



BERMUDA

CARE AND PROTECTION OF ANIMALS ACT 1975

1975 : 33

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[preamble and words of enactment omitted]

PART I INTRODUCTORY

Interpretation

- 1 In this Act, unless the context otherwise requires—
- “animal”, except in Part II, means any domestic or captive animal;
 - “the Department” means the Department of Environment and Natural Resources;
 - “captive animal” means any vertebrate animal (not being a domestic animal) of whatever kind or species which is in captivity or confinement;
 - “domestic animal” means any horse, ass, mule, bull, cow, sheep, goat, pig, fowl, rabbit, dog or cat, or any other animal of whatever kind or species which is tame or has been or is being tamed to serve some purpose for the use of man;
 - “import” means to bring, or to cause to be brought, into Bermuda and includes to bring, or cause to be brought, into Bermuda for the purpose of export;
 - “the Minister” means the Minister responsible for the environment;
 - “offence of cruelty” means an offence against section 8;
 - “recognized society” means the corporate body known as the Society for the Prevention of Cruelty to Animals and any society or body declared to be a recognized society under section 16;
 - “veterinary practitioner” means a person holding a certificate issued under the Veterinary Practitioners Act 2008 entitling him to practise veterinary science.

[Section 1 amended by 1991:99 effective 1 January 1992; “Department” amended by 2000:20 Sch para 5 effective 26 June 2000; “Department” amended, “Minister” substituted, by 2002:18 s.2 & Sch effective 1 April 2002; “veterinary practitioner” amended by 2008 : 20 s.17 & Sch. 2 effective 9 July 2010; Section 1 amended by 1991:99 effective 1 January 1992; “Department” amended by 2000:20 Sch para 5 effective 26 June 2000; “Department” amended, “Minister” substituted, by 2002:18 s.2 & Sch effective 1 April 2002; “veterinary practitioner” amended by 2008 : 20 s.17 & Sch. 2 effective 9 July 2010; “the Department” deleted and substituted by 2016 : 21 s. 2 effective 1 April 2016]

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PART II IMPORTATION OF ANIMALS

Application of Part II

2 This Part applies to any vertebrate or invertebrate animal except—

- (a) fish as defined in section 1 of the Fisheries Act 1972 [*title 25 item 8*]; and
- (b) an animal of any of the kinds for the time being specified in the second column of Schedule 1 to the to the Endangered Animals and Plants Act 1976 [*title 25 item 20*].

Restriction on importation of animals

3 (1) Except under and in accordance with a permit granted by the Minister under section 4, no person shall, on his own behalf or on behalf of any other person, import any live animal.

(2) Any person who contravenes subsection (1) commits an offence:

Punishment on summary conviction: a fine of \$200.

Permits

4 (1) The Minister may issue an import permit authorizing the person named therein to import, within the period specified, the quantity and description of live animals specified in the permit.

(2) In determining whether to issue a permit the Minister may take into consideration the following matters:—

- (a) the species of animal;
- (b) the purpose for which the animal is to be imported;
- (c) the need for such animal or its products in Bermuda;
- (d) the condition of the place which the animal is to be kept;
- (e) the knowledge of the applicant as to the husbandry of the animal;
- (f) the potential of the animal to become a hazard to human or animal health or the ecology of Bermuda.

(3) The Minister may impose such conditions as he thinks fit on the issue of a permit.

(4) The Minister may at any time cancel a permit.

(5) A permit shall be in such form as the Minister may determine.

(6) Fees may be prescribed by regulations made under the Government Fees Act 1965 [*title 25 item 18*] for the issue of permits and different fees may be so prescribed in respect of permits for the importation of animals of different kinds or for different purposes.

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Powers of search and seizure

5 (1) For the purposes of this Part any police officer, customs officer or officer of the Department authorized for the purpose by the Minister, may—

- (a) stop, board and search any ship, aircraft or vehicle if he has reason to suspect that there is therein anything liable to seizure;
- (b) stop and search any person and search the property of any person if he has reason to suspect that such person has in his custody anything liable to seizure.

