

CAYMAN ISLANDS



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ANIMALS LAW

(2015 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, 14 of 2014 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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U.K. Order, 1989-19th December, 1989
U.K. Order, 2003-12th June, 2003.

Consolidated and revised this 2nd day of July, 2015.

Note (not forming part of the Law): This revision replaces the 2013 Revision which should now be discarded.

ANIMALS LAW

(2015 Revision)

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ANIMALS LAW

(2015 Revision)

PART I - Preliminary

1. This Law may be cited as the Animals Law (2015 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;
 - “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;
 - “Director” means the Director of the Department of Agriculture and any person authorised by him;
 - “distraîner” 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;

“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;

“National Conservation Council” means the National Conservation Council established under section 3 of the National Conservation Law, 2013;

“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, trichimoniasis, trypanosomiasis (including dourine, mal de caderas, surrah and trypanosoma vivax infections), tuberculosis, tularemia, vesicular stomatitis, vibriosis and such other diseases as the Cabinet 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 Cabinet 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. (1) 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 and exportation of animals

(2) No animal of any description may be exported from the Islands to any country or from one of the Islands to another of the Islands otherwise than in accordance with this Law.

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 or exported from 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 Director. No live animal or biological product to be imported or exported save under licence

(2) No biological product may be imported or exported save under licence from the Director.

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 Director.

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 Director may, in his discretion, decide. Animals unlawfully imported

Import of dung, etc., prohibited	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.
Application for a licence to import an animal, etc.	9. (1) An application for a licence to import or export an animal, carcass or biological product of any animal may be made in writing to the Director giving particulars of the animal and of its present whereabouts and the means of transport by which it is proposed to be imported or exported. (2) An application for a licence under subsection (1) shall be accompanied by the prescribed application fee.
Director may grant or refuse licence	10. (1) Subject to subsection (2), on the receipt of an application for a licence to import or export any animal, carcass or biological product and the prescribed application fee, the Director shall consider the application and either- (a) may reject the application and notify the applicant accordingly; or (b) on payment by the applicant of the prescribed licence fee, issue a licence in the prescribed form subject to such conditions, including quarantine, health and husbandry conditions, as he may consider desirable. (2) When considering an application for a licence to import a live or viable specimen of an alien or genetically altered animal, the Director, in accordance with any directives issued by the National Conservation Council, shall consult with that Council and take into account any views of the Council before granting any such licence. (3) Prescribed application and licence fees paid in accordance with this section and section 9 are not refundable.
Cabinet may make regulations	11. (1) The Cabinet 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. (2) Where the regulations under subsection (1) relate to the importation of a live or viable specimen of alien or genetically altered animals the Cabinet shall consult with the National Conservation Council prior to making such regulations.
Cabinet may grant exemptions	12. The Cabinet may grant exemption from section 4 in any particular case.
Offences: Part II	13. (1) Subject to subsection (2) 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.

(2) A person who imports a live or viable specimen of an alien or genetically altered animal without a licence commits an offence and is liable on conviction to a fine of five hundred thousand dollars or to imprisonment for a term of four years or to both.

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 Director.

Powers of constables

PART III - Control of Diseases of Animals

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.

Persons to report cases of notifiable diseases

16. Where the Director 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.

Right of access by Director to diseased animals

17. (1) Where the Director 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 Cabinet for such further period as to the Cabinet may appear desirable.

Standstill orders

(2) Where an order under subsection (1) is in force the Director 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 Director, 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 Director Any person aggrieved by any decision as to market value arrived at by the Director may, within ten days, appeal to the Cabinet whose decision shall be final.

Destruction of infected animals, etc., and compensation

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

Cabinet may make regulations

Offences: Part III

20. A person who fails to obey a standstill order, obstructs the Director 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.

PART IV - Improvement of Livestock

Cabinet may make regulations for the improvement of livestock

21. The Cabinet 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-

- (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

22. The importation of semen into the Islands otherwise than under licence from the Director is prohibited.

Offences: Part IV

23. A person who contravenes this Part or any regulation or who obstructs the Director 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 Director 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.

