

LAWS OF DOMINICA

POUNDS ACT

CHAPTER 61:03

**Act
21 of 1958**

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CHAPTER 61:03

POUNDS ACT

1961 Ed. **AN ACT to make provision for the impounding of animals.**

Cap 95.

21 of 1958.

Commencement.

[1st January 1959]

Short title.

1. This Act may be cited as the –

POUNDS ACT.

Interpretation.

2. In this Act –

“cattle” means the male, female or young of the horse, ass, mule, kine, sheep, goat or swine, and any animal, other than a dog, ordinarily kept or used as a beast of burden, or for draught, or for riding or for the production of wool or hair.

Appointment of pounds.

3. The Minister may establish in any district in which there are no pounds, or an insufficient number of pounds, such pounds as he may think necessary.

Pound-keepers, how appointed and removed.

4. (1) The Minister may appoint some fit and proper person to be the pound-keeper at any pound, and may remove the keeper of any pound from his office upon reasonable cause.

(2) In any such case, or upon the death or resignation of a pound-keeper, the Minister may appoint another fit and proper person in the place of the pound-keeper so removed, dying or resigning.

Notification of establishment of pound and appointment of keeper.

5. A notification of the establishment of any public pound and of the appointment or removal of any pound-keeper, as the case may be, shall be inserted in the *Gazette*, and the notification shall be taken in all Courts of law in this State and for all intents and purposes to be evidence that such pound has been legally established and the pound-keeper legally appointed or removed as stated in the said notification.

Fees.

6. Every pound-keeper shall be entitled to demand the fees prescribed by Regulations made under this Act and to apply to his own use the whole amount of the fees payable in respect of the feeding of the cattle impounded, and half the amount of the pound fees. The other half of the pound fees he shall pay over to the person impounding the cattle.

7. (1) Any person may seize any cattle found trespassing in his house or on his land and may send or take every such cattle to the pound of the district in which the house or land is situated, or to the nearest pound, to be detained and dealt with according to this Act. Cattle trespassing.

(2) The person so seizing and impounding any cattle may secure and keep any cattle seized under this section before sending the same to the pound for any time not exceeding two days after the day of seizure.

(3) Where any cattle has been seized under this section, if the owner of the cattle or any person lawfully authorised by him, at any time before the cattle is received into the pound, pays for the use of the person in whose house or on whose land the trespass took place to the person having the charge of the cattle the seizure fee prescribed by Regulations made under this Act, the person having charge of the cattle shall, upon the payment being made, deliver the cattle to the person making the payment.

8. Any cattle found tethered, wandering, straying or lying in any public place, square, quay, wharf, or highway may be seized and sent or taken to the pound by any person finding the same, but no seizure fee shall be payable in respect of any such cattle. Animals improperly on highways.

9. Any person, or any person authorised by him, may shoot or kill with a cutlass, other cutting instrument or blunt instrument any hog, sheep, sow, pig, goat or kid found trespassing in his house or on his land. Notice shall be given by the person who has shot or killed the animal to the owner or person in charge thereof if known and if the owner of the animal shot or killed or some person in his behalf does not remove the carcass within six hours after the notice, or if the animal cannot be identified, it shall be considered to be abandoned and may be disposed of by the party aggrieved. Swine, sheep or goats trespassing.

10. When any cattle is brought to any pound, the pound-keeper shall make, and the person bringing the cattle to the pound shall answer, all such inquiries as are likely to make known the owner or person having the charge of the cattle. Any person bringing a cattle to the pound who, upon any inquiry being made of him pursuant to this section does not, according to the best of his knowledge, remembrance, information and belief, truly answer such inquiry is liable to a fine of two hundred and fifty dollars. Inquiry as to ownership of cattle impounded.

Notice to owner
of cattle
impounded.

11. (1) Where any cattle is impounded, the pound-keeper shall serve notice of the cattle being impounded upon the owner or person having the charge of the cattle, by leaving the notice at the usual place of abode or business of the person to be served, in all cases in which the pound-keeper by any means obtains sufficient information to enable him to effect the service.

(2) Any pound-keeper who omits to give notice as required by this section is liable to a fine of two hundred and fifty dollars.

(3) A pound-keeper who gives notice as required by this section shall be entitled to receive in respect of the notice the sum of sixty cents.

Costs of keeping
cattle in pound.

12. Where any cattle has been impounded, and notice of the impounding has been served as required by section 11 upon the owner or person having the charge of the cattle, the owner or person shall, in default of the cattle being sold for a sum sufficient to defray the costs and charges, be liable to pay the cost of keeping the cattle in the pound until the same can legally be offered for sale under section 18.

