

Miss Howard

PREVENTION OF CRUELTY TO ANIMALS

ANALYSIS

Title	10. Constables may inspect saleyards, etc.
1. Short Title	11. Killing of animals
2. Interpretation	12. Inspection of premises
3. Offences of cruelty	13. Special constables may be appointed to prevent cruelty
4. Aggravated cruelty	14. Application of fines recovered in respect of offences of cruelty to animals
5. Offences relating to use of spring traps	15. Exemptions
6. Liability for damage done through cruelty	16. Power to provide food for animals in confinement
7. Time for laying information limited	17. Power to disqualify persons convicted of cruelty to animals
8. Apprehension. Warrant may issue forthwith	18. Regulations
9. Vehicles, etc., may be detained and sold	19. Repeals and amendment

A BILL INTITULED

An Act to provide for the prevention of cruelty to animals

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:

1. Short Title—This Act may be cited as the Prevention of Cruelty to Animals Act 1957.

2. Interpretation—In this Act, unless the context otherwise requires—

10 “Animal” includes any beast or bird of any kind or species whatever, whether of domestic or wild nature, and whether indigenous or imported into New Zealand:

- “Captive animal” means any animal which is in captivity or confinement whether permanent or temporary or which is chained or tethered or which is subjected to any appliance or contrivance for the purpose of hindering or preventing its escape from captivity or confinement whether permanent or temporary, or which is pinioned or which is or appears to be maimed: 5
- “Cruelty” means unreasonable, unnecessary, or unjustifiable ill-treatment; and “cruel” and “cruelly” have corresponding meanings: 10
- “Dog” includes any bitch, sapling, or puppy:
- “Domestic animal” means any animal which is tame or which has been or is being sufficiently tamed to serve some purpose for the use of man, or which although it neither has been nor is being nor is intended to be so tamed, is or has become in fact wholly or partly tame: 15
- “Horse” includes any mare, gelding, pony, foal, colt, or filly:
- “Ill-treat” includes beat, kick, wound, maim, abuse, worry, torment, torture, terrify, infuriate, override, overdrive, overload, drive when overloaded, or cause in any manner whatsoever, whether by act or omission, pain, suffering, or distress; and “ill-treating” and “ill-treatment” have corresponding meanings. 20 25

3. Offences of cruelty—(1) Every person is liable to imprisonment for a term not exceeding twelve months or to a fine not exceeding one hundred pounds, or to both, who—

- (a) Cruelly ill-treats any animal; or causes or procures any animal to be ill-treated; or, being the owner or having the charge of any animal, permits it to be so ill-treated; 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 to any animal, or, being the owner or having the charge of any animal, permits any unnecessary suffering to be so caused to it; or 30 35
- (b) Being the owner of or having the charge of any animal, omits to supply any such animal with proper and sufficient food, water, or shelter; or 40

- (c) Keeps or uses or acts in the management of any place for the purpose of fighting or baiting any kind of animal, or permits or suffers any place to be so used, or receives money for the admission of any other person to any place kept or used as aforesaid; or
 - (d) In any manner encourages, aids, or assists at the fighting or baiting of any animal; or
 - (e) Slaughters, brands, confines, conveys, or carries, or causes, or being the owner or having the charge thereof, permits or suffers, to be slaughtered, branded, confined, conveyed, or carried, any animal in such a manner or position as to subject such animal to unnecessary pain or suffering.
 - (f) Needlessly kills or causes to be killed, or needlessly mutilates any animal; or
 - (g) Promotes or takes part in any shooting match or competition wherein animals are released from captivity for the purpose of such shooting; or
 - (h) Keeps, sells, or attempts to sell (otherwise than for the express purpose of being slaughtered), or exposes for sale any domestic or captive animal which is in such a condition that it is cruel to keep it alive; or
 - (i) Neglects, as the owner or person in charge, to exercise or cause to be exercised daily and reasonably, any dog habitually chained up or kept in close confinement; or
 - (j) Keeps for an unreasonable time any animal chained or tethered upon an unreasonably short or unreasonably heavy chain or cord; or
 - (k) Uses upon any animal, or keeps, sells, or attempts to sell any spur or any similar contrivance or appliance with sharpened rowels; or
 - (l) Docks, or causes or procures to be docked, the tail of any horse.
- (2) For the purposes of subsection one of this section an owner or person in charge of an animal shall be deemed to have permitted any act or omission hereby made punishable if he shall have failed to exercise reasonable care and supervision in respect to the protection of the animal therefrom, or failed to take reasonable steps to prevent the unnecessary suffering of the animal.
- (3) Proceedings in respect of any offence under this Act shall be heard and determined by a Magistrate alone.