(2) Where it appears to a magistrate, upon the oath of any person, that there is reasonable cause to suspect that in any place or premises there is anything liable to seizure, the magistrate may, by warrant directed to a police officer or officer of the Department, empower him to enter, forcibly if necessary, and search the place or premises named in the warrant and to seize anything found therein which is liable to seizure.

(3) For the purposes of this section any animal imported in contravention of section 3 shall be liable to seizure.

[Section 5 subsection (2) amended by 2009:52 s.5 effective 4 January 2010]

Forfeiture

6 Where any person is convicted of an offence against section 3, any animal or other thing in respect of which the offence was committed shall, without further order, be forfeited to the Crown and disposed of in such manner as the Minister may direct.

PART III

CARE OF ANIMALS

Minister may make regulations as to care of animals

7 (1) The Minister may make regulations governing the care, husbandry, welfare and housing of animals.

(2) Regulations may inter alia prescribe—

- (a) minimum standards of accommodation for animals as respects size, construction, number of occupants, lighting, ventilation, drainage and cleanliness;
- (b) requirements as to the supply of food and drink and bedding material;
- (c) requirements as to the protection of the animals in case of fire;
- (d) requirements as to the health of the animals as respects exercise, the prevention of the spread of infectious or contagious diseases and the performance of veterinary procedures,

(3) Regulations may provide for the licensing of premises on which any establishment to which this section applies is operated.

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(4) Regulations may create offences and may provide for punishment on summary conviction as follows—

- (a) for a first offence, a fine of \$500 ;
- (b) for a second or subsequent offence, imprisonment for 3 months or a fine of \$1,000 ;
- (c) where the offence is a continuing one, a fine of \$100 for each day on which the offence continues.

(5) This section applies to any establishment operated for gain or commercial purposes where animals are kept.

PART IV CRUELTY TO ANIMALS

Offences of cruelty

8 (1) Any person who—

- (a) cruelly kills, beats, kicks, maims, wounds, ill-treats, over-rides, over-works, over-drives, over-loads, tortures, infuriates or terrifies any animal, or wilfully causes or permits any animal to be used, or wilfully causes or permits to be caused any unnecessary suffering, pain or injury to any animal;
- (b) being the owner or the person having the custody or control of any animal in confinement or captivity or in the course of transport from one place to another, abandons it in distress or wilfully neglects or fails to provide suitable and adequate food, water, shelter and care for it;
- (c) conveys or carries, or causes or permits to be conveyed or carried, any animal in such a manner or position or in a case, crate or basket of such construction or such small dimensions as to subject it to unnecessary pain or suffering;
- (d) encourages, aids or assists at the organized fighting or the baiting of any animal or keeps, uses, manages or assists in the management of any premises for such purpose;
- (e) wilfully, without reasonable excuse, administers or causes to be administered to any animal any poisonous or injurious drug or substance;
- (f) not being a veterinary practitioner, performs any surgical operation, other than a minor surgical procedure, on any live animal or causes or permits any such operation to be performed on a live animal by a person other than a veterinary practitioner;
- (g) offers for sale, sells or gives away any live animal as a prize for, or as an inducement to enter, any contest, game or other competition or as an inducement to enter a place of amusement or place of business;

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- (h) offers for sale or sells any live animal which has been dyed or artificially coloured,

commits an offence of cruelty.

(2) For the purpose of proceedings under subsection (1)(a), evidence that a person failed to exercise reasonable care or supervision of an animal thereby causing it pain, suffering or injury is, in the absence of any evidence to the contrary, evidence that such pain, suffering or injury was caused or was permitted to be caused wilfully.

(3) For the purpose of proceedings under subsection (1)(d), evidence that a person was present at the organized fighting or the baiting of animals is, in the absence of any evidence to the contrary, proof that he encouraged, aided or assisted at such fighting or baiting.

