

CAYMAN ISLANDS



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ANIMALS LAW

(2013 Revision)

Law 8 of 1976 consolidated with Laws 3 of 1977, 1 of 1990, 2 of 1997, 4 of 1997 (part), 20 of 1997, 3 of 2002, 29 of 2010, 25 of 2012 and with the Animals (Sanctuaries) Regulations, 1980, the Animals (Sanctuaries) Regulations, 1982, the Animals (Sanctuaries) (Amendment) Regulations, 1988, the Animals (Protection) Regulations, 1989 (part) and the Animals (Sanctuaries) (Amendment) Regulations, 1993, and as amended by the Cayman Islands (Territorial Sea) Order 1989 (U.K.S.I. 1989 No. 2397) and the Cayman Islands (Constitution) (Amendment) Order 2003 (U.K.S.I. 2003 No. 1515).

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Consolidated and revised this 31st day of July, 2013.

Note (not forming part of the Law): This revision replaces the 2011 Revision which should now be discarded.

ANIMALS LAW

(2013 Revision)

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ANIMALS LAW

(2013 Revision)

PART I - Introductory

1. This Law may be cited as the Animals Law (2013 Revision). Short title
2. In this Law- Definitions
 - “animal” includes live mammals, reptiles (other than marine turtles), amphibians, birds, fish, invertebrates and insects;
 - “animal welfare officer” means a person appointed under section 84;
 - “biological product” means any product derived from a living organism and includes substances used for the treatment or diagnosis of animal disease, and sera, vaccines, antigens, hormones and semen;
 - “captive animal” means any animal not being a domestic species of animal which is in captivity, confined or otherwise reduced into possession of control;
 - “carcass” means the body of any animal and includes any part thereof whether processed or fresh;
 - “cattle” includes bulls, cows, oxen, heifers and calves;
 - “C.A.V.O.” means the Chief Agricultural and Veterinary Officer and any person acting under his direction;
 - “Cayman waters” means all the water surrounding the Islands within a distance of twelve nautical miles from the sea-shore, inland waters and the North Sound of Grand Cayman;
 - “close season” with respect to any animal or class of animals, means the season of the year prescribed by regulation when such animals are not to be taken or hunted;
 - “Committee” means the Animal Welfare Advisory Committee established under section 66;
 - “Crown land” means land vested in the Governor and not leased to any person;
 - “distrainer” means the owner of any land trespassed upon by any cattle, sheep, goat or pig, who seizes and detains such animal and includes any person acting under the authority of such owner;
 - “domestic animal” means any animal which is naturally tame or is tamed or in the process of being tamed for serving some purpose for the use of mankind;

“game bird” means any bird specified as such under section 81;

“Governor” other than in the definition of “Crown land”, means Governor in Cabinet;

“horses” include mules, hinnies and asses;

“hunt” means to kill, capture, pursue or wilfully molest by any method or agent any animal and includes any attempt so to do;

“livestock” means any domestic animal kept for profit;

“master” in relation to a vessel, includes the pilot of an aircraft or hovercraft;

“Minister” means the minister responsible for the time being for agriculture;

“notifiable disease” means African horse sickness, African swine fever, anaplasmosis, anthrax, avian leukosis complex, babesiasis, blue tongue, brucellosis, contagious bovine pleuro-pneumonia, cow pox (variola vaccina), epizootic abortion, epizootic lymphangitis, equine encephalitis (groups A and B), equine infectious anaemia, foot and mouth disease, fowl cholera, fowl pest (salmonella pullorum and gillinarum infections), glanders, haemorrhagic septicemia, infectious laryngotracheitis, Johne’s disease, leptospirosis, melioidosis, psittacosis, rabies, rinderpest, sarcoptic mange of horse, sheep pox (variola ovina), sheep scab (psoroptic mange of sheep), swine erysipelas, swine fever, theileriasis, trichomoniasis, trypanosomiasis (including dourine, mal de caderas, surrah and trypanosoma vivax infections), tuberculosis, tularemia, vesicular stomatitis, vibriosis and such other diseases as the Governor may, from time to time by order under section 19, declare to be notifiable diseases within the meaning of this Law;

“operating licence” means a licence issued under section 29;

“owner” of an animal includes any person for the time being having control of such animal and the occupant of any dwelling place or farm where such animal is kept;

“pet animal” means an animal kept for companionship or amusement;

“prescribed” means prescribed by this Law or any regulation;

“protected animal” means every animal specified as such by section 80;

“public place” means any street, road or other place (whether or not enclosed) to which the public have or are permitted to have access whether for payment or otherwise and includes the common parts of a building containing two or more separate buildings;

“sanctuary” means an animal sanctuary established by section 82 or by regulations;

“sell” includes to offer or expose for sale;

“specified town” means any town specified by the Governor to be such for the purpose of section 37;

“stray” means an animal found in any public place, or on any premises other than the premises on which the animal is being kept or is for the time being allowed to remain, but shall not include any animal that is accompanied by, and under the direct control of, any person who is capable of exercising control over it;

“take” means to take or capture any animal from its natural habitat, and “taking” and other cognate expressions shall be construed accordingly; and

“vessel” includes ship, boat, carriage, aircraft and hovercraft.

PART II - Import and Export of Animals

3. No animal of any description may be imported directly or indirectly into the Islands from any country outside the Islands or from any one island into any other otherwise than in accordance with this Law. Restriction on importation of animals

4. Save as specifically permitted by this Law, no animal of any description may be imported into the Islands from any country in Asia, Africa or Central and South America. Import of certain animals from certain areas prohibited

5. (1) No animal or carcass other than fish caught directly from the sea may be imported into the Islands save by way of George Town seaport or Owen Roberts Airport and ports of entry in Cayman Brac and Little Cayman under licence from the C.A.V.O. No live animal or biological product to be imported save under licence

(2) No biological product may be imported save under licence from the C.A.V.O.

6. (1) No master or agent of any vessel shall permit any animal to be accepted for consignment to the Islands unless satisfied that an import licence in respect of such animal has been issued under this Law. Responsibility of masters of vessels and agents

(2) No master or agent of any vessel shall permit any animal to be disembarked from such vessel on arrival at the Islands until such animal has been inspected by the C.A.V.O.

