

CHAPTER 39

THE ANIMALS (PREVENTION OF CRUELTY) ACT.

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CHAPTER 39

THE ANIMALS (PREVENTION OF CRUELTY) ACT.

Commencement: 5 December, 1957.

An Act to make provision for the prevention of cruelty to animals.

1. Interpretation.

In this Act, unless the context otherwise requires—

- (a) “authorised officer” means any administrative officer, any police officer, any veterinary officer, any officer of the game and fisheries departments, any chief of or above the rank of subcounty chief or any other person appointed by the Minister to be an authorised officer;
- (b) “court” includes any court having jurisdiction;
- (c) “licensed person” means a person licensed under section 13;
- (d) “public place” includes any public way and any building, place or conveyance to which for the time being the public are entitled or permitted to have access either without any condition or upon condition of making any payment, and any building or place which is for the time being used for any public or religious meetings or assembly or as an open court;
- (e) “public way” includes any highway, marketplace, square, street, bridge, or other way which is lawfully used by the public;
- (f) “vermin” means any animal injurious to man, crops or to other animals but does not include any animal wholly or partly protected under the Uganda Wildlife Act.

2. Offences of cruelty.

- (1) Any person who—
 - (a) cruelly beats, kicks, ill-treats, overrides, overdrives, overloads, tortures or infuriates any animal, or causes or procures, or being the owner, permits any animal to be so used, or 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;
 - (b) conveys or carries, or causes or procures, or being the owner,

permits to be conveyed or carried, any animal in such manner or position as to cause that animal unnecessary suffering;

- (c) wilfully, without any reasonable cause or excuse, administers, or causes or procures, or being the owner, permits the administration of, any drug or substance to any animal, or wilfully, without any reasonable cause or excuse, causes any such substance to be taken by any animal;
- (d) subjects, or 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
- (e) kills any animal in an unnecessarily cruel manner,

commits an offence of cruelty within the meaning of this Act and is liable on conviction to a fine not exceeding one thousand shillings or to imprisonment for a period not exceeding three months or to both such fine and imprisonment.

(2) For the purposes of this section, an owner shall be deemed to have permitted cruelty within the meaning of this Act if he or she has failed to exercise reasonable care and supervision in respect of the protection of the animal from cruelty; but where an owner is convicted of permitting cruelty within the meaning of this Act by reason only of his or her having failed to exercise such care and supervision, he or she shall not be liable to imprisonment without the option of a fine.

(3) Nothing in this section shall apply to the commission or omission of any act in the course of the destruction, or the preparation for destruction, of any animals as food for mankind, unless the destruction or the preparation was accompanied by the infliction of unnecessary suffering.

3. Power of court to order destruction of animal.

(1) Where the owner of an animal is convicted of an offence of cruelty, the court may, if it is satisfied that it would be cruel to keep the animal alive, direct that the animal be destroyed, and assign the animal to any suitable person for that purpose; and the person to whom the animal is so assigned shall, as soon as possible, destroy the animal, or cause or procure the animal to be destroyed in his or her presence without unnecessary suffering.

(2) Any reasonable expenses incurred in destroying the animal shall be recovered from the owner of the animal as a civil debt recoverable under

the Debts (Summary Recovery) Act.

4. Penalty for permitting diseased animal to be at large in public places.

(1) Any person who permits any animal of which he or she is the owner or which is in his or her possession or under his or her control to be at large in any public place while the animal is suffering from any contagious or infectious disease commits an offence and is liable on conviction to a fine not exceeding one thousand shillings.

(2) An authorised officer may seize any animal suffering from any contagious or infectious disease which is at large in any public place and any court may order it to be destroyed.

5. No appeal against order for destruction.

An appeal shall not lie from any order for destruction made under either section 3 or 4, and the order shall be final and shall not be liable to be contested by suit or otherwise.

6. Power of court to deprive person convicted of cruelty of ownership of animal.

If the owner of any animal is guilty of cruelty to the animal within the meaning of this Act, the court, upon his or her conviction of the cruelty, may, if it thinks fit, in addition to any other punishment, deprive the person of the ownership of the animal, and may make such order as to the disposal of the animal as it thinks fit under the circumstances; but no order shall be made under this section unless it is shown by evidence as to a previous conviction, or as to the character of the owner, or otherwise, that the animal, if left with the owner, is likely to be exposed to further cruelty.

7. Poisoned grain, etc.

- (1) Any 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 is a 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 or procures any person to put or place, or knowingly is a party to the putting or placing, in or upon any land or building any poison, or any fluid or edible matter, not being sown seed or grain, which has been rendered poisonous,

commits an offence and is liable on conviction to a fine not exceeding one thousand shillings.

(2) In any proceedings under subsection (1)(b), it shall be a defence that the poison was placed by the accused for the purpose of destroying insects and other invertebrates or vermin where that is found to be necessary in the interests of public health, agriculture, forestry or the preservation of other animals, domestic or wild, or for the purpose of manuring the land, and that he or she took all reasonable precautions to prevent access of dogs, cats, fowls or other domestic animals to the poison.

8. Injured animals.

(1) If an authorised officer finds any animal so diseased or so severely injured or in such a physical condition that, in his or her opinion, having regard to the means available for removing the animal, there is no possibility of removing it without cruelty, and that it is cruel to keep it alive, the authorised officer may, without the consent of the owner, slaughter the animal, or cause or procure it to be slaughtered, with such instruments or appliances, and with such precautions, and in such manner as to inflict as little suffering as possible, and, if the slaughter takes place on any public highway, to remove the carcass or cause or procure it to be removed from the public highway.

