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Cruelty to Animals Act, 1962

Act 43 of 1962

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Cruelty to Animals Act, 1962
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Cruelty to Animals Act, 1962

Act 43 of 1962

Commenced on 10 August 1962

[This is the version of this document at 1 December 1998.]

An Act to provide for the prevention of cruelty to animals and for matters incidental thereto.

1. Short title

This Act may be cited as the Cruelty to Animals Act, 1962.

2. Interpretation

In this Act, unless the context otherwise requires—

"**animal**" means a domestic or captive animal;

"**bull**" includes a cow, bullock, heifer, calf, steer, or ox;

"**cat**" includes a kitten;

"**dog**" includes a bitch, sapling or puppy;

"**domestic animal**" means a horse, ass, mule, bull, sheep, pig, goat, dog, cat or fowl or any other animal of whatever kind or species, and whether a quadruped or not, which is tame or which has been or is being sufficiently tamed to serve some purpose for the use of man;

"**fowl**" includes a cock, hen, chicken, capon turkey, goose, gander, duck, drake, guineafowl, peacock, peahen, swan or pigeon;

"**goat**" includes a kid;

"**horse**" includes a mare, gelding, pony, foal, colt, filly or stallion;

"**offence**" means an offence under this Act and "offender" has a corresponding meaning;

"**owner**" includes a person having the charge, custody or control of an animal;

"**pig**" includes a boar, hog or sow;

"**sheep**" includes a lamb, ewe, or ram.

3. Offences of cruelty to animals

(1) A person who—

(a) cruelly beats, kicks, ill-treats, over-drives, over-rides, over-loads, infuriates, terrifies or tortures an animal; or

(b) causes an animal to be so used; or

(c) drives or uses an animal so diseased, or so injured, or in such a physical condition that it is unfit to do any work; or

(d) by wantonly or unreasonably doing or omitting to do an act, or causing or procuring the commission or omission of an act, causes an animal unnecessary suffering; or

- (e) being the owner permits unnecessary suffering to be caused to an animal in a manner described in paragraph (d);
- shall be guilty of an offence.
- (2) Any person who conveys or carries on animal or causes or procures, or being the owner permits an animal to be conveyed or carried in such a manner or position as to cause that animal unnecessary suffering, shall be guilty of an offence.
- (3) Any person who—
- (a) causes, procures or assists at the fighting of an animal; or
 - (b) keeps, uses, manages, or acts or assists in the management of any premises or place used for the purpose or partly for the purpose of fighting or baiting an animal; or
 - (c) permits any premises or place to be so kept, used or managed; or
 - (d) receives, or causes or procures a person to receive money for the admission of a person to any premises or place so kept, used or managed;
- shall be guilty of an offence.
- (4) A person who, without reasonable cause or excuse—
- (a) administers, or causes or procures or being the owner permits the administration of, a poisonous or injurious drug or substance to an animal; or
 - (b) causes such a substance to be taken by an animal;
- shall be guilty of an offence.
- (5) A person who subjects or causes or procures or, being the owner, permits the subjection of, an animal to an operation performed without due care and humanity shall be guilty of an offence.
- (6) For the purpose of this section an owner shall be deemed to have permitted an offence if he has failed to exercise reasonable care and supervision in respect of the protection of an animal from cruelty, if that animal is his property or in his charge, custody or control.
- (7) A person guilty of an offence under this section shall be liable, on conviction to imprisonment for a period not exceeding six months or to a fine not exceeding two hundred emalangeneni or both.

4. Destruction of animals

- (1) Where the owner of an animal is convicted of an offence in respect of that animal the court may, if 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.
- (2) The person to whom the animal is so assigned shall, destroy the animal, or cause or procure its destruction in his presence, without unnecessary suffering and as soon as possible.
- (3) The court may order the owner to pay any reasonable expense incurred in destroying the animal, and removing and burying its carcass, and upon such order, such expense shall be recoverable from the owner as a civil debt.