7. Any animal, biological product or carcass brought into the Islands in contravention of this Law may be ordered to be destroyed or otherwise dealt with as the C.A.V.O. may, in his discretion, decide. Animals unlawfully imported

8. No dung, litter, used animal bedding, blankets, pads, dressings or clothing shall be imported into the Islands, save as may be incidental to the licensed import of an animal. Import of dung, etc., prohibited

Application for licence to import an animal, etc.	9. Application for licence to import an animal, carcass or biological product of any animal may be made in writing to the C.A.V.O. giving particulars of the animal and of its present whereabouts and the means of transport by which it is proposed to be imported.
C.A.V.O. may grant or refuse licence	10. On the receipt of an application for a licence to import any animal, carcass or biological product the C.A.V.O. may reject the application and notify the applicant accordingly or, on payment by the applicant of the prescribed fee, issue a licence in the prescribed form subject to such conditions, including quarantine conditions, as he may consider desirable.
Governor may make regulations	11. The Governor may make regulations prohibiting, restricting and generally regulating the import or export of animals, carcasses and biological products generally and of specific animals, prescribing forms of licences and fees payable on the issue of such licences.
Governor may grant exemptions	12. The Governor may grant exemption from section 4 in any particular case.
Offences: Part II	13. A person who contravenes this Part or any regulations made hereunder commits an offence and is liable on summary conviction to a fine of five hundred dollars and to imprisonment for six months.
Powers of constables	14. Any constable having reasonable cause to suspect that any animal which has been imported into the Islands contrary to this Law is being held or concealed in or on any premises may, on obtaining a search warrant for this purpose, at all reasonable times enter and search such premises and take possession of such animal and, pending the outcome of any legal proceedings, dispose of such animal according to the directions of the C.A.V.O.

PART III - Control of Diseases of Animals

Persons to report cases of notifiable diseases	15. Every person owning or having in his control any animal which he has reason to believe is or has recently been affected by a notifiable disease shall report the same to the nearest police station as soon as practicable.
Right of access by C.A.V.O. to diseased animals	16. Where the C.A.V.O. has reason to believe that any animal affected by or having been exposed to disease is present on or in any holding, farm, apiary or other premises he may at any reasonable time enter and inspect such animal.
Standstill orders	17. (1) Where the C.A.V.O. is of the opinion that any given area is threatened with the spread of any notifiable animal disease he may issue a standstill order controlling the movements of persons and animals into, out of and within the said area. Such order shall be valid for three days after the date of publication and may

thereafter be renewed by the Governor for such further period as to the Governor may appear desirable.

(2) Where an order under subsection (1) is in force the C.A.V.O. may require such disinfective and disease control measures to be carried out as may be calculated to limit the spread of the disease.

18. Animals found to be suffering from, any notifiable disease shall be destroyed without compensation to the owners, and where animals have, in the opinion of the C.A.V.O., been exposed to a notifiable disease he may order their destruction and, in the latter case, compensation shall be paid to the owners at the market value as assessed by the C.A.V.O. Any person aggrieved by any decision as to market value arrived at by the C.A.V.O. may, within ten days, appeal to the Governor whose decision shall be final.

Destruction of infected animals, etc., and compensation

19. The Governor may make regulations varying the list of notifiable diseases and generally for the detection and control of disease in animals.

Governor may make regulations

20. A person who fails to obey a standstill order, obstructs the C.A.V.O. in carrying out his duties under this Part or otherwise contravenes this Part or any regulation commits an offence and is liable on summary conviction to a fine of five hundred dollars and to imprisonment for six months.

Offences: Part III

PART IV - Improvement of Livestock

21. The Governor may make regulations for regulating and controlling the husbandry, breeding and slaughter of livestock and bringing about the improvement thereof. Such regulations may include the-

Governor may make regulations for the improvement of livestock

- (a) establishment of artificial insemination stations and the regulation of the same;
- (b) inspection and licensing of sires;
- (c) establishment and maintenance of livestock registers;
- (d) castration of scrub animals;
- (e) importation and manufacture of feed and medicines;
- (f) housing and care of livestock;
- (g) improvement of pasture;
- (h) purchase and importation of semen;
- (i) culling of animals having an excess population;
- (j) slaughter and dressing of carcasses and the inspection and supervision of slaughterhouses and slaughtermen; and
- (k) fees to be charged for services rendered by the Department of Agriculture.

- Importation of semen prohibited except under licence
Offences: Part IV
22. The importation of semen into the Islands otherwise than under licence from the C.A.V.O. is prohibited.
23. A person who contravenes this Part or any regulation or who obstructs the C.A.V.O. in carrying out his duties hereunder commits offence.

PART V - Licensing of Dogs

- Dog licences
24. (1) Subject to this section, a person shall not keep a dog over the age of four months unless-
- (a) that person is sixteen years of age or older; and
 - (b) he holds a dog licence for the dog.
- (2) A dog licence is personal to the person to whom the dog licence is issued and is not transferable.
- (3) A person who imports a dog into the Islands is not required to hold a dog licence in respect of that dog if -
- (a) before the dog is imported the C.A.V.O. is satisfied that the dog will be exported from the Islands within the period of thirty days from the date of the importation; and
 - (b) the dog is exported from the Islands within that period.
- (4) A person to whom a licence under section 29 has been issued is not required to hold a licence for a dog under the age of four months which was born and is being kept at premises to which the licence relates.
- (5) A person is not required to obtain a licence for a dog which is being kept by a society established for the purpose of caring for animals.
- (6) Subject to subsections (3), (4) and (5), a person who keeps a dog contrary to subsection (1) commits offence and is liable on summary conviction to a fine of five hundred dollars.
- Issue of licences
25. (1) The C.A.V.O. shall, at such place as he shall authorise, issue dog licences and identification tags.
- (2) A dog licence shall be for a period of one year and may be renewed in accordance with this section.
- (3) An application for a dog licence or a renewal of a dog licence shall be in such form as the C.A.V.O. shall determine and shall contain the name and the address of the applicant and, if the dog is not kept at that address, the address at which it is kept.

(4) A dog licence shall be in a form determined by the C.A.V.O. but shall be numbered and accompanied by an identification tag which shall bear the same number as that on the licence and which shall be suitable for attachment to a dog's collar.

