



## ST. CHRISTOPHER AND NEVIS

### CHAPTER 3.02 (N)

## NEVIS ANIMALS (TRESPASS AND POUND) ORDINANCE

### Revised Edition

showing the law as at 31 December 2020

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### NEVIS ANIMALS (TRESPASS AND POUND) ORDINANCE

**Ordinance 1 of 1998** ... in force 12th June 1998

Amended by: Ordinance 1 of 2020

Page  
3

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By  
The Regional Law Revision Centre Inc.  
P.O. Box 1626, 5 Mar Building,  
The Valley, AI-2640, Anguilla

Available for purchase from—

Attorney General's Chambers  
Government Headquarters, P.O.Box 164,  
Church Street, Basseterre, St.Kitts, West Indies

Tel: (869) 465-2521  
Ext. 1013  
Tel: (869) 465-2127  
Fax: (869) 465-5040  
Email: [attorneygeneral@gov.kn](mailto:attorneygeneral@gov.kn)

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## **CHAPTER 3.02 (N)**

### **NEVIS ANIMALS (TRESPASS AND POUND) ORDINANCE**

#### ARRANGEMENT OF SECTIONS

1. Short title
2. Interpretation
3. Animals found straying
4. Animals found trespassing
5. Shooting of any animal
6. Persons assisting in controlling animals
7. Enquiries as to ownership of animal impounded
8. Notice to owner of animal impounded
9. Notice where owner of animal not known
10. Minister may appoint pound keepers
11. Duties of pound keeper
12. Animals to be sold after 72 hours
13. Animals suffering from disease
14. Appointment of animal wardens
15. Powers of the Director of Agriculture
16. Animals doing damage to property
17. Offences
18. Cattle to be tagged
19. Director to keep register
20. Regulations
21. Schedule
22. Right of action not affected

#### SCHEDULE



## **CHAPTER 3.02 (N)**

### **NEVIS ANIMALS (TRESPASS AND POUND) ORDINANCE**

AN ORDINANCE TO MAKE PROVISIONS RESPECTING STRAYING AND TRESPASSING ANIMALS, FOR THE IMPOUNDING AND DISPOSAL OF THE SAME, AND FOR MATTERS INCIDENTAL THERETO AND CONNECTED THEREWITH.

#### **Short title.**

1. This Ordinance may be cited as the Animals (Trespass and Pound) Ordinance.

#### **Interpretation.**

2. In this Ordinance—

“animal” means any horse, mule, donkey, pig, goat or sheep, dog and monkey and shall include any animal of the bovine species irrespective of age and sex and by whatever local or technical name it may be known;

*(Amended by Ordinance 1 of 2020)*

“animal pound” means an area designated as such under the provisions of section 10;

“animal warden” means a person appointed as such under the provisions of section 14;

“authorised person” means any person appointed by the Minister to shoot stray or diseased animals and includes a police officer and an animal warden;

*(Inserted by Ordinance 1 of 2020)*

“cattle” means any animal of the bovine species;

“feathered stock” means any fowl, turkey, peafowl, guinea-bird, duck or goose;

*(Inserted by Ordinance 1 of 2020)*

“impound” means to take an animal into custody in an animal pound;

“Minister” means the Minister responsible for agriculture;

“particular property” means an animal or feathered stock owned by a person;

*(Inserted by Ordinance 1 of 2020)*

“pound fee” means the fee prescribed as being payable to the keeper of an animal pound under the provisions of section 20;

“pound keeper” means a person appointed as such under the provisions of section 10 (b);

“proprietor” in relation to land includes a tenant or occupier and any person for the time being in charge of land;

“public road” or “public place” means any street, road, thoroughfare or place upon which the public habitually pass or gather, whether by right or custom;

“redeem” means to pay as owner of an impounded animal or on his behalf the fee prescribed by or under section 20 of this Ordinance for the release of an animal from the animal pound;

“straying” in relation to an animal means at large, or on a public road or in a public place and not accompanied by its owner or person responsible to him;

“tether” when used as a noun means a rope, chain or other fastening by means of which an animal may be secured to a tree, stake or like fixture, so as to confine it to a particular area the fastening being long enough to enable the animal if it escapes to be captured by a reasonably active person, but the rope, chain or other fastening shall not be less than 10 feet for small animals and 20 feet for cattle, horses and other large animals;

“tether” when used as a verb means to secure by means of a tether.

