

No. 29 of 1958

ANIMALS

Acts
Nos. 29 of 1958,
20 of 1964.

AN ACT TO REGULATE THE SLAUGHTER OF ANIMALS ; TO ENABLE THE RESTRICTION, CONTROL OR REGULATION OF THE REMOVAL OF ANIMALS FROM ONE ADMINISTRATIVE DISTRICT TO ANOTHER ; TO MAKE PROVISION FOR THE BRANDING OF ANIMALS AND FOR THE ISSUE OF VOUCHERS IN RESPECT OF ANIMALS WHICH HAVE BEEN BRANDED AND TO REGULATE THE SALE AND TRANSFER OF SUCH ANIMALS ; TO PROVIDE FOR THE SEIZURE AND DETENTION OF ANIMALS WHICH COMMIT TRESPASS AND FOR THE ASSESSMENT AND RECOVERY OF DAMAGES FOR SUCH TRESPASS ; TO PROVIDE FOR MEASURES FOR THE IMPROVEMENT OF THE BREED OF ANIMALS ; TO REPEAL THE BUFFALOES PROTECTION ORDINANCE, THE CATTLE ORDINANCE AND THE CATTLE TRESPASS ORDINANCE ; AND TO PROVIDE FOR MATTERS CONNECTED THEREWITH OR INCIDENTAL THERETO.

[Act No. 29 of 1968—16th September, 1958.]

—20th August, 1962.]*

[Act No. 20 of 1964—19th September, 1964.]

PART I

Short title
and date of
operation.

1. (1) This Act may be cited as the Animals Act, No. 29 of 1958.

(2) Parts I, II, III, IV and VI shall come into operation on such date * as the Minister may appoint by Order published in the Gazette, and Part V of this Act shall come into operation, throughout Ceylon or in each such part of Ceylon as the Minister may determine by Order published in the Gazette, on such later date † as the Minister may appoint by Order so published.

* 20th August, 1962, appointed by Order published in Gazette No. 13,268 of 20th August 1962.

† Not in operation on 31st December, 1966.

PART II

SLAUGHTER AND REMOVAL OF ANIMALS

2. (1) No person shall slaughter, or cause or permit to be slaughtered, any cow (other than a cow imported for slaughter) unless that cow is certified by the appropriate authority to be—

Slaughter of cows and cow-calves prohibited.

- (a) not less than twelve years of age, or
- (b) incapable of breeding, or
- (c) unfit to be used for any agricultural purpose,

and except in accordance with such regulations as may be in force under this Act relating to the slaughter of cows.

In this subsection, “appropriate authority” means a Government Veterinary Surgeon, a Veterinary Surgeon employed by any local authority, or any other officer appointed by a local authority to issue certificates under this subsection.

(2) No person shall slaughter, or cause or permit to be slaughtered, any cow-calf.

3. Regulations may be made in respect of all or any of the following matters:—

Regulations.

- (1) the prohibition, restriction, control or regulation of the removal of animals from one Administrative District to another; and
- (2) the conditions subject to which the slaughter of animals may be permitted.

[§ 2, 20 of 1964.]

4. The Buffaloes Protection Ordinance is hereby repealed.

Repeal of Chapter 472.

PART III

BRANDING OF CATTLE

5. Every person who has any cattle over the age of eighteen months belonging to him shall, unless brand marks have been made on such cattle in accordance

Cattle above age of eighteen months to be branded.

Cap. 473.

with the regulations in force under the Cattle Ordinance* and such brand marks have not become indistinct, cause such cattle to be branded in accordance with such regulations as may be in force under this Act relating to the branding of cattle.

Return of description and brand marks on cattle to be furnished to the Divisional Revenue Officer by owners.

6. Every person who has any cattle belonging to him shall furnish, not later than the thirty-first day of January in each year, to the Divisional Revenue Officer of the Divisional Revenue Officer's Division in which such cattle are kept a return, in such form as may be prescribed, of the description of, and the brand marks on, each head of such cattle :

Provided that where this Part of this Act is brought into operation in any Divisional Revenue Officer's Division on any day in any month other than December of any year, a return relating to cattle in that Division shall be furnished in respect of that year before the expiry of one month after such day, and that where this Part of this Act is brought into operation in any Divisional Revenue Officer's Division on any day in December of any year, a return relating to cattle in that Division shall be furnished in respect of that year before the end of January of the immediately following year.

Duty of Divisional Revenue Officer to maintain a cattle register and to issue cattle vouchers.