(2) If in the opinion of the authorised officer the injured animal can, without cruelty, be removed, the person in charge of the animal shall cause it immediately to be removed with as little suffering as possible, and, if that person fails so to do, an authorised officer may, without the consent of that person, cause the animal immediately to be so removed.

9. Detention of animals.

Where a person in possession of an animal is charged with an offence under this Act, and the animal is required for the purpose of the trial, an authorised officer may take charge of the animal, and deposit it in some place of safe custody until the termination of the proceedings or until the court directs the

animal to be delivered to the person charged or the owner, and the reasonable costs of the detention, including the reasonable costs 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 of the animal as a civil debt recoverable under the Debts (Summary Recovery) Act, or, where the owner is convicted, shall be part of the costs of the case.

10. Owners to produce animal if so required.

(1) Where proceedings are instituted under this Act, the court may issue a summons direct to the owner of the animal requiring the owner to produce either at or at any time before the hearing of the case as may be stated in the summons the animal for the inspection of the court if the production is possible without cruelty.

(2) Where a summons is issued under subsection (1) and the owner fails to comply with it without satisfactory excuse, he or she commits an offence and is liable on conviction to a fine not exceeding five hundred shillings or in the case of a second or subsequent offence to a fine not exceeding one thousand shillings and may be required to pay the costs of any adjournment rendered necessary by his or her failure.

11. Experiments on living animal.

(1) No person shall perform on a living animal any experiment calculated to give pain except subject to the restrictions imposed by section 12.

(2) Any person performing or taking part in performing any experiment calculated to give pain in contravention of this Act commits an offence and on first conviction is liable to a fine not exceeding one thousand shillings and on a second or subsequent conviction is liable to a fine not exceeding two thousand shillings or to imprisonment for a period not exceeding three months or to both such fine and imprisonment.

(3) A prosecution under this section against any licensed person shall not be instituted except with the consent in writing of the Director of Public Prosecutions.

12. Restrictions on experiments on living animal.

(1) Subject to subsection (2), the following restrictions shall be observed in the performance on any living animal of an experiment calculated to give pain—

- (a) the experiment shall be performed only with a view to the advancement by new discovery or physiological knowledge or of knowledge that will be useful in saving or prolonging life or alleviating suffering;
- (b) the experiment shall be performed by or under the direction of a licensed person;
- (c) the animal shall during the whole of the experiment be under the influence of some anaesthetic of sufficient power to prevent the animal feeling pain;
- (d) the animal shall, if the pain is likely to continue after the effect of the anaesthetic has ceased, or if any serious injury has been inflicted on the animal, be killed before it recovers from the influence of the anaesthetic which has been administered;
- (e) the experiment shall not be performed as an illustration to lectures in medical schools, hospitals, colleges or elsewhere; and
- (f) the experiment shall not be performed for the purpose of attaining manual skill.

(2) Notwithstanding subsection (1), the restrictions imposed by it shall not apply in the circumstances and to the extent set out in this subsection—

- (a) experiments may be performed under subsection (1) as to the use of anaesthetics by a licensed person giving illustrations to lectures in medical schools, hospitals, colleges or elsewhere, if the experiments are in his or her opinion necessary for the due instruction of the persons to whom the lectures are given with a view to their acquiring physiological knowledge or knowledge which will be useful to them for saving or prolonging life or alleviating suffering;
- (b) experiments may be performed without the use of anaesthetics by a licensed person, if in his or her opinion insensibility cannot be produced without necessarily frustrating the object of the experiments;
- (c) experiments may be performed by a licensed person without that person being under an obligation to cause the animal on which an experiment is performed to be killed before it recovers from the

influence of the anaesthetic if in his or her opinion so killing the animal would necessarily frustrate the object of the experiment and if the animal is killed as soon as that object has been obtained; and

- (d) experiments may be performed by or under the direction of a licensed person not directly for the advancement by new discovery of physiological knowledge, or knowledge which will be useful for saving or prolonging life or alleviating suffering, but for the purpose of testing a particular former discovery alleged to have been made for the advancement of such knowledge as last aforesaid if in his or her opinion the testing is necessary for the effectual advancement of that knowledge.

(3) The substance known as urari or curare and any other substances specified by the Minister by statutory instrument shall not for the purposes of this section be deemed to be anaesthetics.

13. Minister may grant and revoke licences.

(1) The Minister may license any person whom he or she thinks qualified to hold a licence to perform and to direct the performance of experiments under this Act.

(2) A licence granted by the Minister may be for such time as he or she may think fit and shall be revoked by the Minister on his or her being satisfied that the licensed person has caused pain to any animal in contravention of this Act or that for any other reason the licence ought to be revoked.

(3) There may be attached to such licence any conditions which the Minister may think expedient for the purpose of better carrying into effect the objects of this Act but not inconsistent with its provisions.

14. Minister may require reports.

The Minister may direct any person performing or directing the performance of experiments under this Act from time to time to make such reports to him or her of the result of the experiments, in such form, and with such details as the Minister may require.

15. Rules.

The Minister may make rules—

- (a) regulating and controlling the manner and methods which may or may not be used in the slaughtering of animals;
- (b) generally for better carrying out the provisions of this Act.

History: Cap 220.

Cross References

Debts (Summary Recovery) Act, Cap. 74.

Uganda Wildlife Act, Cap. 200.