(5) If the C.A.V.O. is satisfied that a dog's identification tag has been lost he may, on production of the dog licence and the appropriate fee, issue a new identification tag in respect of the dog.

(6) The C.A.V.O. shall keep registers and records of dogs, dog keepers and dog licences as the Minister shall direct.

26. Every person keeping a dog shall ensure that such dog while in any highway or other public place is on a lead and is wearing a collar with an identification tag bearing licence number attached thereto. Dog found without a collar

27. A person- Identity of person keeping dog

- (a) in whose custody, charge or possession, or in whose house a dog is found or is seen; or
- (b) in whose name a dog licence is issued,

is deemed to be the person who keeps such dog unless the contrary is proved.

28. The Governor may make regulations prescribing the forms of licence required under this Part, the fees for such licences, the form of identification tag to be issued to persons who have taken out a dog licence and the fees for such identifications tags. Regulations

Part VI – Licensed Operations

29. (1) A person shall not- Licences for professional operations

- (a) keep pet animals belonging to another person for which a charge is made;
- (b) breed pet animals;
- (c) sell a pet animal or act as broker in relation to the sale or transfer of animals;
- (d) train or keep animals for guard duties other than the guarding of his own premises; or
- (e) keep animals for public display,

unless he holds an operating licence.

(2) A person intending to carry on an activity specified in subsection (1) shall apply to the C.A.V.O. for an operating licence.

(3) The C.A.V.O. may, subject to this section, issue an operating licence under this section to a person who applies to him under subsection (2) (“an applicant”).

(4) The C.A.V.O. shall not issue an operating licence unless he is satisfied-

- (a) that the applicant is a suitable person to hold such a licence for the activity in question; and
- (b) that the premises where the activity will be carried on are suitable.

(5) An operating licence-

- (a) shall state the name of the licensee; and
- (b) shall identify the premises to which the licence relates.

(6) Operating licences are annual and subject to the payment of the prescribed fee.

(7) A person who contravenes subsection (1) commits an offence and is liable on conviction to a fine of ten thousand dollars.

Cancellation of licence under section 29

30. Subject to section 31, if the C.A.V.O. is satisfied-

- (a) that a person to whom an operating licence has been issued is no longer a suitable person to hold such licence; or
- (b) that the premises to which an operating licence relates are no longer suitable for the activity for which they are being used,

he may cancel the licence.

Appeals

31. (1) A person aggrieved by a decision of the C.A.V.O. not to issue or to cancel an operating licence may appeal against the decision to a summary court whose decision on appeal shall be final.

(2) The Rules Committee of the Grand Court may make rules prescribing the procedure for appeals under subsection (1).

Regulations

32. The Governor may make regulations prescribing the form of licences required under this Part.

PART VII - Nuisances by, and Control of, Animals

Responsibility for trespass by animals

33. The owner of any livestock, other than honey bees, shall take proper and effective measures to prevent them from trespassing on land in the occupation or ownership of another, and from straying on to the public highway and, subject to sections 34 and 35, the owner of such animals shall be responsible in damages for

any injury or damage caused or done by the animal when so trespassing or straying.

34. (1) No person in occupation of land abutting on a public road shall be entitled to recover any damages in respect of any trespass on such land by any livestock while the same are being driven lawfully on such road, under proper care and control, unless such land is secured by a fence along such road sufficient to keep out ordinary livestock of the class of animals committing the trespass.

Exception in respect of land abutting on a public road

(2) The onus of showing that any livestock were being so driven as aforesaid shall be on the owner of the livestock.

35. A person who leaves open any properly constructed gate in working order or injures any fence or other contrivance provided for the purpose of confining any livestock, thereby allowing such livestock to trespass off the land on which the same is confined shall be liable for all consequential damage caused by the trespassing of such livestock.

Liability for allowing trespass by livestock

36. A person who, having the possession or ownership of an animal, permits it to stray on the highway commits an offence and is liable on summary conviction to a fine of five hundred dollars.

Penalty for allowing animals to cause danger

37. It is unlawful to keep swine in any specified town, and any swine being found kept in any specified town are liable to be forfeited and destroyed at the direction of the C.A.V.O. who shall arrange for the disposal of such swine or the carcasses thereof at his discretion.

Swine not to be kept in specified towns

38. Any constable may, upon view, take up any swine which he shall find in any specified town, and may enter any building in any such town where he has reasonable cause to believe that swine are being kept and take and seize any swine there found.

Power of constable to take swine into possession

39. The owner of every dog shall be liable in damages for injuries done to any person, or any cattle or sheep, by his dog, and it shall not be necessary for the party seeking such damages to show a previous mischievous propensity in the dog, or the owner's knowledge of such propensity or that the injury was attributable to neglect on the part of such owner. Such damages shall be recoverable in any court of competent jurisdiction.

Civil liability of dog owner

40. (1) If a dog is dangerously out of control in a public place, the owner and, if different, the person for the time being in charge of the dog, commit an offence.

Keeping dogs under proper control

(2) If a dog is dangerously out of control in a public place and while so out of control injures any person, the owner and, if different, the person for the time being in control of the dog, commits an aggravated offence.

(3) In proceedings for an offence under subsection (1) or (2) against a person who is the owner of a dog but who was not, at the material time, in charge of it, it shall be a defence for the accused to prove that the dog was, at the material time, in the charge of a person whom he reasonably believed to be a fit and proper person to be in charge of it.

(4) If the owner or, if different, the person for the time being in charge of a dog, allows it to enter a place which is not a public place but where it is not permitted to be and while it is there it injures any person or there are grounds for reasonable apprehension that it will do so, he commits an offence, or, if the dog injures any person, an aggravated offence under this section.

(5) A person who commits an offence under subsection (1), (2) or (4) other than an aggravated offence is liable on summary conviction to imprisonment for six months and to a fine of four thousand dollars; and a person who commits an aggravated offence under any of those subsections is liable -

- (a) on summary conviction, to a fine of four thousand dollars or to imprisonment for six months; or
- (b) on conviction on indictment to a fine and to imprisonment for two years.