7. Every Divisional Revenue Officer shall—

- (a) maintain, in such form as may be prescribed, a register of the description of, and the brand marks on, cattle within his Division ; and
- (b) issue, or cause to be issued, to the owner of cattle branded in accordance with such regulations as may be in force under this Act relating to the branding of cattle a voucher in the prescribed form in respect of each head of such cattle.

Cattle vouchers.

8. (1) A voucher issued in respect of a head of cattle under the regulations in force under the Cattle Ordinance* shall, unless the brand marks specified in that voucher as those on that head of cattle have become indistinct, be deemed to be in force as if it were a voucher issued under section 7.

* Repealed by this Act.

(2) Where in any legal proceedings any question arises as to the ownership of any animal, the voucher issued or deemed to be issued under section 7 shall be admissible in evidence and shall be sufficient prima facie evidence of any fact stated therein as to the ownership of that animal.

9. The Divisional Revenue Officer of any Divisional Revenue Officer's Division may, if he considers it necessary, direct the owner of any animal to have that animal branded, within such time as he may specify, with such other marks as he may require so as to indicate the locality in which that animal is kept and such owner shall carry out such direction.

Power of the Divisional Revenue Officer to direct owner of an animal to brand with marks to indicate locality.

10. There may be appointed for each Administrative District such number of branding officers as may be necessary for that District.

Appointment of branding officers.

11. Regulations may be made in respect of all or any of the following matters :—

Regulations.

- (a) all matters stated or required by this Part to be prescribed ;
- (b) the procedure to be observed in the branding of cattle ;
- (c) the imposition and recovery of fees for the branding of cattle and the disposal of such fees ;
- (d) the procedure to be observed in the sale and transfer of animals which have been branded ; and
- (e) all matters necessary for the identification of animals and for the verification of their ownership.

12. The Cattle Ordinance is hereby repealed.

Repeal of Chapter 473.

PART IV

TRESPASS BY ANIMALS

Offence of permitting animals to trespass.

13. (1) No person who is the owner, or who is in charge, of any animal shall permit that animal to commit trespass on any private land which is under cultivation, or any irrigation work, aerodrome, saltern, line of railway or land appertaining thereto, public road, public park or Crown land, other than a jungle or a land set apart for the grazing of animals.

(2) For the purposes of this section and the succeeding sections of this Part, "irrigation work" shall have the same meaning as in the Irrigation Ordinance.

Cap. 453.

Power of the owner or occupier of any cultivated private land to seize and detain any animal trespassing on such land.

14. It shall be lawful for the owner or occupier of any private land which is under cultivation to seize any animal trespassing on that land and to tie up and detain that animal until—

- (a) the full amount of the damages, if any, occasioned by the trespass and assessed in the prescribed manner, and
- (b) the fair expenses of maintenance of that animal during detention after seizure,

are paid to him by the owner or the person in charge of that animal or are recovered as hereinafter provided from such owner or person and paid to him.

Power of a Government Agent or a person authorized by him to seize and detain animals trespassing on irrigation works, aerodromes, salterns, lines of railway or land appertaining thereto, public roads, public parks or Crown lands.

15. (1) It shall be lawful for the Government Agent of any Administrative District or any person authorized in that behalf by such Government Agent to seize any animal trespassing, within that District, on any irrigation work, aerodrome, saltern, line of railway or land appertaining thereto, public road, public park or Crown land, other than a jungle or a land set apart for the grazing of animals, and to tie up and detain it until—

- (a) the full amount of damages, if any, occasioned by the trespass and assessed in the prescribed manner, and

(b) the fair expenses of maintenance of that animal during detention after seizure, are paid to him by the owner or person in charge of that animal, or are recovered as hereinafter provided from such owner or person.

(2) All sums of money received by a Government Agent under subsection (1) shall be credited to the Consolidated Fund of Ceylon.

16. Every person authorized by a Government Agent to seize, tie up and detain any animal committing such trespass as is referred to in section 15 shall, when acting or purporting to act in pursuance of the provisions of that section, be deemed to be a public servant within the meaning of the Penal Code.

Persons authorized by a Government Agent to seize trespassing animals to be deemed to be public servants.
Cap. 19.

17. Every person authorized by a Government Agent to seize, tie up and detain any animal committing such trespass as is referred to in section 15 shall be remunerated at such rates as may be prescribed.

Remuneration of persons authorized by a Government Agent to seize trespassing animals.

18. (1) Where any animal is seized under section 15 by any person authorized thereto by a Government Agent, the owner or person in charge of that animal shall pay, in addition to the sums referred to in that section, a penalty not exceeding five rupees.