**Animals found straying.**

3. (1) Any animal found straying may be captured by any person who shall forthwith take or cause such animal to be taken to the animal pound.

(2) Any animal found tethered—

(a) on any public road or public place; or

(b) within such distance of a public road or public place as to be able to obstruct the same,

shall be untethered by any police officer or animal warden, who shall forthwith take such animal to an animal pound.

(3) Any person who allows any animal to roam about other than within the confines of a secured fence commits an offence and liable on summary conviction to a fine of five hundred dollars.

(4) Where any animal cannot be impounded under subsection (1), it shall be lawful for any authorised person to shoot the said animal.

*(Inserted by Ordinance 1 of 2020)*

(5) Where any animal has been shot under subsection (4), the authorised person shall forthwith notify the Department of Agriculture of such shooting and shall also where the animal shot is identified as the particular property of any person, give notice to the owner within six hours of such identification.

*(Inserted by Ordinance 1 of 2020)*

(6) Upon receipt of notice under subsection (5) the Department of Agriculture shall make arrangements for the removal of the carcass to a suitable place to await its being claimed by the owner and if within twenty-four hours after such removal the identified carcass has not been claimed or forthwith if it is not identified, it shall be considered as abandoned and shall be deemed the property of the Nevis Island Administration and shall be disposed of as the Department of Agriculture shall think fit.

*(Inserted by Ordinance 1 of 2020)*

(7) No authorised person shall be accountable to the owner of any animal shot under the provisions of this section and shall not be liable to be sued by such owner in respect of such shooting.

*(Inserted by Ordinance 1 of 2020)*

(8) All authorised persons shall be licensed to shoot under the provisions of the Firearms Act, Cap. 19.05.

*(Inserted by Ordinance 1 of 2020)*

#### **Animals found trespassing.**

4. (1) Any animal found trespassing on private land may be captured by the proprietor of such land or by any other person at his or her request and tethered on the land for a period of 24 hours.

(2) It shall be the duty of the person tethering an animal to inform the owner of the animal, if known, the police or a pound keeper or the Director of Agriculture of such tethering.

(3) If, within 24 hours of its capture under subsection (1) Is the owner of an animal pays, or causes to be paid to the proprietor an amount equal to the pound fee payable to a pound keeper in respect of the animal, the proprietor shall deliver up the animal to the owner thereof or to the person responsible to the owner.

(4) Any animal found unrestrained on any public land or, with the permission of the owner, on any private land may be captured by the animal warden.

For the purposes of this subsection unrestrained means not tethered or movement not contained or not restricted by a surrounding secure fence.

(5) If within 24 hours of its capture under subsection (1) an animal has not been delivered to its owner or a person responsible to him, the proprietor shall take the animal to an animal pound.

(6) Any person who assists a proprietor to capture an animal under subsection (1) or take an animal to an animal pound under subsection (4) shall be in the same position in relation to respective liabilities and entitlement to payment as a person who assists in controlling an animal under the provisions of section 6.

#### **Shooting of any animal**

5. (1) It shall be lawful for any proprietor or any person authorised by any proprietor to shoot any animal or feathered stock found trespassing upon his property and doing actual damage thereon.

(2) Where any animal or feathered stock is shot, if it is identified as particular property, notice of such shooting shall be given by the proprietor or any person authorised by the proprietor, to the owner of the animal or feathered stock within six hours of such identification.

(3) If the proprietor, possessor, agent or other person in charge fails to give such notice he or she shall be liable to pay a fee of seventy-five dollars to the Department of Agriculture.

(4) Where the owner of such animal or feathered stock does not remove the same within six hours after the receipt of the notice or if the animal or feathered stock cannot be identified, it shall be considered as abandoned and be deemed the property of the party aggrieved.

(5) No person shooting any animal or feathered stock or authorising the shooting of any animal or feathered stock in accordance with this section shall be accountable to the owner of any animal or feathered stock shot nor be liable to be sued by such owner in respect of such shooting.

(6) Any person taking part in the shooting of any animal or feathered stock shall be licensed to shoot under the provisions of the Firearms Act, Cap. 19.05.

*(Inserted by Ordinance 1 of 2020 as section 4A and renumbered as section 5 and subsequent sections renumbered accordingly)*

#### **Persons assisting in controlling animals.**

6. (1) Any person endeavouring to take an animal to an animal pound under the provisions of this Ordinance may call on any other person to assist in controlling such animal provided that the owner of such animal shall be liable in damages both to the person taking and to the person assisting in taking the animal to the pound.

