



ST. CHRISTOPHER AND NEVIS

CHAPTER 9.22

PUBLIC POUNDS ACT and Subsidiary Legislation

Revised Edition

showing the law as at 31 December 2009

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This edition contains a consolidation of the following laws—

PUBLIC POUNDS ACT

Act 7 of 1945 ... in force 28th December 1945

Amended by: Act 10 of 1975

Act 6 of 1976

Act 9 of 1983

Act 8 of 1985

Act 9 of 1986

Act 11 of 1998

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S.R.O. 9/1981

Amended by: S.R.O. 30/1997

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CHAPTER 9.22

PUBLIC POUNDS ACT

AN ACT TO MAKE PROVISION FOR PUBLIC POUNDS; FOR THE APPOINTMENT OF POUND KEEPERS; FOR THE IMPOUNDING OF ANIMALS ETC.; AND TO MAKE PROVISION FOR RELATED OR INCIDENTAL MATTERS.

Short title.

1. This Act may be cited as the Public Pounds Act.

Interpretation.

2. In this Act—

“animal” means any horse, cattle, ass, mule, sheep, pig or goat;

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

(Inserted by Act 21 of 2007)

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

“owner” includes any person who, with the consent of the owner, has the charge or custody of any animal or feathered stock.

Public pounds.

3. (1) The public pounds in use at the commencement of this Act shall continue to be public pounds.

(2) The Minister responsible for Agriculture may, by Order, authorise the establishment of new public pounds or abolish any existing public pounds.

(Amended by Act 6 of 1976)

Appointment of pound-keepers.

4. (1) The Minister may, from time to time, appoint persons to be pound-keepers for the purposes of this Act.

(2) The appointment of any person as a pound-keeper may be terminated at any time by the Minister.

(3) Every pound-keeper shall be entitled to demand, and receive the fees mentioned in the First Schedule, and such fees shall attach and become a primary lien on animals impounded.

(4) The Minister may, by Statutory Order, amend the First Schedule to this Act.

(Inserted by Act 11 of 1998)

Impounding of animals.

5. (1) The owner or occupier of any land, or any person authorised by him or her, may seize any animal found trespassing on such land and may send or take it to the pound of the district in which such land or any part of it is situate, or to the nearest pound, to be detained and dealt with according to the provisions of this Act:

Provided that—

- (a) the owner or occupier of the land trespassed upon may secure and keep any animal seized under this section before sending the same to the pound for any time not exceeding two days after the day of seizure; and
- (b) where any animal has been seized under this section, if the owner of such animal or any person authorised by him or her, at any time before such animal is received into the pound, pays, for the use of the owner or occupier of the land trespassed upon, to the person then having the charge of such animal the seizure fee specified in the Second Schedule hereto and the rates per mile for driving them according to the scale in the Third Schedule, the person then having charge of such animal shall upon such payment being made deliver the animal to the person making the payment.

(Substituted by Act 10 of 1975)

(2) In every case in which any animal having the same owner shall be found trespassing on the same land more than once, and any such trespass shall take place within fourteen days after any preceding trespass, there shall be charged for the second and every other such trespass twice the seizure fees set forth in the Second Schedule hereto, together with rates for driving according to the Third Schedule hereto.

(Inserted by Act 10 of 1975, and amended by Act 9 of 1983)

(3) The Minister may, by Statutory Order, amend the Second and Third Schedules to this Act.

(Inserted by Act 11 of 1998)

Animals found in any public place.

6. (1) If any animal is found tethered, straying, or lying in any public place, it may be seized and sent or taken to a pound by any person finding the same.

(Amended by Act 8 of 1985)

(2) Where any sheep, pig, goat or cattle cannot be impounded under subsection (1), it shall be lawful for any authorised person to shoot the said sheep, pig, goat or cattle.

(Inserted by Act 8 of 1985 and amended by Act 21 of 2007)

(3) Where any animal has been shot under subsection (2), the authorised person shall forthwith notify the Public Health Department 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 Act 8 of 1985 and amended by Act 21 of 2007)

(4) Upon receipt of notice under subsection (3) the Public Health Department 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 Government and shall be disposed of as the Public Health Department shall think fit.