Power of court with respect to dangerous dogs

41. (1) Where-

- (a) a person has been convicted of an offence against section 40; or
- (b) it is made to appear to a summary court that a dog has been dangerously out of control on more than one occasion or is likely to spread disease to any person or animal,

then the court may order either-

- (i) that the dog be handed over to the Department of Agriculture for the immediate destruction of the dog by the Department; or
- (ii) that the person who is keeping the dog observe such requirements in relation to the future keeping of the dog as the court thinks fit to specify in the order.

(2) A person who fails to comply with a requirement imposed upon him by an order made under subsection (1) (b) (ii) commits an offence.

(3) If a court which has convicted a person of an offence against subsection (2) is not satisfied that the dog can or will be properly controlled in the future, the court may, in addition to punishing that person for the offence, order the destruction of the dog.

(4) A person who obstructs any officer of the court so that such officer is prevented from carrying out an order of the court made under subsection (1) (b)

(i) shall pay a fine of forty dollars in respect of each day the carrying out of the order remains in abeyance through his default

42. In this Law-

Muzzles and leads

- (a) references to a dog being muzzled are to its being securely fitted with a muzzle sufficient to prevent it biting any person; and
- (b) references to its being kept on a lead are to its being securely held on a lead by a person who is not less than sixteen years old.

43. (1) If a dog defecates at any time on any public place and a person who is in charge of the dog at that time fails to remove the faeces from the public place forthwith, that person commits an offence unless he has a reasonable excuse for failing to do so.

Fouling by dogs

(2) A person who commits an offence under subsection (1) is liable on summary conviction to fine of two thousand dollars.

(3) In this section-

- (a) placing the faeces in a receptacle which is provided for the disposal of waste shall be a sufficient removal from the public place; and
- (b) being unaware of the defecation (whether by reason of not being in the vicinity or otherwise), or not having a device for or other suitable means of removing the faeces, shall not be a reasonable excuse for failing to remove the faeces.

44. A dog shall be regarded as being dangerously out of control on any occasion on which there are grounds for reasonable apprehension that it will injure any person or another domestic animal, whether or not it does so, but references to a dog injuring a person or animal or there being grounds for reasonable apprehension that it will do so do not include references to any case in which the dog is being used for lawful purposes by a constable, a public officer or a security guard in uniform while carrying out his duties.

Dogs dangerously out of control

45. (1) This section applies to any dog of a breed specified, from time to time, for the purposes of this section by regulations made by the Governor after consultation with the C.A.V.O.

Prohibited dogs

(2) No person shall-

- (a) breed, or breed from, a dog to which this section applies;
- (b) sell or exchange such a dog, or offer, advertise or expose such a dog for sale or exchange;
- (c) make or offer to make a gift of such a dog, or advertise or expose such a dog as a gift;

- (d) allow such a dog of which he is the owner or of which he is for the time being in charge in a public place without being muzzled and kept on a lead; or
- (e) abandon such a dog of which he is the owner or, being the owner or for the time being in charge of such a dog, allow it to stray.

(3) After such day as the Governor may by notice published in the Gazette appoint for the purposes of this section, no person shall have any dog to which this section applies in his possession or custody except in pursuance of the power of seizure conferred by this Law or unless such dog is registered pursuant to regulations made by the Governor.

(4) Subsection (2)(b) and (c) shall not make unlawful anything done with a view to the dog in question being removed from the Islands before the day appointed under subsection (3).

(5) The Governor may, by regulations, provide that the prohibition in subsection (2) shall not apply in such cases and subject to compliance with such conditions as are specified in the regulations, and any such provision may take the form of a scheme of exemption containing such arrangements (including provision for the payment of charges or fees) as it thinks appropriate.

(6) A person who contravenes this section commits an offence and is liable on summary conviction to a fine of four thousand dollars and to imprisonment for six months, except that a person who publishes an advertisement in contravention of subsection (2) (b) or (c)-

- (a) shall not, on being convicted, be liable to imprisonment if he shows that he published the advertisement to the order of someone else and did not himself devise it; or
- (b) shall not be convicted if, in addition, he shows that he did not know and had no reasonable cause to suspect that it related to a dog to which this section applies.

(7) Regulations under subsection (1) adding dogs of any breed to those to which this section applies may provide that subsections (3) and (4) shall apply in relation to those dogs with the substitution, for the day appointed under subsection (3), of a later day.

(8) Where a court finds a person guilty of an offence under this section, it may also, if it thinks fit, make an order disqualifying the owner for having custody of a dog for such period as is specified in the order.

(9) A person who is disqualified from having custody of an animal by virtue of an order made under subsection (8) may, at any time after the end of the

period of one year beginning with the date of the order, apply to the court for a direction terminating the disqualification.

- (10) On an application under subsection (9) the court may-
- (a) having regard to the applicant's character, his conduct since the disqualification was imposed and any other circumstances of the case, grant or refuse the application; and
 - (b) order the applicant to pay all or any part of the costs of the application,

and, where an application in respect of the order is refused, no further application in respect of that order shall be made before the end of the period of one year beginning with the date of the refusal.

(11) An officer appointed by the C.A.V.O. may inspect any premises where a dog to which this section applies is being held and any person so appointed under this section may, on producing his authority if so required, enter any such premises at all reasonable times and inspect them and any dog found there for the purpose of ascertaining that the provisions of this Law have been complied with.

(12) A person who wilfully obstructs or delays a person in the exercise of his power of entry or inspection under this section commits an offence.

46. A person who suffers any ferocious dog to be at large or who sets on or urges any dog to attack, worry or put in fear any person or domestic or protected animal commits an offence and is liable on summary conviction to a fine of five hundred dollars and to imprisonment for six months. Ferocious dogs

47. A constable may seize and detain any dog found in a highway or place of public resort which he has reason to believe is a stray and, if the owner can be traced, shall give notice of seizure to the said owner to whom the dog shall be restored upon such owner paying all expenses incurred by its detention. Stray dogs

48. Dogs seized under section 47 shall be retained at the police station or in a dog pound for a period of seven days if unclaimed by the owner, after which they may be sold or handed over to the Department of Agriculture for destruction. The proceeds of sale of stray dogs shall be appropriated to the expenses of the maintenance of the dog pound. Disposal of seized dogs

49. (1) Any person finding a stray dog may take possession of the same and shall, within twenty-four hours, report the matter to the nearest police station whereafter he may-

- (a) retain the dog in his possession; or
- (b) hand the dog over to the police. Finders of stray dogs

(2) If the finder retains the dog in his possession he shall hand the dog over to any person who can show himself to be the owner thereof and makes claim thereto within fifteen days. If the finder hands the dog over to the police the dog shall be dealt with as if it had been found and seized by a constable.