(4) For the purposes of subsection (1)(f) the following shall be minor surgical procedures—

- (a) disbudding calves and goats by means of chemicals or cauterisation up to the age of four weeks;
- (b) castration of calves, kids, lambs and piglets up to the age of eight weeks;
- (c) tail docking up to the age of seven days;
- (d) removal of dew claws on puppies up to the age of seven days;
- (e) foot trimming;
- (f) debeaking and comb trimming of chickens;
- (g) such other procedures as the Minister may specify by notice published in the Gazette.

(5) Nothing in subsection (1) shall apply to any act in the course of the destruction or preparation for destruction of any animal as food for mankind unless such destruction or such preparation was accompanied by the infliction of unnecessary suffering.

Power of arrest

9 (1) A police officer may arrest without warrant any person who he has reason to believe is guilty of an offence of cruelty, whether upon his own view thereof or upon the complaint and information of any other person who declares his name and address to such police officer.

(2) Any police officer, officer of the Department or officer of a recognized society may stop in any street or public place and examine any animal in respect of which he suspects that an offence of cruelty has been committed.

(3) Where a person having charge of any animal is arrested by a police officer for an offence of cruelty, the police officer or any person assisting him may take charge of such animal, and keep the animal in some place of safe custody, unless given up sooner by order of the court, until the charge is decided in due course of law; and the reasonable costs of the detention and maintenance of the animal, including the reasonable costs of veterinary

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treatment where such treatment is required, shall, in the event of a conviction, be recoverable from the owner summarily as a civil debt, or, where the owner himself is convicted, shall be part of the costs of the case.

Power of entry under warrant

10 If a magistrate is satisfied by information on oath that there are reasonable grounds for suspecting that an offence of cruelty has been or is being committed, and that evidence of the commission of the offence is to be found on any premises specified in the information, he may grant a search warrant authorizing any police officer, any veterinary practitioner or any officer of the Department or of a recognized society, together with any other persons named in the warrant, to enter the premises at any time or times within one month from the date of the warrant, if necessary by force, and to search the premises and to seize and remove therefrom any animal or article found on the premises which the person holding the warrant has reasonable grounds for suspecting to be evidence of the commission of an offence of cruelty.

[Section 10 amended by 2009:52 s.5 effective 4 January 2010]

Order for destruction of animal

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

(2) Any reasonable expenses incurred in destroying the animal may be ordered by the court to be paid by the person convicted, and shall be recoverable summarily as a civil debt.

(3) No order shall, unless the owner assents, be made under subsection (1) except upon the evidence of a veterinary practitioner.

Compensation for damage done by cruelty to animal

12 If any person does or causes to be done, by cruelty to any animal, any damage or injury to the animal or to any person or property, he shall upon conviction for an offence of cruelty be liable upon the application of the person aggrieved to be ordered to pay as compensation to the person who sustains damage or injury as aforesaid such sum as the court before which he is convicted may consider reasonable:

Provided that nothing in this section shall—

- (a) prevent the taking of any other legal proceedings in respect of any such damage or injury, so, however, that a person shall not be twice proceeded against in respect of the same claim;
- (b) affect the liability of any person to be proceeded against and punished for an offence of cruelty.

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Destruction of injured animal

13 (1) If a police officer, or an officer of the Department or of a recognized society finds an animal so diseased or so severely injured or in such physical condition that in his opinion having regard to the means available for removing the animal, there is no possibility of removing it without cruelty, he shall, if the owner is absent or refuses to consent to the destruction of the animal, at once summon a veterinary practitioner, and take such steps as may be desirable to relieve suffering or preserve the life of the animal, and if it appears by the certificate of a veterinary practitioner that the animal is mortally injured, or so severely injured, or so diseased, or in such physical condition, that it is cruel to keep it alive, the police officer or officer of the Department or of a recognized society may, without the consent of the owner, cause the animal to be humanely destroyed by a veterinary practitioner, and if destruction takes place on any highway, remove the carcass or cause it to be removed.