(Inserted by Act 8 of 1985)

(5) An authorised person shall not 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 Act 8 of 1985 and amended by Act 21 of 2007)

***Liability for animals in public places.**

7. Where any damage whether direct or indirect is caused to any person or thing as a result of any animal wandering, straying or lying in any public place, notwithstanding the provisions of any other law, the owner of such animal shall be liable for such damage unless he can prove, the onus of which proof is upon him or her—

(a) that he or she did not know or did not suspect or that he or she did not have any reason to know or to suspect that such animal had wandered, strayed or was lying in any public place; and

(b) that he or she had taken all reasonable steps to prevent such animal from wandering, straying or lying in any public place.

(Inserted by Act 8 of 1985)

Inquiries as to ownership of animals impounded.

8. 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 inquiries as may be likely to ascertain the owner thereof.

Notice to owner of animal impounded.

9. 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.

10. 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 Chief of Police may specify.

Pound-keepers to feed animals impounded.

11. Pound-keepers shall provide for animals impounded all necessary food and water.

Shooting of sheep, pigs, goats, cattle or feathered stock doing actual damage.

12. (1) It shall be lawful for any proprietor, possessor or other person in charge of any estate, land or property, or any person authorised by any proprietor, possessor or other person in charge of any estate, land or property to shoot any sheep, pig, goat, cattle or feathered stock found trespassing upon any such estate, land or other property and doing actual damage thereon.

(2) Where any sheep, pig, goat, cattle or feathered stock is shot, if it is identified as particular property, notice of such shooting shall be given by the proprietor or possessor of land, or his or her agent or any person authorized by the proprietor, possessor or other person in charge to the owner of the animal or feathered stock within six hours of such identification.

* Note: This section was previously section 6A and has been renumbered as section 7. The other sections have been accordingly renumbered.

(3) If the proprietor, possessor, agent or other person in charge fails to give such notice he or she commits an offence and liable, on summary conviction, to a fine of seventy-five dollars.

(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) Any person shooting any cattle or authorising the shooting of any animal or feathered stock in accordance with this section shall not be accountable to the owner of any animal or feathered stock shot and shall not be liable to be sued by such owner in respect of such shooting.

(Substituted by Act 8 of 1985)

Disposal of impounded animals.

13. Any animal received into any pound under this Act shall be detained until sold under the provisions of this Act, unless before the time for such sale the seizure fee specified in the Second Schedule and the mileage rates for driving or taking animals to pound specified in the Third Schedule, where such fees and rates are payable, and the pound fee specified in the Third Schedule, are paid.

(Amended by Act 10 of 1975)

Sale of impounded animals.

14. (1) A pound-keeper may, on such days as the Chief of Police from time to time may direct, put up for sale by public auction any animal which has been detained for more than three days, exclusive of the days of seizure and sale, and may sell and deliver such animal to the highest bidder for ready money and, if the amount is not forthwith paid, may put up the animal again for sale, and such public notice of every sale under this section shall be given as the Chief of Police may direct.

(2) Out of the moneys received from any sale under this section, the pound-keeper shall in the first place deduct the pound fees, and out of the surplus shall pay the seizure fee to the person whose land was trespassed upon if and when he or she attends and demands the same, and shall pay the balance of such surplus (if any) to any person known to be the owner of the animal and who attends and demands such balance:

Provided that if no person having authority to receive such surplus, or the balance of such surplus, attends and demands the same before the expiration of the day of sale, the pound-keeper shall forthwith pay such surplus or the balance thereof to the Magistrate of the district in which the pound is situate, and the Magistrate shall cause the same to be kept until the person or persons respectively entitled thereto appear before him or her and prove their claims to the same.

(3) If at the expiration of six months after any sale under this section the Magistrate still has any portion of the moneys received on account of such sale, he or she 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.

(Amended by Act 21 of 2007)

Destruction of animals by pound-keeper.

15. (1) If an animal 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 if the animal is diseased or is in such a state or condition that it is unfit to be sold, it shall be lawful for the pound-

keeper, with the approval of the Chief of Police, to have such animal shot or otherwise destroyed and the carcass buried or otherwise disposed of.

(2) The owner shall, in addition to any other fees to which he or she may be liable, repay to the pound-keeper the costs, charges, and expenses attending such shooting or destruction and burial or disposition.

