

1880, No. 11.

CRUELTY TO
ANIMALS.

AN ACT for the Prevention of Cruelty to Animals.

[17th August, 1880.]

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:—

Short Title.

1. The Short Title of this Act is "The Cruelty to Animals Act, 1880."

Interpretation.

2. In this Act, if not inconsistent with the context,—

"Animal" means any beast or bird of any kind or species whatever, and whether of domestic or wild nature, and whether indigenous or imported into the colony.

Fine for ill-treating
animals.

3. Any person ill-treating any animal, or causing or procuring any animal to be ill-treated, shall be guilty of an offence, and shall for every such offence be liable to a penalty not exceeding twenty pounds.

Improperly
slaughtering or
carrying animals.

4. Any person slaughtering, branding, conveying, or carrying, or causing or procuring to be slaughtered, branded, conveyed, or carried, any animal in such a manner or position as to subject such animal to unnecessary pain or suffering, shall be held to be ill-treating such animal within the meaning of the Act.

As to damage done
by persons guilty of
ill-treatment.

5. If any person shall, by ill-treating any animal, do any damage or injury to such animal, or shall thereby cause any damage or injury to be done to any person or to any property, every such offender shall on conviction of such offence pay to the person who shall sustain damage or injury as aforesaid such sum of money by way of compensation, not exceeding the sum of twenty pounds, as shall be ascertained and determined by the Justice of the Peace by whom such person is convicted.

Payment of
compensation not to
prevent punishment.

6. The payment of such compensation, or any imprisonment for the non-payment thereof, shall not prevent or in any manner affect the punishment to which such person or the owner of such animal may be liable for or in respect of the ill-treating of the animal.

Nor proceedings
by action.

And nothing herein contained shall prevent any proceeding by action against such offender, or the employer of such offender, where the amount of damage or injury is not sought to be recovered under this Act.

Keeping place for
fighting animals
prohibited.

7. Every person who shall keep, use, or act in the management of any place for the purpose of fighting or baiting any animal, or shall permit or suffer any place to be so used, shall be liable to a penalty not exceeding five pounds for every day he shall so keep, use, or act in the management of any such place, or permit or suffer it to be so used:

Limit of penalty.

But no person shall be adjudged to pay a penalty exceeding the sum of one hundred pounds for any single offence against the provisions of this section.

Penalty for aiding
or assisting at fights.

8. Every person who shall in any manner encourage or assist at the fighting or baiting of any animal as aforesaid shall be liable to a penalty not exceeding five pounds for every such offence.

Persons receiving
money for admission
to places for fighting
animals deemed
keepers thereof.

9. Every person who shall receive money for the admission of any other person to any place kept or used for the purposes of fighting or baiting any animal shall be deemed to be the keeper thereof.

Apprehension of
offenders.

10. Whenever any of the offences against any of the provisions of this Act shall happen, any constable upon his own view thereof shall, or upon the complaint of any other person, who shall declare his or her name and place of abode to the said constable, may, take any such offender into custody, and forthwith, without any other authority or warrant, convey him before a Justice of the Peace, to be dealt with by such Justice for such offence according to law.

11. Whenever any person having charge of any vehicle or any animal shall be taken into custody by any constable for any offence against the provisions of this Act, such constable may take charge of such vehicle or animal, and deposit the same in some place of safe custody as a security for the payment of any penalty to which any person having had charge thereof, or the owner thereof, may become liable, and for the payment of any expenses which may have been or may be necessarily incurred for taking charge of and keeping the same.

Vehicles, &c., may
be detained.

Any Justice of the Peace before whom the case is heard may order such vehicle or animal to be sold for the purpose of satisfying such penalty and reasonable expenses, in default of payment thereof, in like manner as if the same had been subject to be distrained and had been distrained for the payment of such penalty and expenses.

And sold in default
of payment of
penalty.

12. Every complaint under the provisions of this Act shall be made within one month after the cause of complaint shall arise.

Summary jurisdiction
by one Justice.

Every offence committed against this Act may be heard and determined by any Justice of the Peace in a summary way, upon the complaint of any person, and without any information in writing.

13. Any Justice of the Peace may, without previously issuing any summons, forthwith issue his warrant for the apprehension of any person charged with any offence against the provisions of this Act, whenever good grounds for so doing shall be stated on oath before such Justice.

Warrant may be
issued forthwith.

14. In every case of a conviction under this Act, if such conviction shall take place before two Justices of the Peace or a Resident Magistrate, such Justices or Resident Magistrate may, if they or he shall think fit, instead of imposing a pecuniary penalty, forthwith sentence the offender to be imprisoned, with or without hard labour, for any time not exceeding six calendar months.

Imprisonment may
be ordered without
option of fine where
case heard before
two Justices or a
Resident Magistrate.

15. "The Cruelty to Animals Act, 1878," is hereby repealed.

Repeal of Act.