(2) If a veterinary practitioner summoned under this section certifies that the injured animal can without cruelty be removed, the person in charge of the animal shall cause it to be removed with as little suffering as possible, and if that person fails to do so, the officer concerned may, without the consent of that person, cause the animal to be so removed.

(3) Any expenses which are reasonably incurred in carrying out the provisions of this section (including the expenses of a veterinary practitioner) may be recovered from the owner summarily as a civil debt.

Power of court to require production of animal

14 (1) Where proceedings are instituted under this Part in respect of an offence of cruelty, the court may issue a summons directed to the owner or person having care or custody of the animal requiring him to produce such animal, either at, or at any time before, the hearing of the case, as may be stated in the summons, for the inspection of the court, if such production is possible without cruelty.

(2) Where a summons is issued under subsection (1) and the owner or person to whom it is addressed fails to comply with it without satisfactory excuse, he commits an offence:

Punishment on summary conviction: a fine of \$50 (and also may be required to pay the costs of any adjournment rendered necessary by his failure).

Punishment of persons convicted of offence of cruelty

15 (1) Where a person commits an offence of cruelty:

Punishment on summary conviction : imprisonment for 12 months or a fine of \$1,000 or both such imprisonment and fine.

(2) If the owner or any person having the custody or control of any animal is convicted of an offence of cruelty, the court may, in addition to any other punishment, make an order depriving him of the ownership, custody or control of all or any of the animals in his possession or under his control and may make such order as to the disposal of the animals as it thinks fit.

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(3) Where any person has been deprived of the ownership, care or custody of any animal under subsection (2), the court may make an order prohibiting him from owning or keeping any animal either permanently or for such period as the court sees fit; and any person who disobeys an order made under this subsection commits an offence:

Punishment on summary conviction: imprisonment for 6 months or a fine of \$500 or both such imprisonment and fine.

PART V

GENERAL AND SUPPLEMENTARY PROVISIONS

Recognized societies

16 The Minister may, if he is satisfied that a society or body is established for the care of, or prevention of cruelty to, animals, by notice in the Gazette declare that society or body to be a recognized society for the purposes of this Act.

General powers of officers of Department to enter premises

17 (1) Subject to this section, an officer of the Department authorized in writing by the Minister may, on production, if so required, of a duly authenticated document showing his authority, enter at all reasonable hours any premises where animals are kept or where the officer reasonably believes animals to be kept for the purpose of ascertaining whether there is or has been any contravention of this Act or any regulations made thereunder:

Provided that admission to any premises shall not be demanded as of right unless twenty-four hours' notice of the intended entry has been given to the occupier.

(2) Where it is shown to the satisfaction of a magistrate on sworn information in writing that admission to any premises has been refused, or that refusal is apprehended, or that the premises are unoccupied or that the occupier is temporarily absent or that the case is one of urgency, the magistrate may by warrant under his hand authorize the officer to enter the premises, if need be by force.

(3) An officer entering any premises in pursuance of powers conferred by this section may take with him a veterinary practitioner or an officer of a recognized society.

[Section 17 subsection (2) amended by 2009:52 s.5 effective 4 January 2010]

Minister may make regulations requiring animal to be licensed.

18 The Minister may make regulations requiring any animal or type of animal specified in the regulations to be licensed by such authority and in such manner as may be prescribed in the regulations.

Parliamentary scrutiny of regulations

19 The negative resolution procedure shall apply to regulations made under this Act.

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Saving for other statutory provisions

20 Nothing in this Act shall derogate from any other statutory provision concerning the importation, care or licensing of animals.

Repeal

21 *[omitted]*

[Assent Date: 6 June 1975]

[Amended by:

1976 : 52

1977 : 35

1984 : 2

BR 52 / 1984

1991 : 99

2000 : 20

2002 : 18

2009 : 52

2008 : 20

2016 : 21]