Establishment of pounds and appointment of poundkeepers

50. The Governor may establish pounds in the Islands and appoint poundkeepers in respect of each pound, and all persons who are poundkeepers at the 12th April, 1977 shall continue as such subject to dismissal by the Governor without notice.

Poundkeepers to give notice to owner of impounded animal

51. When an animal is impounded, the poundkeeper, if he knows the owner, shall serve notice in writing on him, and for so doing shall be entitled to the prescribed fee in that behalf.

Poundkeeper to supply food and water

52. (1) The poundkeeper shall supply every impounded animal with food and water on the following scale-

- (a) cattle, twenty pounds of grass and five gallons of water daily;
- (b) sheep and goats, six pounds of grass and five gallons of water daily;
- (c) other animals, according to the rules of good animal husbandry.

(2) The above quantities shall be divided into morning and evening feeds and waterings, there being an interval of not less than eight hours between morning and evening feeds and waterings.

Pound fees to be paid by owner prior to recovery of an animal

53. Before delivering any impounded animal to its owners, the poundkeeper shall demand and receive the fee prescribed for that animal's maintenance while impounded.

Poundkeeper to keep records

54. The poundkeeper shall keep a written record of all animals impounded, stating the name and address of the distrainer or finder, the place, date and time when the animal was found, the date and time when it was impounded and the description of the animal, and such record shall be open for the inspection of the public at all reasonable times.

Entire animals to be kept separately

55. Entire animals which are impounded shall be kept separately from other impounded animals.

Fees to be accounted for

56. Poundkeepers shall account to the Treasury for fees received in such manner as may be prescribed and shall, by way of remuneration, receive such proportion of such fees as may, from time to time, be prescribed.

Impounding

57. The lawful occupier of any land may seize any animal trespassing thereon and may impound the same as the distrainer thereof. The distrainer shall, with all reasonable dispatch, convey the same to the nearest pound and the poundkeeper

shall, at any time between 6 a.m. and 6 p.m., receive the said animal into the pound.

58. The distrainer shall be entitled to receive a seizure fee in accordance with the prescribed scale- Distrainer entitled to seizure fee

- (a) from the owner of the animal, if tendered before the delivery thereof to the poundkeeper; or
- (b) from the poundkeeper, after receipt by him of the fee.

59. A distrainer shall properly water, feed and care for any animal while it is detained by him and shall be liable in damages for any neglect of such animal. Where such animal appears to be suffering from any notifiable disease, the distrainer shall report the matter to the nearest police station without delay. Distrainer to care for animals during detention by him

60. Any person who drives, leads or entices any animal into any place with intent to impound or procure the impounding of the same commits an offence. Enticing animal to trespass is an offence

61. Every person who rescues or attempts to rescue any animal seized or impounded under this Law is commits an offence. Rescuing is an offence

62. The owner of any animal distrained, on payment of the prescribed fee before any animal is sold under section 63, is entitled to recover such animal. Owner's right to distrained animal

63. (1) Where any animal has been impounded for four days and upwards and no person has claimed the same under section 62, the poundkeeper shall put up the same for sale by public auction and shall sell and deliver the same to the best bidder for ready money after having received the price thereof and, if the price is not paid, he may again put up the animal for sale. Sale of unclaimed impounded animals

(2) Public notice of every sale under subsection (1) shall be given by publication in a local daily newspaper at least one clear day before the day of the sale.

(3) It shall not be lawful for the poundkeeper or the owner of the animal to purchase any animal sold as aforesaid.

(4) The proceeds of sale shall be paid to the Treasury for the account of the general revenue.

(5) Notwithstanding any irregularity prior to the sale, the purchaser at such sale shall have good and valid title against all comers.

64. The Governor may, from time to time, make regulations prescribing fees payable under this Law, designating specified towns and generally for the implementation of this Law. Regulations

- Riding animals in public places
65. (1) The Governor may, by Order, prohibit the riding or driving of any animal in any public place either absolutely or at such times or subject to such conditions as are specified in the Order.
- (2) A person who contravenes an Order made under subsection (1) commits an offence and is liable on summary conviction to a fine of five hundred dollars and to imprisonment for six months.

Part VIII - Animal Welfare Advisory Committee

- Animal Welfare Advisory Committee
66. (1) There is established an Animal Welfare Advisory Committee for the purposes set out in this Law.
- (2) The Committee consists of-
- (a) the C.A.V.O. or his designate who shall be chairman; and
 - (b) five other members appointed by the Minister subject to such terms and conditions as he may determine and who shall be selected as follows-
 - (i) one member from the Cayman Humane Society;
 - (ii) one member from the Cayman Horse Association;
 - (iii) one member from the Agricultural Society;
 - (iv) one member from the Royal Cayman Islands Police Force; and
 - (v) one member from the general public who has demonstrated an interest in animal welfare.
- Role of Committee
67. The Committee shall be responsible for-
- (a) advising the Ministry on the policy matters relating to the care of animals in the Islands;
 - (b) educating the public on the care of animals;
 - (c) making recommendations on reports submitted by the animal welfare officer; and
 - (d) such other duties as the Minister may, from time to time, determine.
- Disqualification of members
68. (1) The Minister shall terminate the appointment of any member who -
- (a) resigns his office;
 - (b) commits serious misconduct in relation to his duties;
 - (c) is absent, without leave of the chairman of the Committee, from three consecutive meetings of the Committee; or
 - (d) fails to comply with his obligations under this Law.

(2) The Minister, at his discretion, may terminate the appointment of any member and select a new member in accordance with the requirements set out in section 66 (2).

69. (1) The chairman of the Committee shall summon regular meetings of the Committee as often as may be required, but not less frequently than once in two months.

