

ANIMAL WELFARE LEGISLATION IN JAMAICA



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Animal welfare and human health and welfare are intrinsically linked. Rapid urbanization over the last half century coupled with increasing world trade in animal and animal products have influenced domestic farm animal and wildlife welfare and have resulted in increased global interest in animal welfare. The European Union (EU) has led the way among developed nations in developing Animal Welfare legislation and enforcing regulations. A recent study conducted by the Dutch Agriculture Foreign Services found that among 49 countries canvassed only 19 indicated that they had some form of animal welfare legislation and even where laws exist their enforcement was inadequate.

While animal welfare legislation in Jamaica is inadequate, several related laws provide some protection. The most significant ones are:

- a) Dogs Liability for Injury Act 1877
- b) Prevention of Cruelty to Animals Act 1904
- c) Town and Communities Act 1961
- d) The Wild Life Protection Act 1945

The Dogs liability for injury Act 1877 has never been amended. It has 3 clauses. Clause 1 is the short title, clause 2 is enclosed and clause 3 defines the owner of the dog.

Clause 2 makes owners of dogs liable for damage/injury done to any person, cattle or sheep by his dog, and make it unnecessary for the party seeking such damages to show a previous mischievous propensity in such dog. Such damages shall be recoverable in any court of competent jurisdiction by the person injured, or by the owner of such cattle or sheep killed or injured.

The Prevention of Cruelty to Animals Act 1904 is the most referenced legislation on animal welfare in Jamaica. It covers all animal species by sex and age and includes all forms of abuse. The Act was last amended in 1995 to increase fines to One Thousand Dollars for breaching the Act.

Clauses 3 and 5 make it a criminal offence to cruelly beat, ill-treat, starve, over-drive, override, over-load, abuse, torture, or willfully neglect, or cause any injury or suffering to any animal.

Clause 6 makes it illegal to manage, own or collect admission fees or take bets on animal fighting (Dog, Cock, Bull).

Clause 7 makes it illegal to transport an animal in a manner that causes unnecessary pain and discomfort.

Clause 9 punishes persons who, in killing any animal, willfully, carelessly or negligently causes it unnecessary suffering.

The Town and Communities Act 1961 has been amended several times, however Clause 2 remains irrelevant and Clause 15 refers to 'Mad dogs' attacks and compensates the victims with a princely sum of \$10.00.

The Wild Life Protection Act 1945 covers wildlife whose welfare is an area of emerging interest. The Act has seen several amendments, most recently in 1999. This Act represents the best animal welfare legislation in Jamaica. It emphasizes welfare and protection and stipulates exact fines that are current and relevant. Persons found in breach of this act or its regulations are likely to face fines of up to One Hundred Thousand (\$100,000.00) Dollars and or imprisonment not exceeding two years.

Fines for breaching our domestic and companion animal welfare are unrealistic. Species and breed specific laws are urgently needed to remedy animal welfare enforcement. A **Keeping of Dogs Act** is urgently needed to control ownership, breeding, training and ultimately the stray dog

population. We may not be the best in animal welfare laws but we are certainly not the worst.

Contributed by

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