(4) Where an offence against either paragraph (a) or paragraph (b) of subsection one of this section is committed any constable may, on his own view thereof or on complaint made to him by any other person who declares his name and place of abode to the said constable, take possession of any animal the subject of such offence, and convey such animal to some place of safety, and there detain the same until the information or complaint in respect of such offence has been heard and determined, or for any shorter period. 5

(5) In any such case where the person charged is convicted the Magistrate before whom the conviction takes place shall, in addition to all other powers vested in him by this Act, have power to order the offender to pay any reasonable sum for defraying the cost of keeping such animal while so detained as aforesaid or otherwise incurred by the constable in connection with such detention. 10 15

4. Aggravated cruelty—(1) In this section “aggravated cruelty” means cruelty resulting in the death, deformity, or serious disablement of any animal.

(2) Every person is liable to imprisonment for a term not exceeding two years who commits an act of aggravated cruelty. 20

(3) Where upon the hearing of any information for an offence against subsection one of section three of this Act the Magistrate is of the opinion that the information could be prosecuted under this section and should be so prosecuted he shall cause the information to be amended accordingly. 25

5. Offences relating to use of spring traps—Every person is liable to a fine not exceeding twenty pounds, or if he has previously been convicted of an offence under this section, a fine not exceeding fifty pounds, who, for the purpose of killing or taking any animal, uses or knowingly permits the use of any spring trap in such a manner as to subject such animal to unnecessary pain or suffering. 30

6. Liability for damage done through cruelty—(1) Every person who does or omits to do, or causes or procures to be done or omitted to be done, any act the commission or omission of which is constituted an offence under this Act, and thereby does any damage or injury to any animal, or thereby 35

causes any damage or injury to be done to any person or to any property, shall pay to the owner of the animal or property (if the offender is not the owner thereof), or to the person who sustains damage or injury as aforesaid, such sum of money
5 by way of compensation, not exceeding the sum of twenty pounds, as is ascertained and determined by the convicting Magistrate.

(2) The payment of such compensation, or any imprisonment for the non-payment thereof, shall not prevent or in any
10 manner affect any penalty or punishment to which any person is liable for or in respect of any offence committed by him under this Act.

(3) Nothing herein shall prevent any proceeding by action against any offender or the employer of such offender where
15 the amount of damage or injury is not sought to be recovered under this Act.

7. Time for laying information limited—Every information or complaint in respect of an offence under sections three, four, five, or six hereof shall be laid or made within three months
20 after the cause of offence or complaint arose.

8. Apprehension. Warrant may issue forthwith—Where an offence against section three hereof is committed—

(a) Any constable on his own view thereof shall, or on the
25 complaint of any other person who declares his name and place of abode to the said constable may, take the offender into custody and forthwith, without any other authority or warrant, convey him before a Magistrate:

(b) Any Magistrate may, without previously issuing any
30 summons, forthwith issue his warrant for the apprehension of any person charged with any such offence whenever good grounds for so doing are stated on oath before such Magistrate.

9. Vehicles, etc., may be detained and sold—Where any
35 person having charge of any vehicle or animal is taken into custody by any constable for any offence against this Act, such constable may take charge of such vehicle or animal and deposit the same in some place of safe custody as security for payment of any fine to which the person having had charge

thereof, or the owner thereof, may become liable, and for payment of any expenses necessarily incurred for taking charge of and keeping the same; and any Magistrate before whom the case is heard may order such vehicle or such animal to be sold for the purpose of satisfying such fine and reasonable expenses, in default of payment thereof, in like manner as if the same had been subject to be and had been distrained for the payment of such fine and expenses. 5

10. Constables may inspect saleyards, etc.—(1) Any constable may enter at any time into any saleyard or place where animals are usually sold or kept for the purposes of sale, and may inspect the condition of such yard or place and of any animal found therein, and of the appliances for the comfort, food, or shelter for such animals. 10

(2) Every person who hinders such constable from so entering and inspecting is liable to a fine not exceeding ten pounds. 15