(2) Subject to the provisions of subsection (4) a person called on to assist another in controlling an animal under the provisions of subsection (1) shall not be obliged to do so, but if he does shall be entitled to an equal share in any reward receivable by such person, together with any other person who may assist as aforesaid.

(3) No person shall purport to assist another in controlling an animal under the provisions of subsection (1) unless expressly asked to do so, and if he does assist without having been expressly asked to do so, shall not be entitled to a share of any reward receivable.

(4) A police officer or animal warden called on to assist another person in controlling an animal under the provisions of subsection (1) shall be obliged to do so and shall be entitled to retain a share of any reward receivable by such person.

#### **Enquiries as to ownership of animal impounded.**

7. When any animal is brought to any pound it shall be the duty of the pound-keeper to make, and of the person bringing the animal to the pound to answer, all such enquiries as may be likely to ascertain the owner thereof.

#### **Notice to owner of animal impounded.**

8. Where any animal is impounded, the pound-keeper shall within twenty-four hours serve notice of that fact upon the owner, if known, by leaving such notice at the usual place of abode or business of the owner.

#### **Notice where owner of animal not known.**

9. If, at the expiration of twenty-four hours after any animal has been impounded, the pound-keeper is unable to ascertain who is the owner of the animal, the pound-keeper shall cause a notice of the impounding of the animal to be posted at some conspicuous part of the pound and at any other place which the Director of Agriculture may specify.

#### **Minister may appoint pound keepers.**

10. The Minister may—

- (a) designate one or more areas of land, whether public or private, as animal pounds;
- (b) appoint a person as keeper of each pound.

#### **Duties of pound keeper.**

11. (1) It shall be the duty of every pound keeper—



- (a) to keep the animal pound clean and in good order and repair, with secure fences or walls, a secure gate, sufficient shelter, and provisions for feeding and watering animals therein;
- (b) at any reasonable time and subject to the provisions of section 13 to receive and impound any animal brought to the animal pound by any person in exercise of the powers set out in sections 3 and 4;
- (c) to pay a person lawfully bringing an animal to the pound any reward prescribed by or under section 20;
- (d) to permit an animal warden, a police officer or the Director of Agriculture to inspect the animal pound and relevant books and records at all reasonable hours, or at any time on written notice;
- (e) to keep a register in which he or she shall enter—
  - (i) the names of the persons bringing animals to the animal pound and any persons lawfully assisting;
  - (ii) the date and the alleged reason for the animal being brought;
  - (iii) a description of the animal and the name of its owner if known;
  - (iv) the amount of any reward paid to the person bringing the animal and any person lawfully assisting;
  - (v) the name of the person, if any, who redeems the animal, and the date of redemption;
  - (vi) the fee paid by the person redeeming an animal and any charges paid by him for food and water for the animal;
  - (vii) the expenses of and proceeds of sale of any animal not redeemed by its owner;
- (f) to sell by auction to the highest bidder, as provided by section 12, any animal not redeemed within 72 hours of being impounded;
- (g) to keep all animals impounded by him fed and watered sufficiently;
- (h) to report to the Director of Agriculture or other officer any signs of disease among impounded animals or animals brought to the pound, in accordance with the provisions of section 13(1) and (2);
- (i) at all reasonable hours to permit the owner of an impounded animal or a person responsible to the owner to inspect the animal and the register entry relating to that animal;
- (j) as soon as is reasonably practicable after any impounding to determine the pound fees prescribed by or under section 20;
- (k) to collect from the person redeeming any animal the pound fees prescribed by or under section 20.

(2) Any pound keeper who fails to comply with any of the requirements of subsection (1) shall be guilty of an offence and liable to a fine of \$200.00 or to imprisonment for 6 months or to both such fine and imprisonment.

(3) Any pound keeper who—

- (a) makes any false entry in the register required to be kept by subsection (1)(e); or

- (b) asks or receives of any person fees other than those prescribed by or under section 20; or
- (c) bribes or attempts to bribe any person to bring any animal to the pound of which he is the keeper,

commits an offence and liable to a fine of \$500.00 or to imprisonment for 12 months or to both such fine and imprisonment.

