained.

Sale of unclaimed animals by public auction.

[11, 46 of 1988]

19A. Where any animal which has been seized, tied up and detained under sections 14 and 15, is not claimed by its owner or any person on behalf of the owner, within thirty days of the date of such seizure and detention, it shall be sold by public auction by a person authorized in that behalf by the Government Agent of the administrative district in which the animal is detained and-

(a) in any case where the sale is in respect of an animal detained for trespassing on private land, the amount of the damages occasioned by the trespass and assessed in the prescribed manner and the fair expenses of maintenance of that animal during the period of detention shall be paid to the owner or occupier of such land, out of the proceeds of such sale, and the balance if any shall be credited to the Consolidated Fund.

(b) in any case where the sale is in respect of an animal trespassing on any land other than private land, the proceeds of sale, shall be credited to the Consolidated Fund.

Interference with seizers of animals.

20. Any person who removes any animal from the lawful custody of any person authorized to seize and detain it under the provisions of this Part shall be guilty of an offence.

Driving of animals by persons into private lands, irrigation works, aerodromes, salterns, lines of railway or land appertaining thereto, public roads, public parks or State lands and not taking steps to prevent damage, an offence.

21. Any person who without any lawful right-

(a) drives any animal into or upon any private land in the occupation of, or cultivated by, another person and who does not take steps to prevent that animal from feeding upon or damaging any growing crop or produce of that land; or

(b) drives any animal into or upon any irrigation work, aerodrome, saltern, line of railway or land appertaining thereto, public road, public park or State land and who does not take steps to prevent that animal damaging such work, aerodrome, saltern, line of railway or land appertaining thereto, road, park or State land, shall be guilty of an offence.

[4, 10 of 1968]

Seizure and shooting of animals which are in the habit of trespassing.

22. If it is shown to the satisfaction of the Government Agent of any administrative district that any animal is in the habit of trespassing, within that district, on any private land, or any irrigation work, aerodrome, saltern, line of railway or land appertaining thereto, public road, public park or State land and that such animal cannot be seized or identified, he

(a) may authorize any person to seize such animal while so trespassing or to identify it, and

(b) may, if such person finds after reasonable exertion that it is impracticable to seize or identify such animal, in writing permit such person to shoot such animal within such specified area within thirty days after the grant of such permission.

Destruction of Stray pigs or poultry.

[5, 10 of 1968]

23.

(1) It shall be lawful for the owner or occupier of any cultivated private land, or for any person duly authorized by such owner or occupier, to shoot or otherwise destroy any pig or poultry trespassing on such land, if a notice warning the owners of pigs or poultry not to allow such animals to stray on such land is exhibited in a conspicuous place on such land.

[5, 10 of 1968] (2) In this section, the terms " poultry " means domestic fowl, turkeys, geese, or ducks.

Disposal of the carcasses of animals which are destroyed.

[12, 46 of 1988]

24. The owner of every animal shot or otherwise destroyed under the provisions of section 22 or section 23 shall be entitled to remove the carcass of the animal, and if no claim to the carcass is made by any person entitled to remove it, the carcass shall be sold by public auction by an officer authorized in writing in that behalf by the Government Veterinary Surgeon of the area in which the animal was shot or otherwise destroyed and the proceeds of such sale be credited to the Consolidated Fund.

Recovery of fine from the owner of animals that have trespassed.

[13, 46 of 1988]

24A.

(1) Where any animal is seized and detained under section 14 or section 15, the Government Agent of the administrative district in which such animal is detained shall by notice in writing, require the owner or person in charge of the animal to pay any sum due from him as damage or expenses under that section to such Government Agent within such period as may be specified in such notice.

(2) Any sum paid to a Government Agent under subsection (1) shall-

(a) in any case where such sum has been paid on account of damages to a private land, be transmitted by him to the owner or occupier of such private land; or

(b) in any case where such sum has been paid on account of a trespass to any land other than a private land, be credited by Mm to the Consolidated Fund.