Meetings and decisions
of Committee

(2) At every meeting of the Committee, a quorum shall consist of three members, and decisions shall be adopted by a simple majority of the votes of the members present and voting except that in the case of an equality of votes the chairman shall, in addition, have a casting vote.

(3) The Committee may act notwithstanding that a vacancy exists among the members.

PART IX - Protection of Animals and Wild Life

70. (1) A person who-

Cruelty to animals an
offence

- (a) beats, ill-treats, over-rides, over-drives, overloads, tortures, infuriates or terrifies an animal or causes or procures, or, being the owner, permits any animal to be so used;
- (b) 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;
- (c) works, or causes to be worked, any domestic animal in such a condition as to be unfit for work, whether from emaciation, or from any gall, sore or otherwise, and whether or not that condition is caused by disease or deficient feeding;
- (d) wilfully, without any reasonable cause or excuse, administers or causes or procures, or, being the owner, permits, such administration of, any poisonous or injurious drug or substance to any animal, or wilfully, without any reasonable cause or excuse, causes any such substance to, be taken by any animal;
- (e) subjects, causes or procures, or, being the owner permits, to be subjected, any animal to any operation which is performed without due care and humanity; or
- (f) tethers, confines or keeps any animal on a lead under such conditions or in such manner as to cause that animal unnecessary suffering,

commits an offence of cruelty and is liable on summary conviction to fine of four thousand dollars and to imprisonment for one year.

(2) A person who, being the owner or having charge or control of any animal, without reasonable cause or excuse, abandons it, whether permanently or not, in circumstances likely to cause the animal any unnecessary suffering or causes or procures or, being the owner, permits it to be so abandoned, commits an offence of cruelty and is liable on conviction to fine of four thousand dollars and to imprisonment for one year.

(3) The owner of an animal who leaves an animal on premises shall ensure that there is a person on the premises or a person who will visit the premises to maintain that animal, and that the animal-

- (a) has access to drinking water and food;
- (b) has access to accommodation which is suitable as regards drainage, size, cleanliness and ventilation;
- (c) is able to move freely; and
- (d) has reasonable shelter against the sun and rain.

(4) An owner of an animal who contravenes subsection (3) commits an offence of cruelty and is liable on summary conviction to a fine of four thousand dollars and to imprisonment for one year.

(5) For the purposes of subsection (2), an owner shall be considered to have permitted cruelty in relation to an animal within the meaning of this Law if he fails to exercise reasonable care and supervision in respect of the care and protection of the animal.

(6) A 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 be 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 any person to put or place, or knowingly be party to the putting or placing, in or upon any land or building of any poison, or any fluid or edible matter (not being sown seed or grain) which has been rendered poisonous,

commits an offence of cruelty and is liable on summary conviction to a fine of four thousand dollars and to imprisonment for one year.

(7) In any proceedings relating to an offence under subsection (6), it shall be a defence of an accused that the poison was placed for the purpose of destroying insects and other invertebrates, rats, mice or other small ground vermin where such is found to be necessary in the interests of public health, public safety or agriculture, or the preservation of other animals, domestic or wild, or for the

purpose of manuring the land, and that he took all necessary precautions to prevent injury to any other animal or to any person.

(8) The C.A.V.O. or a person authorised by him, may use any prescribed poison to destroy any animal on any public or private land where it is necessary, in the opinion of the C.A.V.O., in the interests of public health, public safety or agriculture, or to preserve other domestic or wild animals and, in using such poison, the C.A.V.O. or the person authorised by him shall use all necessary precautions to prevent injury to any other animal or to any person.

(9) The C.A.V.O. shall, from time to time, issue guidance as to the manner in which an animal, while restrained by a chain or other means, may be able to move freely.

71. A person who-

Bull-baiting, etc.

- (a) in any manner encourages, aids or assists at the fighting or baiting of any bull, dog, cock or any other kind of animal;
- (b) keeps, uses or acts in the management of any such animal;
- (c) being the owner or occupier of any place or premises, permits such place or premises to be used for the purpose of fighting or baiting any such animal; or
- (d) receives money for the admission of any person to any place or premises kept or used for the purpose of fighting or baiting of any such animal,

commits an offence.

72. A person who conveys, carries or places in or upon any cart or vehicle, or upon any vessel or boat, any animal in such a manner or position as to subject that animal to avoidable or unnecessary pain or suffering, commits an offence.

Causing avoidable pain or suffering to any animal

73. A person who uses or employs, or permits to be used or employed, in any manner of work, any animal brought or delivered to him for the purpose of being destroyed, and a person who is found employing or using such an animal, commits an offence.

Using or employing animals brought to be destroyed

74. A person who, in killing any animal, wilfully or carelessly causes unnecessary suffering to such animal commits an offence.

Causing unnecessary suffering in killing an animal

75. A person who wilfully docks or nicks the tail of any horse, mule, hinny or similar animal commits an offence.

Docking or nicking the tail of any horse, etc.

76. (1) Where any offence appears to have been committed under sections 70 to 73, it shall be lawful for the C.A.V.O. or any constable to seize and take before a court the animal in relation to which the offence is alleged to have been

Destruction of an injured animal

committed, whether or not any person alleged to have committed the offence is held in custody, and the court may make such order as to the care or disposal of the animal as may be deemed to be appropriate, including an order for the destruction of the animal.

(2) Where an order has been made for the destruction of an animal under subsection (1), no compensation shall be payable to the owner of the animal.

(3) Where any constable finds any animal so severely injured or in such state of health that it cannot, without undue suffering, be moved he may (with the consent of the owner if the animal is a domestic animal) destroy the said animal or cause it to be destroyed.

(4) Where, for the purpose of subsection (3), the owner cannot be found or refuses his consent, the constable may act on the certificate of a medical officer, a veterinary officer, the C.A.V.O. or a Justice of the Peace.

Penalties for offences
under sections 70 to 75

77. (1) A person who commits an offence contrary to sections 70 to 75 is liable on summary conviction to a fine of five hundred dollars and to imprisonment for six months.

(2) A person who is convicted under subsection (1) may, in addition to the penalties prescribed therein, be ordered to pay the expenses incurred in the care, maintenance, destruction and removal of the animal or the carcass thereof.

