

CHAPTER 32

CONTROL OF ANIMALS

ARRANGEMENT OF SECTIONS

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CHAPTER 32

CONTROL OF ANIMALS

A LAW TO MAKE PROVISIONS FOR THE CONTROL OF ANIMALS IN THE STATE

1. This Law be cited as the Control of Animals Law.

Title

2. In this Law, unless the context otherwise requires:

Interpretation.

"Animal" includes birds, camels, cattle, donkeys, goats, horses, sheep and any animal of whatever description;  
"Governor" means the Governor of the State;  
"Poundmaster" means the District Head, any officer of the State's Ministry of Agriculture and Natural Resources or of the Co-operative Farmers Society or of Young Farmers Club, the Police and the Village or Ward Head;  
"Premises" includes a compound, enclosure, house and

private land,

"Property" includes crops, economic plants, hedges and trees;

"The State" means the Jigawa State of Nigeria.

Control of animal.

3.-(1) Any person who owns or has in his custody any animal and fails to keep of control such animal sufficiently to prevent the animal straying on to any public highway or into any farm or premises belonging to or in the possession of any other person without the consent of that person shall be guilty of an offence.

Grazing along highways or private premises without owner's consent an offence.

(2) Any person who being in charge of any animal drives, permits, or fails to prevent the animal from entering into any public highway, farm or premises for the purpose of grazing or for any other purpose shall be guilty of an offence.

Provided that it shall be a defence to a charge under this subsection to show that the animal was on the public highway for purposes of crossing only or in the case of farm or premises the consent of the owner of any person in possession thereof has been obtained.

Punishment for offences.

4.-(1) Any person who commits the offence under sub-section (1) of section 3 of this Law may on conviction be punished with:-

- (a) a fine not exceeding four thousand naira or with imprisonment for not more than one year or with both such fine and imprisonment; and
- (b) where as a result of the offence damage has been caused to any person or property with a fine not exceeding six hundred naira or imprisonment for not more than two years or with both such fine and imprisonment.

(2) Any person who commits the offence under sub-section (2) of section 3 of this Law may on conviction be punished:-

- (a) with a fine not exceeding four thousand naira or with imprisonment for not more than two years or with both such fine and such imprisonment; and
- (b) where as a result of the offence damage has been caused to any person or property with a fine not exceeding six thousand naira or with imprisonment

for not more than three years or with both such fine and such imprisonment.

In addition there shall be given to the owner such compensation equal to the monetary value of the damaged property.

5. In the course of the trial for an offence under this Law the Court may make an order for the temporary custody by the Commissioner of Agriculture and Natural Resources of the animal in respect of which the offence is alleged to have been committed, and on conviction the Court shall in addition to any other penalty order the person convicted to pay the costs of maintenance and treatment, if any, of such animal and such costs shall be recoverable in the same manner as a fine; or if such animal is suffering from incurable disease or injury, may order it to be destroyed.

Power of Court to order custody or destruction of animal.

6. Any person who assaults or threatens to assault or obstructs or attempts to obstruct any poundmaster in the discharge of his duty under any provision of this Law or resists or attempts to resist arrest by a poundmaster or uses or attempts to use criminal force on such poundmaster shall be guilty of an offence and on conviction may be punished with imprisonment for not more than three years or with a fine not more than six thousand naira or with both such imprisonment and such fine.

Obstruction or tampering with poundmaster.

7. A poundmaster may arrest any person found committing any offence under this Law and shall without unnecessary delay take him to the nearest Police Station or where the poundmaster is not a police officer hand the arrested person to the nearest police officer.

Power of Arrest.

8. A poundmaster may impound any unaccompanied animal found straying on the public highway or in any farm or premises or found damaging any crops or any hedges or trees planted for anti-erosion purposes or for any other purpose.

Power to impound unaccompanied animal.

9. The owner of any impounded animal may claim such animal and it shall be released to him on payment of the penalty and charges set out in this Law.

Owner may claim impounded animal.

Provided that any person considering that he has a claim against the owner of the animal for damage done to his person or property by the animal may object to the release of the animal in which case the

animal shall not be released until the claim has been determined either by agreement or by legal proceedings.

Sale of unclaimed impounded animal and application of proceeds of sale.

10.-(1) Subject to the provisions of the last preceding section any impounded animal which remains unclaimed for 28 days after the date of impounding may be sold by auction by the poundmaster and the proceeds of the sale shall be applied firstly to pay for any damage caused by the animal, and secondly to defray any penalty and expenses incurred in respect of the animal; any balance left shall be deposited in the Court.

(2) The balance so deposited may be claimed by and paid over to the owner of the animal within six months from the date of depositing.

(3) Any balance so deposited and not claimed within six months shall be forfeited by the owner of the animal.

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No Subsidiary Legislation.