CHAPTER 9—OFFENCES RELATING TO ANIMALS

Taking and using cattle, etc., without consent of owner.

299. Whoever intentionally and unlawfully catches, takes, or drives, or attempts to catch, take, or drive, any cattle from or out of any pasture, enclosure, stable, or other place, for the purpose of riding such an animal, or of using it in the carrying of any load or burden or in the drawing of any cart or carriage, or for the purpose of sorting it loose or of driving it about, or for any other unlawful and mischievous purpose, without the consent of the owner or of the person entrusted with the charge of the animal, and without having any probable claim or pretence of title, thereto, shall be liable to a fine not exceeding ¢100,000.00.

Stray cattle.

300. (1) If in any town, any cattle are found at large in any public place without any person in charge thereof, any peace officer or health officer may seize and impound the cattle in any common pound, and may detain them until the owner pays to the Accountant-General's Department a sum equivalent to the expenses of keeping them at rates not exceeding ¢1,000.00 a day for each head of swine, sheep, or goats, and ¢2,000.00 a day for each head of other cattle.

(2) If the said expenses are not paid within four days after impounding, the pound keeper, or other person appointed by the health officer for the purpose, may sell any such cattle; but previous to the sale, six days' notice thereof shall be given or left at the dwelling-house of the owner if he is known, or, if not, then the notice shall be conspicuously posted in some usual place for the posting of public notices in the town where the cattle were seized; and the proceeds of the sale, after deducting the expenses, shall be paid to the Accountant-General, and be paid by him on demand made not later than twelve months after the sale to the owner of the cattle.

(3) The owner and any person required to be in charge of any cattle which are found at large in any public place without any person in charge thereof shall be guilty of an offence and liable to a fine no exceeding ¢100,000.00.

(4) This section so far as regards sheep and goats shall apply only to the towns of Aburi, Accra, Agona-Swedru, Akim-Oda, Axim, Bekwai, Bibiani, Bolgatanga, Cape Coast, Christiansborg, Dunkwa, Elmina, Ho, Hohoe, Keta, Kibi, Koforidua, Kumasi, Mampong-Ashanti, Nsawam, Obuasi, Saltpond, Sekondi-Takoradi, Sunyani, Tamale, Tarkwa, Tema, Wa, Winneba and Yendi, and to such other towns as the Minister may by executive instrument direct.

Using horse, etc., with farcy or glanders in public way, etc.

301. (1) Whoever rides, drives, or otherwise makes use of any horse, mule, or ass affected with farcy or glanders knowing it to be so affected, in any public place, and every owner of any such horse, mule, or ass, who permits it to be at large in any public place shall be liable to a fine not exceeding ¢100,000.00.

(2) The horse, mule, or ass may be destroyed and the carcass disposed of by order of a Chairman of a Tribunal or a Judge.

Destruction of dog or other animal suspected to be rabid and penalty on owner.

302. (1) A Police Officer may destroy any dog, or any other animal at large, which he has reasonable cause to suspect to be in a rabid state, or which has been bitten by any dog or other animal which he has reasonable cause to suspect to be in a rabid state, or may seize and detain the animal and hand it over to a health officer.

(2) If the owner or person in charge of any dog or other animal knowingly suffers it to be at large in a rabid state; or if any dog or animal is confined, and the owner or person in charge of it does not destroy it, or cause it to be destroyed, after it has shown evident and distinct symptoms of being in a rabid state, or of having been bitten by any dog or other animal in a rabid state; the owner or person shall be liable to a fine not exceeding ¢500,000.00.

Cruelty to animals.

303. (1) Any person who—

(a) cruelly beats, kicks, ill-treats, over-loads, tortures, infuriates, or terrifies any animal, or causes or procures, or being the owner, permits any animal to be so used; or

(b) 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, or being the owner, permits any unnecessary suffering, to be caused to any animal; or

(c) conveys or carries,or being the owner, permits to be conveyed or carried any animal in such manner or position as to cause the animal unnecessary suffering; or

(d) drives any animal in harness, or when drawing a vehicle, which is in such a condition as to cause the animal unnecessary suffering, or being the owner, permits any such animal to be so driven; or

(e) subjects, or causes or procures, or being the owner, permits, to be subjected, any animal to any operation which is performed without due care or humanity,

is guilty of the offence of cruelty and is liable to a fine not exceeding ¢500,000.00.

(2) An owner is guilty of the offence of permitting cruelty if he fails to exercise reasonable care and supervision in respect of the protection of the animal from an act of cruelty indicated in subsection (1).