(3) If the owner of any animal commits the offence of cruelty to the animal within the meaning of this Law, the court, upon his conviction, may, if it thinks fit, in addition to any other punishment, deprive the convicted person of the ownership of the animal and disqualify that person from having custody of any animal for such period as is specified in the order.

(4) No order shall be made under subsection (3), 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.

(5) A person who is disqualified from having custody of an animal by virtue of an order made under subsection (4) may, at any time after the end of the period of one year beginning with the date of the order, apply to the court for a direction terminating the disqualification.

(6) On an application under subsection (5), the court may-

- (a) having regard to the applicant's character, his conduct since the disqualification was imposed and any other circumstances of the case, grant or refuse the application; and
- (b) order the applicant to pay all or any part of the costs of the application,

and where an application in respect of the order is refused no further application in respect of that order shall be heard if made before the end of the period of one year beginning with the date of the refusal.

78. A person who-

Hunting protected animals

- (a) hunts any protected animal;
- (b) has in his possession any protected animal or part thereof; or
- (c) takes or has in his possession the nest or egg of any protected animal,

commits an offence.

79. A person who, during any close season-

Hunting game birds

- (a) hunts any game bird; or
- (b) has in his possession, buys or sells any game bird unless such bird was taken outside the close season (proof of which is upon the person so asserting),

commits an offence.

80. The Grand Cayman Blue Iguana (*Cyclura lewisi*), the Cayman Brac and Little Cayman Rock Iguana (*Cyclura nubila caymanensis*) and all non-domestic birds other than game birds are protected animals.

Protected animals

81. The following are game birds-

Game birds

- (a) White-Winged dove (whitewing), (*Zenaida asiatica*);
- (b) White-Crowned Pigeon (bald pate), (*Columba leucocephala*); and
- (c) Blue-Winged Teal, (*Anas discors*).

82. The following areas are animal sanctuaries-

Animal sanctuaries

Meagre Bay Pond

The pond is located on the 1/25,000 Grand Cayman Map Sheet 2, compiled in 1965 by the Directorate of Overseas Surveys, London, from air photography flown by the Photographic Survey Corporation Ltd., 1958. On the map sheet the Meagre Bay Pond lies within the grid square which has the reference 475000ME and 213300MW. The limits of the pond are defined by a line measured 300 feet inland from the high water mark of the pond, which will follow the western, northern and eastern sides of the pond. The southern limit is defined by the public road which runs from Bodden Town east to the Breakers.

Colliers Bay Pond

The pond is located on the 1/25,000 Grand Cayman Map Sheet 2, compiled in 1965 by the Directorate of Overseas Surveys, London, from air photography flown by the Photographic Survey Corporation Ltd., 1958. On the map sheet it lies within the grid squares 490000ME, 213700MN and also 490000ME and 2138300MN. The limits of the pond are defined by a line measured 300 feet inland from the high water mark of the pond which will follow the southern, western and northern sides of the pond. The eastern limit is defined by the public road running from Gun Bay Village north to the Tortuga Club.

Booby Pond and Rookery

The pond and marshy area know as the Booby Pond and Rookery in the Little Cayman West Registration Section and falling within Blocks 80A, 81A and 83A, commencing at the north-western corner of Block 80A parcel 18, thence northerly along Spot Bay Road to the south-western corner of Block 80A parcel 16, thence north-easterly and north-westerly along the southern and eastern boundaries of Block 80A parcel 16, respectively.

Thence north-easterly along the southern boundary of Block 80A parcel 15 to the south-eastern corner of Block 80A parcel 15. Thence north-easterly and south-easterly through Block 83A parcel 20, running generally parallel to the northern boundary of the pond, Block 80A parcel 45, to reach Guy Banks Road, approximately 50 feet southeast of the north-western corner of Block 83A parcel 19.

Thence along the western boundary of Guy Banks Road through Block 83A parcels 19, 18, 17, 16, 15, 14, 13, 12 and 11 respectively to reach a point on Guy Banks Road where it intersects the eastern boundary of Block 83A parcel 10.

Thence north-westerly along the eastern boundary of Block 83A parcel 10, and again north-westerly along the southern boundary of Block 83A parcel 13, to intersect at the southern boundary of the pond, Block 80A parcel 45.

Thence along the northern boundary of the Southern Cross Club, Block 83A parcel 10 to reach the north-eastern corner of Block 83A parcel 9.

Thence south-easterly to Guy Banks Road, thence south-westerly along the northern boundary of Guy Banks Road and through Block 83A parcels 9, 8, 141, 140, 6, 5, 4, 3, 2, 41 and 40 and Block 80A parcels 75, 74, 73, 72, 71 and 69, respectively to intersect the eastern boundary of Block 80A parcel 122.

Thence north-westerly along the eastern boundary of Block 80A parcel 122 to intersect with the southern boundary of the pond, Block 80A parcel 45.

Thence south-westerly along the southern boundary of the pond, Block 80A parcel 45, to the north-eastern corner of Block 80A parcel 120. Thence south-easterly along the eastern boundary of Block 80A parcel 120 to its intersection with Guy Banks Road.

Thence south-westerly along the northern boundary of Guy Banks Road along the southern boundary of Block 80A parcel 120 and through Block 80A parcels 65, 64, 63, 104, 103, 102, 61, 60, 59, 58, 55, 51, 50, 49, 105, 107, 106, 46 and Block 81A parcels 32 and 20, respectively.

Thence continuing south-westerly along the southern boundary of Block 81A parcel 40 and north-westerly along the eastern boundary of Block 81A parcel 17 and north-easterly along the southern boundary of Block 80A parcel 44. Thence north-westerly and north-easterly along the eastern boundary of Block 80A parcel 44.

Thence north-easterly and northerly along the eastern boundaries of Block 80A parcels 19 rem and 18 to the north-eastern corner of Block 80A parcel 18. Thence south-westerly along the northern boundary of Block 80A parcel 18 to the starting point at the north-western corner of Block 80A parcel 18.

The said area is shown in thick line on Boundary Plan No. 179 which is deposited at the offices of the Director of Lands and Survey, Tower Building, Grand Cayman and the offices of the District Commissioner, Cayman Brac.