Payment of penalty by the owner or person in charge of an animal which is seized by a person authorized by the Government Agent.

(2) The amount of any penalty referred to in subsection (1) shall, when paid, be credited to the Consolidated Fund of Ceylon.

19. Where any animal trespasses on any private land and the owner or occupier of that land or any other person duly authorized by such owner or occupier is unable to seize, tie up and detain that animal, but is able to prove the trespass by that animal and in whose ownership or charge that animal was at the time of the trespass, the owner or person in charge of that animal shall be liable to pay to the owner or occupier of that land the same damages and expenses as he would be liable to pay under this Part if that animal were seized, tied up and detained.

Liability of owner or person in charge of animal committing trespass which cannot be seized.

Interference with seizures of animals.

20. Any person who removes any animal from the lawful custody of any person authorized to seize and detain it under the provisions of this Part shall be guilty of an offence.

Driving of animals by persons into private lands, irrigation works, aerodromes, salterns, lines of railway or land appertaining thereto, public roads, public parks or Crown lands and not taking steps to prevent damage, an offence.

21. Any person who without any lawful right—

- (a) drives any animal into or upon any land in the occupation of, or cultivated by, another person and who does not take steps to prevent that animal from feeding upon or damaging any growing crop or produce of that land ; or
- (b) drives any animal into or upon any irrigation work, aerodrome, saltern, line of railway or land appertaining thereto, public road, public park or Crown land and who does not take steps to prevent that animal damaging such work, aerodrome, saltern, line of railway or land appertaining thereto, road, park or Crown land,

shall be guilty of an offence.

Seizure and shooting of animals which are in the habit of trespassing.

22. If it is shown to the satisfaction of the Government Agent of any Administrative District that any animal is in the habit of trespassing, within that District, on any private land, or any irrigation work, aerodrome, saltern, line of railway or land appertaining thereto, public road, public park or Crown land and that such animal cannot be seized or identified, he—

- (a) may authorize any person to seize such animal while so trespassing or to identify it, and
- (b) may, if such person finds after reasonable exertion that it is impracticable to seize or identify such animal, in writing permit such person to shoot such animal within such specified area within thirty days after the grant of such permission.

Destruction of stray pigs.

23. It shall be lawful for the owner or occupier of any cultivated private land, or for any person duly authorized by such owner or occupier, to shoot or otherwise destroy any pig trespassing on such land,

if a notice warning the owners of pigs not to allow such animals to stray on such land is exhibited in a conspicuous place on such land.

24. The owner of every animal shot or otherwise destroyed under the provisions of section 22 or section 23 shall be entitled to remove the carcass of the animal, and if no claim to the carcass is made by any person entitled to remove it, the carcass shall be sold by public auction by the Grama Sevaka of the Grama Sevaka's Division in which the animal was shot or otherwise destroyed and the proceeds of such sale shall be credited to the Consolidated Fund of Ceylon.

Disposal of the carcasses of animals which are destroyed.

25. (1) Any person who fails to pay any sum due from him as damages or expenses under section 14 or section 15, or as a penalty under section 18 shall be guilty of an offence and shall be liable to a fine not exceeding twenty rupees.

Failure to pay damages, expenses or penalty an offence, and recovery of damages, expenses or penalty.

(2) On the conviction of any person for an offence under subsection (1), the court shall, if satisfied that payment of any sum due as damages or expenses under section 14 or section 15 or as a penalty under section 18 has not been made, make order that such sum shall, in addition to any fine that may be imposed on him under subsection (1), be paid by him within the time specified in the order, and, if such sum is not so paid, it shall be recovered upon an order of the court as if it were a fine imposed by the court.

26. Regulations may be made in respect of all or any of the following matters:—

Regulations.

- (a) all matters stated or required under this Part to be prescribed ;
- (b) the giving of notice of the seizure or destruction of any animal causing trespass and the person or persons to whom such notice should be given ; and
- (c) all matters relating to the seizure and destruction of animals committing trespass.

27. The Cattle Trespass Ordinance is hereby repealed.

Repeal of Chapter 474.

PART V

CASTRATION AND BREEDING

Prohibition of the possession of certain male animals.

28. No person shall have in his possession any male animal over the age of one year and three months unless such animal—

- (a) has been castrated within three months after attaining the age of one year ; or
- (b) has been certified by a Veterinary Surgeon or an authorized officer to be fit for breeding.

Issue of certificates by Veterinary Surgeons or authorized officers.