25. (1) The Director shall, at such place as he shall authorise, issue dog licences and identification tags. Issue of licences

(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 Director 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 Director 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 Director 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 Director 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.

Regulations

28. The Cabinet 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.

Part VI – Licensed Operations

Licences for professional operations

29. (1) A person shall not-
- (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 Director for an operating licence.

(3) The Director 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 Director 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.

30. Subject to section 31, if the Director is satisfied-

Cancellation of licence
under section 29

- (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.

31. (1) A person aggrieved by a decision of the Director 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.

Appeals

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

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

Regulations

PART VII - Nuisances by, and Control of, 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.

Responsibility for
trespass by animals

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

Penalty for allowing animals to cause danger	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.
Swine not to be kept in specified towns	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 Director who shall arrange for the disposal of such swine or the carcasses thereof at his discretion.
Power of constable to take swine into possession	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.
Civil liability of dog owner	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.
Keeping dogs under proper control	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. (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.

41. (1) Where-

Power of court with respect to dangerous dogs

- (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.

Dogs dangerously out of control

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.

Prohibited dogs

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 Cabinet after consultation with the Director.

(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 Cabinet 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 Cabinet.

(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 Cabinet 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 Director 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.

- Ferocious dogs 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.
- Stray 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.
- Disposal of seized 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.
- Finders of stray 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.
- (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 Cabinet 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 Cabinet 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.

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

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. Poundkeeper to keep records

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

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. Fees to be accounted for

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. Impounding

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

Rescuing is an offence

61. Every person who rescues or attempts to rescue any animal seized or impounded under this Law is commits an offence.
- Owner's right to
distrained animal
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.
- Sale of unclaimed
impounded animals
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.
- (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.
- Regulations
64. The Cabinet may, from time to time, make regulations prescribing fees payable under this Law, designating specified towns and generally for the implementation of this Law.
- Riding animals in public
places
65. (1) The Cabinet 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 Director 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.

67. The Committee shall be responsible for-

Role of Committee

- (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.

68. (1) The Minister shall terminate the appointment of any member who -

Disqualification of members

- (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

Cruelty to animals an
offence

70. (1) A person who-
- (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 Director 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 Director, in the interests of public health, public safety or agriculture, or to preserve other domestic or wild animals and, in using such poison, the Director or the person authorised by him shall use all necessary precautions to prevent injury to any other animal or to any person.

(9) The Director 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.

Causing avoidable pain or suffering to any animal

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.

Using or employing animals brought to be destroyed

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.

Causing unnecessary suffering in killing an animal

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

Docking or nicking the tail of any horse, etc.

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

Destruction of an injured animal

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

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.

Penalties for offences
under sections 70 to 75

(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. *Repealed by section 10 of Law 14 of 2014.*

Repealed

79. *Repealed by section 11 of Law 14 of 2014.*

Repealed

80. *Repealed by section 12 of Law 14 of 2014.*

Repealed

81. *Repealed by section 13 of Law 14 of 2014.*

Repealed

Repealed 82. *Repealed by section 14 of Law 14 of 2014.*

Repealed 83. *Repealed by section 15 of Law 14 of 2014.*

Animal welfare officers 84. The Cabinet 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 Cabinet.

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 Director, 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 Cabinet may make regulations for the better carrying out of this Part and in particular may- Regulations

- (a) *repealed by section 16 of Law 14 of 2014;*
- (b) *repealed by section 16 of Law 14 of 2014;*
- (c) make provision for the stocking of any areas with animals of various categories;
- (d) *repealed by section 16 of Law 14 of 2014;*
- (e) restrict or impose conditions in respect of the keeping of animals in captivity;
- (f) *repealed by section 16 of Law 14 of 2014;* `
- (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 Cabinet 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 Cabinet 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.
Director is subject to directions	93. In carrying out his duties under this Law the Director is subject to the directions of the Cabinet.

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Meredith Hew
Acting Clerk of Cabinet

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