(3) This section does not apply—

(a) to the commission or omission of any act in the course of the destruction, or the preparation for destruction, or the preparation for destruction, of any animal as food for mankind, unless such destruction or such preparation was accompanied by the infliction of unnecessary suffering; or

(b) to the coursing or hunting of any captive animal unless the animal is liberated in an injured, mutilated or exhausted condition; but a captive animal shall not, for the purposes of this section, be deemed to be coursed or hunted before it is liberated for the purpose of being coursed or hunted, or after it has been recaptured, or if it is under control.

Prosecution of medical practitioners and veterinary surgeons.

304. No prosecution shall be instituted under section 303 without the consent of the Attorney-General against—

(a) any registered medical practitioner or any duly qualified veterinary surgeon or any person acting under the direction of any such medical practitioner or veterinary surgeon in respect of the commission or omission of any act in the course of any operation, experiment, or test performed on any animal for the purposes for scientific research or medical or veterinary treatment; or

(*b*) any veterinary authority (as defined in section 2 of the Diseases of Animals Ordinance) or any person acting under the direction of that authority in respect of the commission or omission of any act in the course of the seizure, detention, or destruction of any animal purporting to be effected for the purposes of the Diseases of Animals Ordinance.

Court may order destruction of animal.

305. When the owner of any animal is convicted of an offence of cruelty under section 303, the Court may, if the Court is satisfied that it would be cruel to keep the animal alive, direct that the animal be destroyed, and assign the animal to a suitable person for that purpose. Any reasonable expenses incurred in destroying the animal may be ordered by the Court to be paid by the owner, and shall be recoverable in like manner as a fine.

Court may deprive person of ownership.

306. (1) If the owner of any animal is guilty of cruelty or of permitting cruelty to any animal, the Court upon his conviction thereof, may if it thinks fit, in addition to any other punishment deprive him of the ownership of the animal, and may make such order as to the disposal of the animal as the Court thinks fit.

(2) No order shall be made under this section, unless it is shown by evidence as to a previous conviction, or as to the character of the owner, or otherwise, that the animal, if left with the owner, is likely to be exposed to further cruelty.

Power of police to take charge of animal.

307. When a person in charge of an animal has committed, or is reasonably suspected of having committed, an offence against section 303 or against any bye-laws made by a local authority with respect to the control, management and treatment of animals, a police officer, or any person or class of persons authorised in that behalf by the Minister, may take charge of the animal for the purpose of the examination thereof, and, if criminal proceedings follow, deposit the animal in a place of safe custody until the termination of the proceedings or until the Court directs the animal to be delivered to the person in charge thereof or to the owner. In the event of a conviction in respect of the animal, the Court may order that the cost of examination and detention, including the cost of any veterinary treatment, shall be paid by the owner, and the cost may be recovered in like manner as a fine.

Destruction of stray dogs.

308. (1) Subject to subsection (2), a police officer, health officer or person authorised in that behalf by the Minister may seize any stray dog found at large and to bring it before a Chairman of a Tribunal or a Judge, who may direct that the dog be returned to its owner, if he can be found or if he cannot be found, that it be destroyed and assign it to a suitable person for that purpose, or he may make such other order as he thinks fit.

(2) Subject to subsection (3), subsection (1) shall only apply to—

(a) the towns of Accra, Cape Coast, Sekondi-Takoradi and Kumasi;

(b) all towns and places to which the Towns Ordinance applies;

(c) such other towns, places, districts and areas as the Minister may by executive instrument from time to time direct.

(3) The Minister may by executive instrument direct that subsection (1) shall apply throughout the Republic.

Destruction of aged or neglected animals.

309. A Veterinary Officer, or any person or class of persons authorised in that behalf by the Minister may seize any animal which, in the opinion of the Veterinary Officer or person or member of a class of persons authorised as aforesaid, is suffering, or is likely immediately to suffer, by reason of old age, sickness or neglect. Upon such seizure being made, the Veterinary Officer, or other person shall forthwith furnish a Chairman of a Tribunal or a Judge with a written report on the matter, embodying in the report such recommendation as he may consider fit. The Chairman of a Tribunal or a Judge may direct that the owner of the animal, if he can be found be given notice to show why the animal should not be destroyed. Where the owner fails to show sufficient cause why the animal should not be destroyed, or where he cannot be found, the Chairman of a Tribunal or a Judge may direct that the animal be destroyed, and for this purpose may assign it to a suitable person, or he may make such other order as he thinks fit.

Interpretation.

310. In this Chapter—

"animal" means any domestic or captive animal;

"domestic animal" means any animal or bird which is tamed or which has been or is being sufficiently tamed to serve some purpose for the use of man;

"captive animal" means any animal (not being a domestic animal) of whatsoever kind or species, including any bird, fish, or reptile, which is in captivity, or confinement, or which is maimed, pinioned or subjected to any appliance or contrivance for the purpose of hindering or preventing its escape from captivity or confinement.