

PARLIAMENT OF CEYLON

3rd Session 1967-68



Animals (Amendment) Act, No. 10 of 1968

Date of Assent: March 2, 1968

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AN ACT TO AMEND THE ANIMALS ACT, No. 29 OF 1958.

[Date of Assent: March 2, 1968]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and the House of Representatives of Ceylon in this present Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the Animals (Amendment) Act, No. 10 of 1968.

Short title.

2. Section 3 of the Animals Act, No. 29 of 1958, hereinafter referred to as the "principal Act", is hereby amended as follows:—

Amendment of section 3 of Act No. 29 of 1958.

(1) in paragraph (1), by the substitution, for the words "another; and", of the word "another;";

(2) in paragraph (2), by the substitution, for the word "permitted.", of the word "permitted;" and

(3) by the insertion, immediately after paragraph (2), of the following new paragraphs:—

"(3) the stoppage and examination of vehicles in which animals are being transported; and

(4) the establishment of checking stations at which any vehicles may be required to stop to enable the officer in charge of such station to examine the vehicle for the purpose of ascertaining whether any animals are being transported in contravention of any regulation made under this Part."

3. The following new sections are hereby inserted immediately after section 3, and shall have effect as sections 3A and 3B, of the principal Act:—

Insertion of new sections 3A and 3B in the principal Act.

* Power of Court to confiscate vehicles.

3A. Where any person is convicted of an offence under this Part or any regulations made thereunder, any vehicle used in the commission of such offence shall, in addition to any other punishment prescribed for such offence, be liable, by order of the convicting Magistrate, to confiscation:

Provided, however, that in any case where the owner of the vehicle is a third party, no order of confiscation shall be made, if the owner proves to the satisfaction of the Court that he has taken all precautions to prevent the use of such vehicle or that the vehicle has been used without his knowledge for the commission of the offence.

Power to compound offences.

3B. (1) The Government Agent or the Director or any officer not below the rank of Divisional Revenue Officer or Agricultural Officer, empowered in that behalf by the Government Agent or the Director, as the case may be, may accept from any person reasonably suspected of having committed any offence under this Part or any regulations made thereunder, any sum of money by way of composition for the offence which may have been committed.

(2) In any case where a sum of money is accepted under sub-section (1), the officer compounding the offence shall forthwith release to the offender any animal in respect of which the offence has been committed or the vehicle used in the commission of the offence, and no further proceedings shall be taken against the offender.

(3) Where any offence is compounded under this section, the full facts of the case shall forthwith be reported to the Director.

(4) All sums of money received under this section shall be credited to the Consolidated Fund of Ceylon.

For the purposes of this section "Agricultural Officer" means a Divisional Agricultural Extension Officer or Agricultural Officer (Farm Management and Production).

Amendment of section 21 of the principal Act.

4. Section 21 of the principal Act is hereby amended by the substitution, for the words "any land", of the words "any private land".

5. Section 23 of the principal Act is hereby amended as follows:—

Amendment of section 23 of the principal Act.

(1) by the renumbering of that section as sub-section (1) of section 23;

(2) in the renumbered sub-section (1) of that section, by the substitution,—

(a) for the expression “ any pig ”, of the expression “ any pig or poultry ”.
and

(b) for the word “ pigs ”, of the words “ pigs or poultry ”,

(3) by the insertion, immediately after renumbered sub-section (1) of that section, of the following new sub-section:—

“(2) In this section, the terms “ poultry ” means domestic fowl, turkeys, geese, or ducks. ”; and

(4) in the marginal note to that section by the substitution, for the word “ pigs. ”, of the words “ pigs or poultry. ”.

6. Section 25 of the principal Act is hereby amended as follows:—

Amendment of section 25 of the principal Act.

(1) in sub-section (2) of that section, by the substitution, for the word “ made,”, of the words “ made, or that such sum cannot be recovered under sub-section (3), ”; and

(2) by the insertion, immediately after sub-section (2), of the following new sub-section:—

“(3) The Court shall have power to order any animal seized under this Part to be sold by public auction, and where any animal is so sold, the proceeds of the sale shall, by order of Court, be disposed of in the prescribed manner.”.

7. Section 26 of the principal Act is hereby amended as follows:—

Amendment of section 26 of the principal Act.

(1) in paragraph (b), by the substitution, for the words “ given; and ”, of the word “ given; ”;

(2) by the relettering of paragraph (c) as paragraph (e); and

(3) by the insertion, immediately after paragraph (b), of the following new paragraphs:—

“(c) the custody and maintenance of animals seized, in cases where the person seizing the animals is unable to maintain the animals;

(d) the production in Court of animals seized, the sale of such animals and the disposal of proceeds of sale; and ”.

Insertion of
new section 26A
in the principal
Act.

8. The following new section is hereby inserted immediately after section 26, and shall have effect as section 26A, of the principal Act:—

‘Definition of
certain terms
for the purposes
of this Part of
this Act.

26A. In this Part of this Act,—

(a) “Crown land” does not include any land which is in the possession or occupation of any person by or under the authority of a permit, grant, or any other instrument by whatsoever name or designation called, issued or made by or on behalf of the Crown under any written law;

(b) “private land” includes any Crown land which is in the possession or occupation of any person by or under the authority of a permit, grant, or any other instrument by whatsoever name or designation called, issued or made by or on behalf of the Crown under any written law;

(c) “owner or occupier”, in relation to any private land, includes any person in possession or occupation of that land by or under the authority of a permit, grant or any other instrument by whatsoever name or designation called, issued or made by or on behalf of the Crown under any written law, or any other person acting by or under the direction of such owner or occupier.’

9. The following new section is hereby inserted immediately after section 37, and shall have effect as section 37A, of the principal Act:—

Insertion of
new section 37A
in the principal
Act.

" Special pro-
vision regarding
jurisdiction to
try certain
offences.

37A. (1) Any offence under this Act committed by reason of a contravention of any of the provisions of Part IV of this Act, or of any regulation made under this Act in respect of any matter for which such regulation is authorized to be made by that Part, shall,—

(a) if there is a Rural Court having jurisdiction over the place at which such offence was committed, be triable by that Court; or

(b) if there is no Rural Court, be summarily triable by the Magistrate's Court having jurisdiction over the place at which such offence was committed.

(2) Any Rural Court trying an offence under this Act shall be deemed to have power to inflict the full penalty provided for that offence notwithstanding any limitation of its ordinary powers of jurisdiction."

10. Section 38 of the principal Act is hereby amended in the definition of "animal" by the substitution, for the words "goat or pig;", of the words "goat or pig or poultry;".

Amendment of
section 38 of
the principal
Act.