11. Killing of animals—If it appears to any Magistrate by personal inspection or by the testimony of a competent witness that any animal impounded in any pound, or found elsewhere, is in such a weak, disabled, or diseased state that it ought to be killed, he may, by writing under his hand, order that the said animal shall be forthwith killed; and such order shall be sufficient authority to the poundkeeper or owner of the animal, or any other person authorised by the said Magistrate, to kill the same. 20 25

12. Inspection of premises—Whenever it is by the oath of any credible person made to appear to the satisfaction of a Magistrate that an offence against this Act has been, or is being, or is about to be committed on or in certain premises, such Magistrate may by writing under his hand authorise some constable named therein to enter upon or into such premises and inspect any animal confined or kept there. 30

13. Special constables may be appointed to prevent cruelty—(1) Any Magistrate may appoint, in writing under his hand, any officer, agent, or servant of any society for the prevention of cruelty to animals to be a special constable, to act for such time and within such limits as may be appointed. 35

(2) Such special constable shall, during such time and within such limits as his appointment extends, have, exercise,

and enjoy all such powers, authorities, advantages, and immunities, and be liable to all such duties and responsibilities, as any constable duly appointed now has by the common law of England or under any Act in force in New Zealand, and
5 shall be deemed to be a constable within the meaning of sections three, eight, nine, and ten hereof.

14. Application of fines recovered in respect of offences of cruelty to animals—Where proceedings for an offence against section three hereof are instituted by any person acting on
10 behalf of a society established for the prevention of cruelty to animals, an amount of money shall be paid to that society as provided by section fifteen of the Police Offences Act 1927 (as amended by section four of the Finance Act 1932 and section nineteen of this Act).

15 **15. Exemptions**—Nothing in this Act shall render unlawful—

- (a) The dehorning of cattle, or the castration, spaying, earmarking, or branding of any animal, or the tailing of any lamb, where the operation is attended
20 with as little suffering as is practicable to the animal operated upon; or
- (b) The destruction of stray dogs or cats in lethal chambers, or by other methods, with a minimum of suffering; or
- 25 (c) The extermination or destruction of any animal under the authority of any Act, regulation, or bylaw in force for the time being.

16. Power to provide food for animals in confinement—In case any animal is at any time confined on any premises, or
30 in any place of any kind, or in any pen, cage, hutch, or in any receptacle of the like nature, and continues to be so confined without proper and sufficient food or water for more than twenty-four consecutive hours, it shall be lawful for any constable, or any special constable appointed under section
35 thirteen of this Act, to enter, at all reasonable times, into and upon any such premises or place as aforesaid, and to supply such animal with proper and sufficient food and water during so long a time as such animal remains and continues confined

as aforesaid, and the reasonable cost of such food and water shall be paid by the owner of such animal to the person who has supplied the same, and the said person may recover the same as a debt.

17. Power to disqualify persons convicted of cruelty to animals—Where a person who has been convicted of an offence under section three or section four of this Act is subsequently convicted of such an offence, the Court by which he is convicted on the subsequent occasion may, if it thinks fit, in addition to or in substitution for any other punishment, order him to be disqualified, for such period as it thinks fit, for having custody of any animal or any animal of a kind specified in the order, and may vary or suspend any order made in pursuance of this section. 5 10

18. Regulations—(1) The Governor-General may, by Order in Council, make such regulations as may in his opinion be necessary or expedient for giving effect to the provisions of this Act and for the due administration thereof. 15

(2) Without limiting the general power hereinbefore conferred, it is hereby declared that regulations may be made under this section for all or any of the following purposes: 20

- (a) The licensing, control, and regulation of riding schools, livery stables, kennels, and animal boarding establishments; and prescribing the conditions under which the same may be conducted: 25
- (b) Prescribing methods by which horses must be killed in a knackerie:
- (c) Prescribing the conditions under which animals may be kept or used for or in connection with circuses:
- (d) Prescribing the maximum penalty which may be imposed for any breach of such regulations, not exceeding a fine of twenty pounds for any one such breach. 30

19. Repeals and amendment—Sections seven to fourteen of the Police Offences Act 1927 are hereby repealed. 35

Section fifteen of the Police Offences Act 1927 is hereby amended by omitting therefrom the words “section seven hereof” and substituting the words “section three of the Prevention of Cruelty to Animals Act 1957”.