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LEGAL SUPPLEMENT – C

BILL No. 25 of 2007

Thursday 15th November, 2007

PARLIAMENT OFFICE
Public Buildings,
Georgetown,
Guyana.

15th November, 2007.

The following Bill which will be introduced in the National Assembly is published for general information.

S.E. Isaacs,
Clerk of the National Assembly.



GUYANA

BILL No. 25 of 2007

**POUNDS AND CERTAIN OTHER ENACTMENTS
(AMENDMENT) BILL 2007**

ARRANGEMENT OF SECTIONS

SECTION

**PART I
PRELIMINARY**

1. Short title.

**PART II
AMENDMENTS TO THE POUNDS ACT**

2. Amendments to the Pounds Act.

**PART III
AMENDMENTS TO THE MUNICIPAL AND DISTRICT COUNCILS ACT**

3. Amendments to the Municipal and Districts Councils Act.

**PART IV
AMENDMENTS TO THE LOCAL GOVERNMENT ACT**

4. Amendments to the Local Government Act.

**PART V
AMENDMENTS TO THE ROADS ACT**

5. Amendments to the Roads Act.

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**A BILL
Intituled**

AN ACT to amend the Pounds Act, the Municipal and District Councils Act, the Local Government Act and the Roads Act.

A.D. 2007. Enacted by the Parliament of Guyana:-

**PART I
PRELIMINARY**

Short title. 1. This Act, which amends the Pounds Act, the Municipal and District Councils Act, the Local Government Act and the Roads Act, may be cited as the Pounds and Certain other Enactments (Amendment) Act 2007.

Cap. 71:04.
Cap. 28:01.
Cap. 28:02.
Cap. 51:01.

**PART II
AMENDMENTS TO THE POUNDS ACT**

2. The Pounds Act is amended in the following respects -

- (a) in section 4 by the substitution for the words beginning with "thirty dollars" and ending with "kid or pig", the words-
- "one thousand dollars for every horse, mare, gelding, colt, filly, pony, mule, bull, cow, ox, heifer, steer, buffalo, ass, calf, sheep, goat or kid";
- (b) in section 5(1) by the deletion of the word "pig" and by the substitution, for the words "thirty" and "twenty" the words "three thousand" and "two thousand", respectively;

Amendments to
the Pounds Act.
Cap. 71:04.
No. 14 of 1988.

- (c) in section 5(2) by the substitution for the words beginning with "five dollars" and ending with "kid or pig", the words-
- "two hundred dollars a day for feeding each horse, mare, gelding, colt, filly, pony, mule, bull, cow, ox, heifer, steer, buffalo, ass, calf, sheep, goat or kid";
- (d) in section 6 by the deletion of the word "pig" and by the substitution for the words "or land (other than a public road or bridge)", the words ", public land or public place";
- (e) by the insertion, immediately after section 6, of the following section -

"Pigs may be destroyed.

7. (1) The owner or person in possession or control of any private land or premises (the owner) may, without prejudice to his right of any civil action, destroy a pig straying or found on the land or premises subject to the following conditions-

- (a) the owner shall notify, in writing, the owner of the pig and the police of the damage done to the land or premises;
- (b) the police shall notify, in writing, the owner of the pig of the damage done by the pig to the land or premises;
- (c) the owner, on being informed by the police of the step taken by the police, may, if the pig is found or strays on his land or premises, destroy the pig and shall return the

carcass to the owner of the pig.

(2) A police officer or constable, or any person authorised in writing by the Commissioner of Police may destroy a pig found on any public premises, public land or public place and hand over the carcass to the owner of the pig where the owner can be identified.”;

- (f) in section 8 by the substitution, for the words “two thousand dollars”, the words “not less than ten thousand dollars nor more than twenty thousand dollars”;
- (g) in section 9 by the substitution, for the words “one thousand dollars”, the words “not less than ten thousand dollars nor more than twenty thousand dollars”;
- (h) in section 10 by the substitution, for the words “five thousand dollars”, the words “not less than ten thousand dollars nor more than twenty thousand dollars”;
- (i) in section 11(2) by the substitution, for the words “fifty dollars”, the words “not less than ten thousand dollars nor more than twenty thousand dollars”;
- (j) in section 12 (2) by the substitution, for the words “five hundred”, the words “ten thousand”;
- (k) in section 13 by the substitution, for the words “seventy-five”, the words “ten thousand”;
- (l) in section 14 by the substitution, for the word “fifteen”, the words “ten thousand”;
- (m) in section 15 (1) by the substitution, for the word “thirty”, the words “ten thousand”;

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- (n) in section 15(2) by the substitution for the word "ten", the words "ten thousand";
- (o) in section 16 by the substitution, for the words "one hundred and fifty dollars", the words "not less than ten thousand dollars nor more than twenty thousand dollars";
- (p) in section 18 by the substitution, for the words "one thousand dollars", the words "not less than ten thousand dollars nor more than twenty thousand dollars";
- (q) in section 21 by the substitution, for the words "seventy-five dollars", the words "not less than ten thousand dollars nor more than twenty thousand dollars".

PART III AMENDMENTS TO THE MUNICIPAL AND DISTRICT COUNCILS ACT

3. The Municipal and District Councils Act is amended in the following respects-

- (a) in section 277(5) by the insertion, between the words "steer," and "heifer", the word "buffalo.", by the substitution for the word "swine" the word "pig" and for the words "five" and "twenty", the words "twenty" and "forty", respectively;
- (b) in section 291(2) by the substitution, for the words "one hundred", the words "ten thousand";
- (c) in section 292 by the substitution, for the words "ten thousand dollars", the words "not less than ten thousand dollars nor more than twenty thousand dollars";

Amendments to
the Municipal and
District Councils
Act.

