

STATE OF SABAH

CRUELTY TO ANIMALS (PREVENTION) ORDINANCE (Sabah Cap. 31)

LIST OF AMENDMENTS

<i>Ordinance/ Enactment No.</i>	<i>Sections amended</i>	<i>Effective date of amendment</i>
1/1952	3(e), 8 (1) (c), (d), 9 (1)	10-10-1952
11/1961 s.109 (1) (b), (c)	5, 7	1-1-1962
34/1963 s.2 (1)	5, 7	9-10-1963
Act 160	3, 8 (2)	29-8-1975
20/1978	7 (1)	1-1-1979
10/1983	7 (1)	1-1-1984
8/1994	4 (1)	15-9-1994

To provide for the prevention of cruelty to animals.

[1st May, 1925.]

Short title.

1. This Ordinance may be cited as the Cruelty to Animals (Prevention) Ordinance.

Interpretation.

2. In this Ordinance, unless a different intention appears from the context, “animal” means any bird, beast, fish, reptile or insect, whether wild or tame.

Penalty for cruelty to animals.

3. Every person shall be guilty of an offence –
- (a) who shall cruelly beat, ill-treat, torture, overdrive or overload, or cause or procure to be beaten, ill-treated, tortured, over-driven or overladen any animal;
 - (b) who, being in charge of any animal in course of transport from one place to another, neglects to supply such animal with sufficient food or water;
 - (c) who shall carry or cause to be carried any animal in such a manner or position as to subject it to unnecessary pain or suffering;
 - (d) who shall employ or cause to be employed in any work or labour any animal which in consequence of any disease, infirmity, wound, sore or otherwise is unfit to be so employed;
 - (e) who, being in charge of any animal in confinement, causes any unnecessary suffering by wantonly or unreasonably doing or omitting to do any act, or neglects to supply sufficient and proper food and water to such animal;

and shall for every such offence be liable, on conviction before a Magistrate, to a fine of five hundred ringgit and to imprisonment for six months.

Power of veterinary officers and police officers to arrest without warrant.

4. (1) Any Government Veterinary Surgeon, Veterinary Inspector or other officer of Government appointed by the Minister in that behalf and any police officer in whose view an offence has been or is being committed against the provisions of the preceding section may arrest the offender without warrant, and any animal in respect of which and any conveyance or article with or by means of which such offence has been committed may be seized by such officer.

(2) Any person so arrested shall be forthwith taken to a police station. Any animal, conveyance or article so seized may be taken to a police station or in the case of an animal to a pound or to an infirmary established under the provisions of this Ordinance, and may, subject to any order made in respect thereof by a Magistrate, be there detained until the accused has been tried.

(3) All offences under this Ordinance shall be deemed to be bailable offences.

Power of urban authority officers.

5. Within the limits of any urban area the powers given by the last preceding section to police officers and others may be exercised by any urban authority officer appointed in that behalf by the Chairman of such urban authority.

Power to stop and examine animals in the streets.

6. Any officer empowered to arrest without warrant for an offence committed against this Ordinance may stop in any street or public place any animal in respect of which he may suspect that an offence has been committed under this Ordinance and may there and then examine such animal.

Establishment of infirmaries and power to make rules and fix fees.

7. (1) At any place the District Officer, and within any urban area, the urban authority, with the approval of the Collector of Land Revenue may appoint a suitable place to be an infirmary and may make rules for the management thereof, and may prescribe the fees to be paid for the maintenance and treatment therein of any kind of animal and the fees to be paid for the destruction or burial of the carcase of any animal treated or detained therein.

(2) All such fees shall be recoverable in a summary manner by the officer in charge of the infirmary before a Magistrate from the owner, keeper or bailee of the animal, or if the animal is one in respect of which an offence has been committed and has been sent to the infirmary by order of a Magistrate, from any person convicted of the offence.

Orders by a Magistrate when an offence has been committed.

8. (1) When any person has been convicted by a Magistrate of an offence against any of the preceding sections of this Ordinance the Magistrate may order –
- (a) that the animal in respect of which the offence was committed be taken to an infirmary and there detained for any period stated in such order or until released by further order of a Magistrate or until a Government Veterinary Surgeon has certified in writing that it may properly be released; or
 - (b) if there be no infirmary to which the animal can conveniently be taken, that the animal be not used during such period as may be stated in such order or until permission to use it has been given by a Magistrate or a Government Veterinary Surgeon; or
 - (c) if the Magistrate is satisfied that the animal is incurably diseased or injured, that such animal be destroyed forthwith by or under the direction of a police officer or Government Veterinary Officer, and that the cost of burying or otherwise disposing of the carcase be borne by the person convicted; or
 - (d) if the Magistrate is satisfied that any animal has not been kept in a proper or humane manner, that such animal be removed and delivered into the custody of some other person either permanently or for such period as may be specified in the order.

Penalty.

- (2) Any person acting in contravention of any order under this section shall be liable, on conviction before a Magistrate, to a fine of one hundred ringgit or to imprisonment for three months.

Liability for cost of maintenance and treatment of an animal in an infirmary.

- (3) If any animal has been taken to an infirmary under an order made under this section, any person who has been convicted of an offence in respect of such animal shall be liable to pay the prescribed fees for its maintenance and treatment for so long as it shall

remain therein:

Provided that if the owner of such animal shall request in writing the officer in charge of the infirmary to destroy such animal, and shall pay to such officer any fee that may be prescribed for the destruction or burial of such kind of animal, such officer shall forthwith cause the animal to be destroyed, and no fees shall be payable in respect of the maintenance or treatment of such animal for any time subsequent to such request and payment.

Power of veterinary officers or Magistrates to order destruction of animals.

(9) (1) Any veterinary officer or Magistrate if satisfied by personal inspection that any animal is diseased or injured, and that the disease or injury from which the animal is suffering is incurable, may by order in writing direct that such animal be destroyed, and such order may forthwith be carried out by or under the direction of such officer or of any police officer:

Provided that if the animal so diseased or injured be in any house, stable, shed or enclosure proper for such animal and not in a public thoroughfare or other public place no such order shall be made until the owner of the animal (if known) or person in charge thereof (if any) has been duly warned of the state of the animal.

Recovery of expenses of removal and burial of animals destroyed.

(2) If any animal be destroyed in pursuance of an order made under this section, the expense of the removal and burial of the carcase of such animal shall be paid by the owner or person in charge thereof, and the amount thereof may be recovered from such owner or person in charge in a summary manner before a Magistrate.

No compensation for destruction of an animal incurably injured or destroyed at request of professed owners.

10. No compensation shall in any case be payable to any person in respect of the destruction of any animal in pursuance of an order made under section 8 or 9 by a Magistrate, or in compliance with a request in writing addressed to an officer in charge of an infirmary as provided in section 8 by any person professing to be the owner of such animal:

Provided that in the last case that the officer in charge of the infirmary in good faith believed that the person making the request was in fact the owner.

Award to informer.

11. The Court by which any fine is imposed by virtue of this Ordinance may award any portion not being more than half thereof to the informer.

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