Notice where
owner of cattle
not known.

13. (1) If, at the expiration of the day after any cattle is impounded, the pound-keeper is unable to ascertain who is the owner or person having the charge of the cattle, the pound-keeper shall cause a notice of the impounding of the cattle to be posted at the police station of the district in which the pound is situated, and on a conspicuous part of the pound.

(2) A pound-keeper who omits to cause to be posted the notices required by this section is liable to a fine of two hundred and fifty dollars.

Fraudulent
impounding.

14. Any person who drives, leads or entices any cattle into any house or land or into any public place, square, quay, wharf or highway, with intent to impound the cattle or to procure the same to be impounded, is liable to a fine of one thousand dollars, or to imprisonment for three months.

Rescuing cattle
impounded.

15. Any person who rescues or releases, or attempts to rescue or release any cattle while in or being taken to any pound, or having been lawfully seized for the purpose of being impounded, or breaks or injures any pound, or does, or aids or abets the doing of any act whereby any cattle impounded may escape or be unlawfully liberated, is liable to a fine of one thousand dollars.

16. Any pound-keeper or person taking a cattle to the pound who cruelly beats, wounds or otherwise ill-treats, or who wilfully injures or damages, any cattle in his charge, is liable to a fine of five hundred dollars.

Ill-treating or
injuring cattle
impounded.

17. Any cattle received into any pound under this Act shall be detained until sold under this Act, unless before the time for the sale the seizure fee, where payable, and the pound fees are paid.

Disposal of
impounded cattle.

18. (1) The keeper of any pound may put up for sale by public auction any cattle which has been detained for more than ten days, exclusive of the days of seizure and sale, and may sell and deliver the cattle to the best bidder for ready money for the same on receiving the amount of the bidding, and, if such amount be not forthwith paid, may put up the cattle again for sale. Public notice of every sale under this section shall be given in the same manner specified in section 11.

Sales of
impounded cattle.

(2) Out of the money received by any sale under this section, the pound-keeper shall in the first place deduct the pound fees and out of the surplus shall pay on demand the seizure fee to the person in whose house or upon whose land the trespass was committed when he attends and demands the same and shall pay the balance of the surplus (if any) to any person known to be the owner of the cattle and who attends and demands the balance; but if no person having authority to receive the surplus or the balance of the surplus, attends to demand the same before the expiration of the day of sale, the pound-keeper shall forthwith pay the surplus or the portion thereof remaining in his hands to the Magistrate of the district in which the pound is situated, to be kept by him until the person or persons respectively entitled thereto appear before the Magistrate and prove their claims to the same.

(3) If at the expiration of twelve months after any sale under this section, the Magistrate has in his hands any portion of the moneys received on account of the sale, he shall forthwith pay the same into the Treasury for the use of the State and all right to the moneys so paid over shall thereupon be extinguished.

19. In case a cattle is offered for sale and no offer is made for it, or the offer made is, in the opinion of the pound-keeper, trifling or insufficient to defray the costs and charges under this Act, or in case the cattle is in such a state or condition that it is unfit to be sold with a view to being worked, the pound-keeper may cause the cattle to be shot or

Costs of killing
and burying.

otherwise destroyed, and the carcass buried or otherwise disposed of. In such case the owner or person having charge of the cattle shall, in addition to any other sum to which he may be liable, repay to the pound-keeper the costs, charges, and expenses incurred in the shooting, destruction, burial, or disposal.

Regulations.

20. The Minister may make Regulations as to the fees to be taken and charged for impounding cattle, as to the sum per day to be paid for the feeding of cattle in pounds, as to the manner of giving or posting any notice by this Act required to be given or posted, as to the form of such notices, and as to the time and mode of conducting the sales of cattle impounded.

Books kept by pound-keepers.

21. Every pound-keeper shall keep a book or books for the purpose of identifying the cattle impounded, describing the owners of the same, the persons bringing the same to the pound, specifying the moneys due or received in respect of any cattle and the disposal of all moneys received by such pound-keeper and registering such other matters as the Minister may direct.

Recovery of penalties.

22. All offences under this Act may be prosecuted, and all penalties incurred may be imposed or recovered, in the manner provided by the Magistrate's Code of Procedure Act.

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Act not to affect rights of action.

23. The remedies given by this Act in respect of cattle 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.

Saving.

24. Any pound existing at the date of the coming into operation of this Act shall be deemed to have been duly established thereunder.