29. (1) A Veterinary Surgeon or an authorized officer shall, upon a request made by the owner of any male animal above the age of one year or by any other person on behalf of such owner, if he is satisfied that such animal is fit for breeding, issue to such owner or other person a certificate to the effect that the animal is fit for breeding.

(2) A certificate issued under subsection (1) shall contain the prescribed particulars relating to the identity and the description of the animal in respect of which the certificate is issued.

(3) Every person in possession of a certificate issued under subsection (1) shall upon demand made therefor by any Veterinary Surgeon or authorized officer produce the certificate for inspection.

(4) For the purposes of the certificate to be issued under subsection (1) in respect of any animal, a Veterinary Surgeon or an authorized officer may fix the age of that animal after inspection if the owner thereof is unable to establish the age of that animal.

Tags to be attached to animals in respect of which certificates are issued.

30. The owner of every animal in respect of which a certificate is issued under section 29 shall attach to the lower hind part of each ear of that animal a metal tag of such pattern as may be approved by the Director.

Issue of false certificates by Veterinary Surgeons or authorized officers.

31. A Veterinary Surgeon or any authorized officer who certifies that any male animal which is unfit for breeding is fit for that purpose shall be guilty of an offence.

32. A certificate issued under section 29 may be cancelled if the Veterinary Surgeon or authorized officer by whom such certificate was issued is of the opinion that the animal in respect of which it was issued—

Cancellation of certificates issued by Veterinary Surgeons or authorized officers.

- (a) is no longer fit for breeding by reason of senility or other infirmity, or
- (b) is suffering from any contagious or infectious disease.

33. (1) Where any Veterinary Surgeon or authorized officer is of the opinion that any male animal over the age of one year is unfit for breeding, that Veterinary Surgeon or authorized officer may direct the owner of, or the person in possession of, that animal by notice in writing addressed to such owner or person, to castrate that animal, and such owner or person shall carry out such direction.

Power of Veterinary Surgeon or authorized officer to order the castration of any animal which is unfit for breeding.

(2) The castration of any male animal in pursuance of a notice issued under subsection (1) may—

- (a) at the request of the owner or person in charge of that animal be performed, or cause to be performed, free of any charge by the Veterinary Surgeon or authorized officer who issued that notice, or
- (b) at the expense of such owner or person be performed by any other person to the satisfaction of the Veterinary Surgeon or authorized officer who issued that notice.

34. Regulations may be made in respect of all or any of the following matters :—

Regulations.

- (a) all matters stated or required under this Part to be prescribed ;
- (b) a scheme for the grading of animals and the use by the public of the stud and artificial insemination services provided by the Government.

PART VI

GENERAL

Power of
Minister to
make
regulations.

35. (1) The Minister may make regulations for all matters for which regulations are required or authorized to be made under this Act.

(2) Every regulation made by the Minister shall be published in the Gazette and shall come into operation on such date as may be specified in the regulation or, if no such date is so specified, on the date of such publication.

(3) Every regulation made by the Minister shall be brought before the Senate and the House of Representatives as soon as may be after the publication thereof by a motion that such regulation be approved.

(4) Any regulation which the Senate or the House of Representatives refuses to approve shall be deemed to be rescinded, but without prejudice to the validity of anything previously done thereunder. The date on which a regulation shall be deemed to be so rescinded shall be the date on which the Senate or the House of Representatives refuses to approve such regulation.

(5) Notification of the date on which any regulation made by the Minister is deemed to be rescinded shall be published in the Gazette.

Contraven-
tions of the
provisions of
the Act or
regulations
made there-
under.

36. Any person who contravenes any provisions of this Act or of any regulation made under this Act shall be guilty of an offence.

General
penalty.

37. Any person who commits an offence under this Act shall, where no punishment is expressly provided for such offence, be liable to a fine not exceeding fifty rupees or to simple imprisonment for a term not exceeding one month, and for a second or subsequent offence to a fine not exceeding one hundred rupees or to simple imprisonment for a term not exceeding two months.

38. In this Act unless the context otherwise requires— Interpretation.

“animal” means an ox or a buffalo and in Part IV includes a sheep, goat or pig ;

“authorized officer” means any officer generally or specially authorized in writing by the Director ;

“brand” includes ear-tagging or ear tattooing and the marking of distinguishing letters or numbers with chemicals ;

“Director” means the Director of Agriculture or any Deputy Director of Agriculture ;

“local authority” means any Municipal Council, Urban Council, Town Council or Village Council ; and

“Veterinary Surgeon” means a qualified Veterinary Surgeon recognized as such for the purposes of this Act by the Director by notice published in the Gazette.