

**PREVENTION OF CRUELTY TO ANIMALS
(AMENDMENT) ACT.**

Act No. 1, 1952.

An Act to make further provisions relating to the prevention of cruelty to animals; to amend the Prevention of Cruelty to Animals Act, 1901-1951; and for purposes connected therewith. [Assented to, 27th March, 1952.]

**Elizabeth II,
No. 1, 1952.**

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

1. (1) This Act may be cited as the "Prevention of Cruelty to Animals (Amendment) Act, 1952".

**Short title
and
citation.**

(2) The Prevention of Cruelty to Animals Act, 1901, as amended by subsequent Acts and by this Act, may be cited as the Prevention of Cruelty to Animals Act, 1901-1952.

2. The Prevention of Cruelty to Animals Act, 1901-1951, is amended—

**Amendment
of Act No.
64, 1901.**

(a) (i) by omitting from section three the definition of "Animal" and by inserting in lieu thereof the following definition:—

**Sec. 3.
(Interpre-
tation.)**

"Animal" means every species of bird and every species of animal other than a human being.

(ii) by omitting from the definition of "Owner" in the same section the words "or other person for the time being entitled to the possession of the animal" and by inserting in lieu thereof the words "of the animal or any other person for the time being whether with or without the consent of the owner in possession of the animal";

(b)

Prevention of Cruelty to Animals (Amendment) Act.

No. 1, 1952.

Sec. 4.

(Ill-treat-
ing
animals.)

(b) (i) by inserting at the end of paragraph (q) of subsection one of section four the following word and new paragraph:—

“or

(r) docks or causes or procures to be docked the tail of any horse”;

(ii) by inserting at the end of subsection (1A) of the same section the following new paragraph:—

(b) Where the owner or person in charge of an animal in respect of which an offence against subsection one of this section has been committed is not the person who has committed such offence such owner or person in charge shall, if he has failed to exercise reasonable care and supervision in respect to the protection of the animal from the act or omission which constituted such offence, or failed to take reasonable steps to prevent the unnecessary suffering of such animal, be liable, on summary conviction, to a penalty not exceeding fifty pounds or to imprisonment for a term not exceeding six months or to both such penalty and imprisonment.

New
sec. 4A.

(c) by inserting next after the same section the following new section:—

Aggravated
cruelty.

4A. (1) In this section “aggravated cruelty” means cruelty resulting in the death, deformity or serious disablement of any animal.

(2) Whosoever commits any act of aggravated cruelty shall be guilty of a misdemeanour and shall be liable, on indictment, to imprisonment for a term not exceeding two years.

(3)

Prevention of Cruelty to Animals (Amendment) Act.

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(3) Where upon the hearing of any information for an offence against subsection one of section four of this Act the stipendiary magistrate or justices hearing the information is or are of the opinion that the information could be prosecuted by indictment under this section and should be so prosecuted he or they shall abstain from further adjudication thereupon and shall deal with the case by committal as in an ordinary case of an indictable offence charged before a stipendiary magistrate or justices sitting in petty sessions. No. 1, 1952.

Any such committal shall have the like effect and be dealt with as a committal for trial pursuant to the Justices Act, 1902-1951.

(d) by inserting at the end of subsection one of section 7c the following new paragraph:— Sec. 7c.
(Regulations.)

Without prejudice to the generality of the foregoing provisions of this subsection the Governor may make regulations, not inconsistent with this Act, for and with respect to—

- (a) the licensing, control and regulation of riding schools, livery stables, kennels and animal boarding establishments and the conditions under which the same may be conducted;
- (b) requiring horses to be killed in a knackery to be killed in accordance with the prescribed methods;
- (c) prescribing the conditions under which hares may be kept in captivity for or in connection with the conduct of coursing;
- (d) prescribing the conditions under which animals may be kept or used for or in connection with circuses;
- (e) prescribing the conditions under which animals may be employed or used in or about collieries.

(3)

(e)

Prevention of Cruelty to Animals (Amendment) Act.

No. 1, 1952.

Sec. 12B.

(Officer under certain conditions may destroy injured animals.)

- (e) (i) by omitting subsection one of section 12B and by inserting in lieu thereof the following subsection:—

(1) If an officer or a registered veterinary surgeon finds any animal so diseased or so injured or in such a physical condition that, in his opinion, having regard to the means available for removing the animal, there is no possibility of removing it without cruelty and he is satisfied that the animal is mortally injured or so severely injured, or so diseased, or in such a physical condition that it is cruel to keep it alive, the officer or the registered veterinary surgeon, if an officer is not present, may, without the consent of the owner of the animal if the owner is absent or refuses to consent to the destruction of the animal, 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 if the slaughter takes place on any public highway remove the carcase or cause it to be removed therefrom:

Provided that if the services of a registered veterinary surgeon are readily available an officer shall not exercise the powers conferred by the foregoing provisions of this subsection unless he has first summoned the registered veterinary surgeon and obtained from him a certificate from which it appears that the animal is mortally injured or so severely injured, or so diseased, or in such a physical condition that it is cruel to keep it alive.

- (ii) by omitting from subsection two of the same section the words "veterinary surgeon summoned under this section" and by inserting in lieu thereof the words "registered veterinary

veterinary surgeon or, if a registered No. 1, 1952.
veterinary surgeon is not readily available,
any officer”;

- (iii) by omitting from the same subsection the words “the officer” and by inserting in lieu thereof the words “the registered veterinary surgeon or the officer, as the case may be”;
 - (iv) by inserting in subsection three of the same section after the word “officer” the words “or a registered veterinary surgeon”;
 - (v) by inserting in subsection four of the same section after the word “officer” the words “or any registered veterinary surgeon”;
 - (vi) by omitting subsection five of the same section.
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