(3) If a healthy animal is offered for sale, as is referred to in subsection (1) and fails to be sold on that occasion, the pound-keeper may also direct that the animal be slaughtered and sold and the proceeds from the sale shall be dealt with in that same manner as if the live animal had been sold.

(Amended by Act 21 of 2007)

Books to be kept by pound-keepers.

16. Every pound-keeper shall keep such books as the Chief of Police may from time to time direct for the purpose of identifying the animals 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 animal and the disposal of all moneys received by such pound-keeper, and registering such other matters as the Chief of Police may from time to time direct.

Powers of entry and inspection.

17. Any police officer or other person authorised in that behalf by the Chief of Police shall, for the purposes of this Act, have power to enter any public pound and to demand of the pound-keeper for inspection the production of any books required to be kept under section 16, and to inspect any animals in the said pound.

Offences.

18. Any person who—

- (a) drives, leads, or entices any animal into any land or into any public place with intent to impound such animal or to procure the same to be impounded;
- (b) rescues, or releases, or attempts to rescue or release, any animal while in or being taken to any pound, or breaks, or injures any pound, or does, or aids or abets the doing of, any act whereby any animal impounded may escape, or be unlawfully liberated; or
- (c) otherwise acts in contravention of or fails to comply with any of the provisions of this Act or any directions given by the Chief of Police under or in pursuance of this Act,

commits an offence against this Act and shall, on summary conviction, be liable to a fine not exceeding four hundred dollars or to imprisonment with or without hard labour for a term not exceeding three months.

(Amended by Acts 7 of 1976 and 9 of 1986)

Act not to affect right of action.

19. The remedies given by this Act 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.

FIRST SCHEDULE*(Section 4(3))***POUND FEES**

	\$...¢
(a) For receiving any horse, cattle, ass or mule	45.00
(b) For receiving any sheep, pig or goat	10.00
(c) For receiving any feathered stock (each)	1.00
(d) For receiving any notice under section 8	5.00
(e) For the daily upkeep of any cattle, ass or mule	15.00
(f) For the daily upkeep of every sheep, pig and goat	10.00
(g) For the daily upkeep of feathered stock (each)	1.00

*(Substituted by Act 11 of 1998, Former Schedule 1 substituted by Acts 10 of 1975 and 9 of 1983)***SECOND SCHEDULE***(Section 5(1)(b))***SEIZURE FEES**

	\$...¢
(a) For seizing any horse, cattle, ass or mule	45.00
(b) For seizing any sheep, pig or goat	10.00
(c) For seizing any feathered stock (each)	1.00

(Substituted by Act 11 of 1998, Former Schedule 2 substituted by Acts 10 of 1975, 9 of 1983)

THIRD SCHEDULE*(Section 5(1)(b))***RATES OF MILEAGE FOR DRIVING OR TAKING ANIMALS TO POUND**

- | | |
|--|---|
| (a) For every horse, cattle, ass or mule | - \$10.00 for the first mile, and for every other mile \$1.00 |
| (b) For every sheep or goat | - \$5.00 per mile |
| (c) For every pig | - \$5.00 per mile |
| (d) For any feathered stock | - \$0.50 per mile |
- (Substituted by Act 11 of 1998, Former Schedule 3 inserted by Acts 10 of 1975, 9 of 1983)*

FOURTH SCHEDULE*(Section 3)***THE PUBLIC POUNDS ORDER****Citation.**

1. This Order may be cited as The Public Pounds Order.

Establishment of New Public Pounds.

2. The following new Public Pounds are hereby established for the purposes of the Public Pounds Act—

Island of Saint Christopher

Buckleys Estate
Stapleton Estate
Stonefort Estate
Lamberts Estate
Farms Estate
Cranstoun Estate
Lynches Estate
Estridge Estate
Molineux Estate
Brighton Estate
Belmont Estate
Lodge Estate
Mansion Estate
Douglas Estate

(Amended by S.R.O. 30/1997)

Island of Nevis

New River Estate

Eden Brown Estate

Maddens Estate

Potworks Estate

Cades Bay Estate

Charlestown

Beach Road

Hardtimes Estate

Indian Castle Estate

Prospect Estate

Brown Hill

Newcastle

Jessups