Failure to pay damages, expenses or penalty an offence, and recovery of damages, expenses or penalty.

[14, 46 of 1988]

25.

(1) Any person who fails to pay any sum due from him as damages or expenses under section 14 or section 15, or as a penalty under section 18 shall be guilty of an offence and shall be liable to a fine not exceeding one hundred rupees.

[6, 10 of 1968] (2) On the conviction of any person for an offence under subsection (1), the court shall, if satisfied that payment of any sum due as damages or expenses under section 14 or section 15 or as a penalty under section 18 has not been made, or that such sum cannot be recovered under subsection (3), make order that such sum shall, in addition to any fine that may be imposed on him under subsection (1), be paid by him within the time specified in the order, and, if such sum is not so paid, it shall be recovered upon an order of the court as if it were a fine imposed by the court.

[6, 10 of 1968] (3) The court shall have power to order any animal seized under this Part to be sold by public auction, and where any animal is so sold, the proceeds of the sale shall, by order of court, be disposed of in the prescribed manner.

Regulations.

26. Regulations may be made in respect of all or any of the following matters :

(a) all matters stated or required under this Part to be prescribed ;

(b) the giving of notice of the seizure or destruction of any animal causing trespass and the person or persons to whom such notice should be given;

[7, 10 of 1968] (c) the custody and maintenance of animals seized, in cases where the person seizing the animals is unable to maintain the animals ;

[V, 10 of 1968] (d) the production in court of animals seized, the sale of such animals and the disposal of proceeds of sale; and

(e) all matters relating to the seizure and destruction of animals committing trespass.

Definition of certain terms for the purposes of this Part of this Act.

[8, 10 of 1968]

26A. In this Part of this Act,

(a) " State land " does not include any land which is in the possession or occupation of any person by or under the authority of a permit, grant, or any other instrument by whatsoever name or designation called, issued or made by or on behalf of the State under any written law;

(b) " private land" includes any State land which is in the possession or occupation of any person by or under the authority of a permit, grant, or any other instrument by whatsoever name or designation called, issued or made

by or on behalf of the State under any written law;

(c) "owner or occupier", in relation to any private land, includes any person in possession or occupation of that land by or under the authority of a permit, grant or any other instrument by whatsoever name or designation called, issued or made by or on behalf of the State under any written law, or any other person acting by or under the direction of such owner or occupier. (*Section 27 repealing the Cattle Trespass Ordinance, is omitted.)

~~27A~~ *Insert new* **Animal Breeding Policy**
PART V

CASTRATION AND BREEDING

Prohibition of the possession of certain male animals.

~~28~~ No person shall have in his possession any male animal over the age of one year and three months unless such animal

- (a) has been castrated within three months after attaining the age of one year; or
- (b) has been certified by a veterinary surgeon or an authorized officer to be fit for breeding.

Issue of certificates by veterinary surgeons or authorized officers.

~~29~~

(1) A veterinary surgeon or an authorized officer shall, upon a request made by the owner of any male animal above the age of one year or by any other person on behalf of such owner, if he is satisfied that such animal is fit for breeding, issue to such owner or other person a certificate to the effect that the animal is fit for breeding.

(2) A certificate issued under subsection (1) shall contain the prescribed particulars relating to the identity and the description of the animal in respect of which the certificate is issued.

(3) Every person in possession of a certificate issued under subsection (1) shall upon demand made therefor by any veterinary surgeon or authorized officer produce the certificate for inspection.

(4) For the purposes of the certificate to be issued under subsection (1) in respect of any animal, a veterinary surgeon or an authorized officer may fix the age of that animal after inspection if the owner thereof is unable to establish the age of that animal.

Tags to be attached to animals in respect of which certificates are issued.

~~30~~ The owner of every animal in respect of which a certificate is issued under section 29 shall attach to the lower hind part of each ear of that animal a metal tag of such pattern as may be approved by the Director.

