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CHAPTER 78

PREVENTION OF CRUELTY TO ANIMALS

JR 58 of 1973

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PREVENTION OF CRUELTY TO ANIMALS

To provide for the prevention of cruelty to animals.

1. Interpretation

In this Act –

"animal" includes birds, reptiles and fish;

"captive animal" means any animal, not being a domestic animal, which is in captivity, or confined, or which is maimed, pinioned or subjected to any appliance or contrivance for the purpose of hindering or preventing its escape from captivity or confinement;

"domestic animal" means any animal which has been or is being sufficiently tamed to serve some purpose for the use of man;

"veterinary officer" includes any officer of the Livestock Service.

2. Offences of cruelty to animals

Every person who –

(a) cruelly beats, ill-treats, starves, over-drives, over-rides, over-loads, abuses, tortures or otherwise maltreats any captive or domestic animal;

(b) works, or causes to be worked, any domestic animal in such a condition to be unfit for work whether from emaciation, or from any gall, or sore, or otherwise and whether or not that condition is caused by disease or deficient feeding;

(c) by wilful neglect causes any injury or suffering to any captive or domestic animal;

(d) secures or causes to be secured the tongue or any other part of the body of any animal in such a manner as to cause unnecessary pain or suffering to any such animal;

(e) being the owner or person in charge of any domestic or captive animal, fails to provide it with adequate food, drink and shelter;

(f) being the owner or person in charge of any domestic animal which is sick or injured, fails to provide it with such treatment as is reasonably required;

shall be guilty of an offence against this Act.

3. Animals to be humanely slaughtered

(1) Every person who slaughters an animal, whether or not for human consumption, shall do so in a humane manner so as to avoid any unnecessary suffering and to cause death as quickly as possible.

(2) No person shall slaughter any animal by bleeding without first having rendered it unconscious.

4. Animals to be transported without unnecessary suffering etc.

Every person who conveys, carries or places in or upon any cart or other vehicle, or in or upon any vessel or boat, any animal in such a manner or position as to subject such animal to avoidable or unnecessary pain or suffering, shall be guilty of an offence against this Act.

5. Investigation of offences

(1) Any person who has reasonable cause to suspect that an offence against this Act has been or is being committed shall report the facts thereof to a veterinary officer or to the District Commissioner of the district concerned, who shall investigate the same.

(2) After having investigated such report, the veterinary officer may, on his own initiative or upon instructions from a District Commissioner by notice in writing require the owner or person in charge of the animal or animals concerned to take such action as may be specified in such notice to remedy the matters complained of.

(3) If the owner or person in charge of the animal or animals concerned does not within a reasonable time comply with the requirements of the said notice, the veterinary officer shall prepare an official report containing full details of the offence and forward the same to the District Commissioner of the district concerned.

6. Destruction of injured or ill animals

(1) A veterinary officer, may where he finds any domestic animal so severely injured or in such a state of health that it cannot without undue suffering be moved, and –

(a) the owner of such animal consents to its destruction; or

(b) the owner being absent or refusing to consent to its destruction, the veterinary officer obtains a certificate from the Principal Veterinary Officer that such animal is so severely injured or ill that it would be cruel to keep it alive,

cause such animal to be slaughtered in a humane manner.

(2) No compensation shall be payable for the destruction of any animal under the provisions of this section:

Provided that where the owner of such animal is absent or refuses to consent to its destruction and it is impossible or impracticable to obtain a certificate from the Principal Veterinary Officer, without undue delay, the veterinary officer may cause the animal to be slaughtered humanely and shall report the slaughtering and all the circumstances thereof to the Principal Veterinary Officer in writing without delay.

7. Punishment of offences

(1) Subject to section 8, any person who commits an offence against this Act shall be liable upon conviction to a fine not exceeding VT 60,000.

(2) Any person who is convicted of a second or subsequent offence against this Act shall be liable to a fine not exceeding VT 120,000, or to a term of imprisonment not exceeding 3 months, or to both such fine and imprisonment.

8. Exemption for customary offences

No action or ill-treatment of animals prohibited by this Act committed on the occasion or during the course of any sacrificial ceremony according to Vanuatu custom of which it traditionally forms an integral part shall constitute an offence or be the subject of any prosecution.

9. Regulations

The Minister responsible for agriculture and livestock may make regulations for the protection of any particular species of animal and in general for the better implementation of the provisions of this Act.