Cap. 28:01.
No.27 of 1997.

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- (d) in section 293(4) by the substitution, for the words "ten thousand dollars", the words "not less than ten thousand dollars nor more than twenty thousand dollars";
- (e) in section 294(1) by the substitution, for the words "guilty of an offence", the words "liable on summary conviction to a fine of not less than ten thousand dollars nor more than twenty thousand dollars";
- (f) in section 294(2) by the substitution, for the words "ten thousand dollars", the words "not less than ten thousand dollars or more than twenty thousand dollars";
- (g) in section 295 by the insertion, between the words "steer," and "heifer", the word "buffalo,".

PART IV AMENDMENTS TO THE LOCAL GOVERNMENT ACT

4. The Local Government Act is amended in the following respects -

- (a) in section 102(1) by the substitution, for the words "boundaries of the district of a local authority", the words "area of a local government authority" and for the words "ten dollars", the words "not less than twenty thousand dollars nor more than forty thousand dollars";

- (b) in section 102(2) by the insertion after the word “animal” the words “other than a pig” and by the substitution, for the words “local authority” in both places that they occur, the words “local government authority”;
- (c) by the substitution for section 103 (3) of the following-
- “(3) A pig straying on any place mentioned in subsection (1) may be destroyed by a police officer or constable or any person authorised in writing by the Commissioner of Police and the carcass handed over to the owner of the pig where the owner can be identified.”;
- (d) in section 102(4) by the substitution, for the words “to the impounding”, the words “with all necessary changes to the impounding as if the animal were being impounded as a stray under that Act”;
- (e) in section 102(5) by the insertion, between the words “steer,” and “heifer”, the word “buffalo,” and by the substitution for the word “swine” the word “pig”.

PART V
AMENDMENTS TO THE ROADS ACT

5. The Roads Act is amended in the following respects –

(a) in section 27(1) by the insertion after the word “cattle” the words
“other than a pig”;

(b) by the substitution for section 27(2) of the following-

“(2) A pig found straying on a road may be destroyed by a police officer or a constable or any person authorised in writing by the Commissioner of Police and the carcass handed over to the owner of the pig where the owner can be identified.”;

(c) in section 28(1) by the substitution, for the words “five hundred dollars and not more than fifteen hundred dollars”, the words
“twenty thousand dollars nor more than forty thousand dollars”;

(d) in section 28(2) by the substitution for the word “swine” the word
“pigs”.

EXPLANATORY MEMORANDUM

This Bill seeks to amend various provisions concerning straying animals and pounds in the Pounds Act, the Municipal and District Councils Act, the Local Government Act and the Roads Act.

Clause 1 sets out the short title.

Clause 2 increases the fees and penalties in sections 4, 5, 8 to 16, 18 and 21 of the Pounds Act (Cap.71:04), as previously amended by the Law Reform (Miscellaneous Amendments) Act 1988 (No. 14 of 1988), to levels more appropriate to the present. Minimum penalties are introduced for more serious offences such as –

- (a) releasing an impounded stray;
- (b) ill-treating a stray while impounding it;
- (c) driving off an animal from private land to make it a stray;
- (d) detaining a stray for longer than necessary;
- (e) a pound-keeper wrongfully allowing a stray to be taken from his pound;
- (f) a pound-keeper buying a stray from his own pound;
- (g) failure of pound keeper to account.

Clause 2 also amends section 6 of the Pounds Act to allow animals straying on roads and bridges, as well as other kinds of public land or public places, to be seized and impounded under that section with the exclusion of pigs. A new section 7 is inserted which provides for the destruction of pigs found on private premises or private land after due notice is given to the owner of the pig and the police. The carcass of a pig destroyed has to be handed over to the owner. Likewise, pigs found on public premises or public land may be destroyed by a police officer and the carcass handed over to the owner of the pig where the owner can be identified.


Clause 3 amends sections 277(5) and 295 of the Municipal and District Councils Act (Cap. 28:01) to include certain animals that are mentioned in the Pounds Act and Local

Government Act. Clause 3 also increases the penalties in sections 277 and 291 to 294 of the Municipal and District Councils Act, as previously amended by the Municipal and District Councils (Amendment) Act 1997 (No. 27 of 1997), to levels more appropriate to the present. Minimum penalties are introduced for more serious offences such as-

- (a) allowing animals to stray onto council roads;
- (b) a pound-keeper permitting an impounded animal to be taken from the pound without lawful authority;
- (c) a pound-keeper buying a stray from his own pound;
- (d) driving off an animal from private land with a view to impounding it; and
- (e) ill-treating an animal while impounding it.

Clause 4 amends section 102 of the Local Government Act (Cap. 28:02) to introduce a minimum penalty and increase the maximum penalty for allowing animals to stray onto public places, such as public roads. It clarifies that the Pounds Act will apply to an animal impounded under section 102 of the Local Government Act as if the animal were impounded under the Pounds Act. A pig found on any public place may be destroyed by a police officer and the carcass handed over to the owner of the pig where the owner can be identified.

Clause 5 increases the penalty in section 28 of the Roads Act (Cap. 51:01), as previously amended by the Miscellaneous Enactments (Amendment) Act 1990 (No. 24 of 1990), to levels more appropriate to the present. It also substitutes the word pig for the word swine. A pig will not be impounded but where a pig strays on a road it may be destroyed by a police officer and the carcass handed over to the owner of the pig where the owner can be identified.



Minister of Home Affairs.