**Animals to be sold after 72 hours.**

**12.** (1) If any animal impounded under the provisions of this Ordinance shall not be redeemed within 72 hours after such impounding, such animal shall be sold by public auction by the pound keeper or his agent.

(2) Out of the moneys received from any sale the pound keeper shall first deduct the charges for taking, feeding and watering, expenses attending the transport and sale, and payment of compensation to any person who has suffered loss or damage by the animal impounded, and pay the balance of such surplus (if any) to the owner of the animal or his representative:

Provided that if no person having authority to receive such surplus attend and demands the same before the expiration of the day of sale, the pound keeper shall pay such surplus to the Magistrate who shall cause the same to be kept until the person or persons entitled thereto appear before him and prove their claims to the same.

(3) If at the expiration of twelve months after any sale under this section the Magistrate still has any portion of the moneys received on account of such sale, he shall order the same to be paid into the general revenue and all rights to the moneys so paid shall be extinguished.

(4) When an animal is offered for sale under the provisions of subsection (1), if no offer is made for it, or if the offer made is, in the opinion of the pound keeper as confirmed by the Director of Agriculture, too low, it shall be lawful for the Director of Agriculture to order such animal to be slaughtered and cause the meat either to be sold or to be delivered to a charitable institution.

(5) If the Director of Agriculture is of the opinion that the animal is in such a state or condition that its meat will be unfit for human consumption he may order the animal to be shot or otherwise destroyed and the carcass buried.

(6) The Director of Agriculture may give directions, not inconsistent with the other provisions of this Ordinance, as to the conduct of auction sales generally.

**Animals suffering from disease.**

**13.** (1) A pound keeper shall not impound any animal which appears to him to be suffering from infection or contagious disease, but shall take such animal into custody in some separate place and forthwith communicate the fact to the Director of Agriculture and await his directions.

(2) If at any time after being impounded an animal appears to the pound keeper to be suffering from any infection or contagious disease, the pound keeper shall notify the the Director of Agriculture and await his directions.

(3) It shall be lawful for the Director of Agriculture to order the police to shoot or otherwise destroy any animal which is found under the provisions of subsection (1) or (2) to be suffering from any infection or contagious disease and to

give directions as to the payment of rewards and fees and the disposal of the carcass of such animal without compensation to the owner.

#### **Appointment of animal wardens.**

**14.** (1) The Minister may by instrument appoint one or more persons to be animal wardens for the purposes of this Ordinance, and may assign areas of operation for such wardens.

*(Amended by Ordinance 1 of 2020)*

(2) The Director of Agriculture may with the approval of the Minister delegate in writing all or any of his powers under this Ordinance to one or more animal wardens.

#### **Powers of the Director of Agriculture**

**15.** (1) The Director of Agriculture may—

- (a) seize any animal or feathered stock and detain it in order to ascertain whether an offence under this Ordinance is being or has been committed and may enter any premises for the purposes of such seizure and detention;
- (b) enter any premises for the purpose of preventing or ending an attack of any animal on any person or any property.

(2) The Director of Agriculture, in exercising a power of entry into any premises under this Ordinance, may bring with him into such premises such other persons as he believes to be necessary for the purpose of assisting him in the exercise of his powers and functions under this Ordinance and the Director of Agriculture and any such other person may take with them into the premises such equipment as they consider to be necessary.

(3) Any person who obstructs or impedes the Director of Agriculture in the exercise of his functions under this Ordinance shall be liable on summary conviction to a fine not exceeding \$5,000, or to imprisonment for a term not exceeding three months, or, at the discretion of the court, to both such fine and such imprisonment.

*(Inserted by Ordinance 1 of 2020 as section 13A and renumbered as section 15 and subsequent sections renumbered accordingly)*

#### **Animals doing damage to property.**

**16.** (1) If any damage shall be committed by the trespass of any animal, which by reason of their wildness or being untethered cannot be impounded, it shall be lawful for the proprietor of the land sustaining such damage or any person authorised by him to shoot or otherwise destroy such animal while in the act of trespassing.

(2) If the owner of an animal that is destroyed does not claim the same within six hours, the proprietor or any person authorised by him may bury the carcass.