Issue of false certificates by veterinary authorized officers.

~~31~~ A veterinary surgeon or any authorized officer who certifies that any male animal which is unfit for breeding is fit for that purpose shall be guilty of an offence.

Cancellation of certificates issued by Veterinary surgeons or authorized officers.

~~32~~ A certificate issued under section 29 may be cancelled if the veterinary surgeon or authorized officer by whom such certificate was issued is of the opinion that surgeons or the animal in respect of which it was issued

- (a) is no longer fit for breeding by reason of senility or other infirmity, or
- (b) is suffering from any contagious or infectious disease.

Power of veterinary surgeon or authorized officer to order the castration of any animal which is unfit for breeding.

~~33~~

(1) Where any veterinary surgeon or authorized officer is of the opinion that any male animal over the age of one year is unfit for breeding, that veterinary surgeon or authorized officer may direct the owner of, or the person in possession of, that animal by notice in writing addressed to such owner or person, to castrate that animal, and such owner or person shall carry out such direction.

(2) The castration of any male animal in pursuance of a notice issued under

~~34A~~ *insert new*

subsection (1) may

(a) at the request of the owner or person in charge of that animal be performed, or cause to be performed, free of any charge by the veterinary surgeon 01 authorized officer who issued that notice, or

(b) at the expense of such owner 01 person be performed by any other person to the satisfaction of the veterinary surgeon or authorized officer who issued that notice.

Regulations.

34. Regulations may be made in respect of all or any of the following matters:

(a) all matters stated or required under this Part to be prescribed ;

(b) a scheme for the grading of animals and the use by the public of the stud and artificial insemination services provided by the Government.

PART VI
GENERAL

Power of Minister to make regulations.

35.

(1) The Minister may make regulations for all matters for which regulations are required or authorized to be made under this Act.

(2) Every regulation made by the Minister shall be published in the Gazette and shall come into operation on such date as may be specified in the regulation or, if no such date is so specified, on the date of such publication.

(3) Every regulation made by the Minister shall be brought before Parliament as soon as may be after the publication thereof by a motion that such regulation be approved.

(4) Any regulation which Parliament refuses to approve shall be deemed to be rescinded, but without prejudice to the validity of anything previously done thereunder. The date on which a regulation shall be deemed to be so rescinded shall be the date on which Parliament refuses to approve such regulation.

(5) Notification of the date on which any regulation made by the Minister is deemed to be rescinded shall be published in the Gazette.

Contraventions of the provisions of the Act or regulations made thereunder.

36. Any person who contravenes any provisions of this Act or of any regulation made under this Act shall be guilty of an offence.

General penalty.
[15, 46 of 1988]

37. Any person who commits an offence under this Act shall, where no punishment is expressly provided for such offence, be liable to a fine not exceeding two hundred and fifty rupees or to simple imprisonment for a term not exceeding two months, and for a second or subsequent offence to a fine not exceeding one thousand rupees or to simple imprisonment for a term not exceeding six months. (* Primary Court has exclusive jurisdiction under section 33 of the Judicature Act read with Gazette Extraordinary No. 43/4 of 1979-07-02.)

37A.

Special provision regarding Jurisdiction to try certain offences.
[9, 10 of 1968]

(1) Any offence under this Act committed by reason of a contravention of any of the provisions of Part IV of this Act, or of any regulation made under this Act in respect of any matter for which such regulation is authorized to be made by that Part, shall,

(a) if there is a Primary Court having jurisdiction over the place at which such offence was committed, be triable by that Court; or

(b) if there is no Primary Court be summarily triable by the Magistrate's Court having jurisdiction over the place at which such offence was committed.

(2) Any Primary Court trying an offence under this Act shall be deemed to have power to inflict the full penalty provided for that offence notwithstanding any limitation of its ordinary powers of jurisdiction.