83. (1) A person who, in a sanctuary-

Hunting, etc., in animal
sanctuary prohibited

- (a) hunts any animal;
- (b) is found under circumstances showing that he was hunting any animal or intending to take any nest or egg;
- (c) takes any nest or egg;
- (d) is accompanied by any dog;
- (e) carries any gun, catapult or other weapon capable of being used to hunt animals;
- (f) deposits any litter; or
- (g) disturbs any natural feature or any vegetable or animal life,

commits an offence.

(2) Any person found in a sanctuary in possession of any animal, nest or egg shall be deemed to have hunted such animal or taken such nest or egg unless the contrary is proved.

- Animal welfare officers 84. The Governor shall appoint animal welfare officers for carrying out the provisions of this Law and such animal welfare officers shall hold office at the pleasure of the Governor.
- Powers of animal welfare officer 85. (1) An animal welfare officer shall, for the purpose of performing his duties under this Law, have all the rights and immunities of constables acting generally in the ordinary course of their duty, and every constable shall, for the purpose of enforcing this Law, have all the powers of an animal welfare officer.
- (2) The duties of an animal welfare officer shall include-
- (a) preventing cruelty or suffering to animals;
 - (b) capturing and detaining any stray or vicious animals;
 - (c) protecting game animals, ensuring the preservation of protected animals and supervising the closed seasons;
 - (d) upon the receipt of a written complaint from the C.A.V.O, the Committee or any named member of the public, entering and searching any premises to ensure that the provisions of this Law are not being contravened;
 - (e) where he finds a person is in contravention of this Law, notifying such person in writing of the possibility of prosecution;
 - (f) collecting evidence, taking photographs and writing reports to be submitted to the Ministry for use in any criminal proceedings under the Law; and
 - (g) testifying in court in any proceedings under this Law.
- (3) Each animal welfare officer shall be provided by the Ministry with a certificate of his appointment as an animal welfare officer signed by the Minister and bearing a photograph of the animal welfare officer.
- (4) An animal welfare officer shall, if requested to do so, produce that certificate for inspection to any person in relation to whom the animal welfare officer is about to exercise, is exercising or has exercised a power under this Law.
- (5) A certificate appearing to have been provided under subsection (3) is, without proof of the signature of the person who signed it or that person's authority to sign it, evidence of the appointment to which the certificate appears to relate.
- (6) An animal welfare officer may apprehend without warrant any person who commits or attempts to commit an arrestable offence in his view or whom he reasonably suspects to have committed an arrestable offence.
- (7) An animal welfare officer may, in any public place, on any Crown lands, search any person whom he has reasonable cause to suspect of having contravened this Law or any regulation, and may stop and search any vehicle,

boat or other conveyance in or upon which he has cause to suspect that there is any animal in respect of which any offence against this Law or any regulation has been committed or in or upon which he has reasonable cause to suspect that there is any gun, catapult or any other weapon or trap used in the commission of any such offence.

(8) Where a person having charge of a vehicle, boat or other conveyance or animal is apprehended by an animal welfare officer or a constable under this Law, it shall be lawful for that animal welfare officer, constable or any other constable to take charge of the vehicle, boat, or other conveyance or animal, and to deposit the vehicle, boat or other conveyance or animal in some place of safe custody until the termination of any proceedings relating to the animal or until the court makes an order as to the disposal of the vehicle or animal.

(9) The reasonable costs of a detention under subsection (8), including the reasonable cost of veterinary treatment where such treatment is required, shall, in the event of a conviction in respect of the 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.

86. The Governor may make regulations for the better carrying out of this Part and in particular may- Regulations

- (a) alter or amend and prescribe new sanctuaries;
- (b) alter the categories of protected animals, game animals and prescribe and amend close seasons for the hunting or taking thereof;
- (c) make provision for the stocking of any areas with animals of various categories;
- (d) control generally or in respect of any specified areas the methods which may be employed in taking or hunting animals;
- (e) restrict or impose conditions in respect of the keeping of animals in captivity;
- (f) limit the number of game animals which may be taken by any one person in any one day;
- (g) require persons to render returns containing such information as may be prescribed;
- (h) prescribe the form and make provision for the issue of licences and the fees therefor;
- (i) prescribe, regulate and secure the periodical treatment of all or any cattle by effective dipping or by the use of some other means of control and eradication of ticks either with respect to the Islands as a whole or any part thereof; and
- (j) control the quality of animal feeding stuffs imported into the Islands or offered for sale to the public.

Jurisdiction over offences committed at sea	87. Any offence against this Law committed at sea within twelve miles of the shore of any of the Islands shall be deemed to have been committed in any place adjoining such sea and may be tried and punished accordingly.
Power to exempt from the Law	88. Notwithstanding anything to the contrary contained in this Law, the Governor may, by writing under his hand for purposes of conservation or for scientific, historic or educational purposes or for the purpose of protecting human life or aircraft operations, exempt either absolutely or for such time and subject to such conditions as he may think fit, any person or institution from all or any of the provisions of this Law.
Forfeiture of things seized	89. (1) Any animal or any part thereof, in respect of which there is a conviction for an offence against this Law, shall be forfeited to the Crown. (2) Any boat, gun, catapult or other weapon or any trap used in commission of any offence in respect of which there is a conviction may, in the discretion of the court, be forfeited to the Crown.
Offences: Part IX	90. A person who commits an offence contrary to sections 70 to 89 is liable on summary conviction to a fine of five hundred dollars and to imprisonment for six months.
PART X - General	
Regulations	91. Without prejudice to his powers to make regulations under any part of this Law, the Governor may make regulations generally for the better implementation thereof and may, from time to time, prescribe fees to be charged for any service rendered to any member of the public.
General offence	92. (1) Any contravention of any regulation made under this Law is an offence against this Law and punishable accordingly. (2) Where no punishment is specifically prescribed, a person who contravenes this Law or any regulations commits an offence and is liable on summary conviction to a fine of five hundred dollars and to imprisonment for three months.
C.A.V.O. is subject to directions	93. In carrying out his duties under this Law the C.A.V.O is subject to the directions of the Governor.

Publication in consolidated and revised form authorised by the Governor in Cabinet this 3rd day of September, 2013.

Carmena Watler
Acting Clerk of Cabinet

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