5. Disposal of animals

- (1) Subject to the provisions of subsection (2), where the owner of an animal is convicted of an offence in respect of that animal, the court may, in addition to any other punishment, order the owner to be deprived of the ownership of the animal, and may order the animal to be disposed of in such manner as the court thinks fit.

- (2) An order shall not be made under this section unless the court is satisfied that by reason of a previous conviction of the owner, or evidence as to his character, or otherwise, that the animal, if left with the owner, is likely to be exposed to further cruelty.

6. Summary compensation for damage

- (1) Where a person is convicted of an offence and it appears to the court that that person has thereby caused damage to any other person, the court may, at the request in person of the aggrieved person and in the presence of the person convicted, enquire summarily and without pleadings into the amount of damage so caused.
- (2) Upon proof of the amount of the damage and subject to the provisions of subsection (3), the court shall give judgment thereof in favour of the person aggrieved and against the convicted person and such judgment shall be of the same force and effect and executable in the same manner as if given in a civil action.
- (3) Judgment shall not be given under this section for a sum exceeding four hundred emalangeni.

7. Slaughter of injured animals

- (1) Where a police officer finds an animal so diseased or so severely injured or in such a physical condition that, in his opinion, it ought to be destroyed, he shall, if the owner is absent or refuses to consent to the destruction of the animal, at once summon a veterinary surgeon, if a veterinary surgeon is within reasonable distance, or two responsible persons.
- (2) Where the veterinary surgeon or those two persons after duly examining the animal, gives or give, as the case maybe, a certificate that the animal is mortally injured or so severely injured or so diseased or in such a physical condition that is cruel to keep it alive, a police officer may—
 - (a) without the consent of the owner, slaughter the animal or cause or procure it to be slaughtered, with such instruments or appliances, and with such precautions, and in such manner, as to inflict as little suffering as practicable; and
 - (b) if the slaughter takes place on a public road, remove the carcass or cause it to be removed from that road.
- (3) Any expense reasonably incurred by a police officer under this section (including any expenses of a veterinary surgeon or the responsible persons and whether or not the animal is slaughtered) may be recovered as a civil debt from the owner of the animal.

8. Custody of vehicles and animals

- (1) Where a person having charge of a vehicle or an animal is apprehended by a police officer for an offence, that or any other police officer may take charge of the vehicle or animal and deposit it in some place of safe custody until the termination of the proceedings, or the court directs the vehicle or animal to be delivered to the person charged or the owner.
- (2) In the event of a conviction in respect of the animals in question, the reasonable costs of that detention shall be recoverable as a civil debt from the owner.

9. Summons

- (1) In all cases where the offender is not in custody and proceedings are instituted under this Act, the court may issue a summons directed to the employer of a driver or conductor of a vehicle against whom such proceedings are instituted, or the owner of an animal in respect of which, such proceedings are instituted requiring him, if in his power to do so, to produce the driver or conductor at the hearing of the case, or the animal for inspection (if that can be done without cruelty), either at, or at any time before, the hearing of the case.

- (2) Where the employer or the owner, as the case may be, fails to comply with a summons issued under subsection (1) without satisfactory excuse, he shall be liable upon conviction to a fine not exceeding ten emalangeneni for the first occasion, and twenty emalangeneni for the second or subsequent occasion, on which he so fails, and in addition, he may be required to pay the costs of any adjournment rendered necessary by such failure.

10. Inspection of premises

A police officer at any time with the permission of the owner, or failing that permission, after obtaining an order from the District Commissioner, may without a search warrant enter premises where animals are kept for the purpose of examining the conditions under which they are so kept.

11. Arrest without warrant

If there is reason to believe that the ends of justice would be defeated by the delay in obtaining a warrant a police officer may arrest a person suspected, on reasonable grounds of having committed an offence without a warrant.

12. Costs against informer

Where a court acquits a person of an offence and considers that the complaint was laid without reasonable and probable cause, it may order the person at whose instance the complaint was laid to pay the person so acquitted such reasonable sum by way of costs as it may direct.