#### **Offences.**

**17.** (1) Without prejudice to the provisions of section 11 the following acts shall be offences against this Ordinance—

- (a) being the owner of an animal and causing or permitting it or them to stray on a public road or public place or private land;

- (b) tethering an animal in such a position that it can obstruct a public road or public place except in an emergency;
- (c) untethering an animal from a fixture without the consent of the owner save under the provisions of section 3(2) or 4(3) except while the animal is impounded or in an emergency;
- (d) untying or releasing a tether from the neck or other part of an animal without the consent of the owner, except where the animal is impounded or in an emergency;
- (e) hiring out or employing for a person's own use an animal which that person has in his custody under any of the provisions of this Ordinance;
- (f) impounding, capturing for the purposes of impounding or shooting or otherwise destroying any animal without the authority of this Ordinance or of a person acting in accordance with the provisions of this Ordinance;
- (g) rescuing or attempting to rescue any animal impounded or while being impounded under the authority of this Ordinance.

(2) Any person who—

- (a) is convicted of any of the offenses set out in paragraphs (a), (b), or (c) of subsection (1) shall be liable to a fine of \$500.00 or to imprisonment for three months or to both such fine and imprisonment;
- (b) is convicted of any of the offenses set out in paragraphs (d), (e), (f) or (g) of subsection (1) shall be liable to a fine of \$1,500.00 or to imprisonment for six months or to both such fine and imprisonment.

(3) Upon convicting any person of an offence under subsection (1)(e) the Magistrate may order the payment of compensation to the owner of the animal by the person convicted and may also order payment by the owner of expenses reasonably and actually incurred by any other person in keeping the animal.

(4) Upon convicting any person of an offence under subsection (1)(f) the Magistrate may order the payment by the person convicted of a sum equivalent to any reward or pound fees which any other person or persons would, but for the offence, have received for the impounding of the animal to such other person or persons.

### **Cattle to be tagged.**

**18.** (1) Any person who keeps cattle shall be required to have a numbered identification tag in respect of each cattle.

(2) A tag required to be obtained under subsection (1) of this section shall be issued by the Director of Agriculture on application by the owner of the animal.

(3) The owner of every head of cattle shall attach the identification tag provided under subsection (2) of this section to the ear of every such cattle and the tag shall be worn at all times.

(4) Any owner who fails to comply with subsections (1) and (3) of this section shall be guilty of an offence and on summary conviction be liable to a fine of \$500.00 or to a sentence of imprisonment for 3 months.

**Director to keep register.**

19. The Director of Agriculture shall keep a register in which he shall enter—
- (a) the name, occupation and address of every owner of cattle to whom identification tags have been issued;
  - (b) the number of cattle kept by such owner;
  - (c) the numbers of the identification tags allocated to respective owners of cattle;
  - (d) the dates on which the identification tags are issued;
  - (e) any other information which he shall request from such owner as being reasonably necessary for the execution of his duties under the provisions of this Ordinance.

**Regulations.**

20. The Minister may make regulations prescribing—
- (a) the pound fees to be paid by or on behalf of any owner wishing to redeem an impounded animal;
  - (b) the charges to be paid to a pound keeper by the owner of an animal for feeding and watering an impounded animal;
  - (c) the reward to be paid to any person lawfully taking an animal to an animal pound;
  - (d) the payment of additional fees to the pound keeper or others where the animal pound is on private land;
  - (e) generally for all such matters as may from time to time be deemed expedient for rendering this Ordinance effective.

**Schedule.**

21. Until regulations are made by the Minister under the provisions of section 20, the fees, charges and rewards set out in the Schedule shall be those payable in respect of the several matters therein specified.

**Right of action not affected.**

22. The remedies given by this Ordinance in respect of animals trespassing shall be in addition to, and not in derogation of, any remedy by action or suit to which any person may be entitled in respect of any such trespass.
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**SCHEDULE**

*(Section 21)*

1. There shall be paid by or on behalf of the owner of an impounded animal to a pound keeper for the release of the animal one of the following fees—

- (a) Cow, calf, bull, heifer or steer..... \$210.00
- (b) Horse, mare, gelding or foal..... \$210.00
- (c) Mule or ass..... \$90.00
- (d) Sheep or goat..... \$60.00
- (e) Pig ..... \$90.00

2. There shall be paid by or on behalf of the owner of an impounded animal to a pound keeper for feeding and watering of the animal the following charges per day or part of a day—

- (a) Sheep, goat or pig ..... \$10.00
- (b) any other animal..... \$20.00

3. There shall be paid by the pound keeper to any person lawfully taking an animal to an animal pound a reward at the rate of one-third of the pound fees payable by the owner for release of the animal.

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