

Tanzania

Animals (Pounds) Act

Chapter 154

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Animals (Pounds) Act

Chapter 154

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[Note: This legislation has been thoroughly revised and consolidated under the supervision of the Attorney General's Office, in compliance with the Laws Revision Act No. 7 of 1994, the Revised Laws and Annual Revision Act (Chapter 356 (R.L.)), and the Interpretation of Laws and General Clauses Act No. 30 of 1972. This version is up-to-date as at 31st July 2002.]

[Ords. Nos. 22 of 1930; 32 of 1935; 11 of 1938; R.L. [Cap. 154](#)]

An Act relating to the trespass of animals and making provision for the establishment of public pounds.

1. Short title

This Act may be cited as the Animals (Pounds) Act.

2. Interpretation

In this Act the expression—

"poundable animal" means the male, female or young of any animal of the following kinds, namely, horse, ass, mule, cattle, sheep, goat or swine.

3. Application

This Act shall be in force in such districts only as the President may from time to time by notice in the *Gazette* appoint.

4. Establishment of pounds

It shall be lawful for the administrative officer in charge of any district to which this Act has been applied to direct the establishment therein of such pounds as he may think necessary and such pounds shall be erected and maintained at the expenses of and be the property of the Government and the establishment of any such pound shall be notified in the *Gazette*.

5. Management of pounds and appointment of pound keepers

The senior officer of police in every district shall have the management and direction of all pounds in the district, including the power to appoint a pound keeper to every pound and it shall be lawful for every pound keeper so appointed to demand the fees and expenses specified in the First and Second Schedules to this Act.

6. No poundable animal allowed to trespass

- (1) No person being the owner or for the time being having charge of to be any poundable animal shall permit such animal to trespass in or upon any unenclosed land the boundaries whereof are defined or in or upon any cultivated or enclosed land whatsoever.

- (2) For the purposes of this section and of [section 8](#) a boundary shall be deemed to be defined if it is marked at the time of the alleged trespass—
- (a) by permanent posts or cairns of stones placed at intervals of not more than on immediately adjacent to, and on either side of, the first-mentioned post or cairn hundred and fifty yards in such manner that both of the posts or cairns are visible to any person therefrom or both of the two posts or cairns lying next to the first-mentioned post or cairn and on one or the other side of it are visible to any person therefrom; or
 - (b) by permanent hedging; or
 - (c) by a plough line at least six feet wide; or
 - (d) by planted trees at intervals of not more than twenty-five yards.
- (3) Nothing in this section shall prevent the boundaries of unenclosed land from being defined by other means than those specified in subsection (2) and from being treated as being defined boundaries within the meaning of this section and of [section 8](#) if the means of definition is proved to be such as to indicate to any person crossing the boundary that he is entering upon unenclosed land.

7. Penalty for permitting animal to trespass

Any person as aforesaid who suffers or permits any such animals so to trespass shall, in addition to any liability for the payment of pound and seizure fees, be liable on first conviction to a fine not exceeding one hundred shillings or to imprisonment for a term not exceeding one month, and on a subsequent conviction to a fine not exceeding five hundred shillings or to imprisonment for a term not exceeding three months or to both.

8. Animals trespassing may be impounded

Any animal found trespassing in or upon cultivated or enclosed land or any unenclosed land the boundaries whereof are defined may be seized by the owner or occupier thereof or any person authorised by him or where the land is the property of the Government, by any police officer and any person so seizing any such animal shall send or take it to the nearest pound to be detained and dealt with according to this Act:

Provided that—

- (a) the owner or occupier of the land trespassed upon may secure and keep any animal seized under this section before sending the same to the pound for any time not proceeding four days after the day of seizure;
- (b) when any animal has been seized under this section if the owner of such animal or any person lawfully authorised by him at any time before such animal is received into the pound tenders for payment for the use of the owner or occupier of the land trespassed upon the seizure fee specified in the First Schedule to this Act the person having charge of such animal shall upon such payment being made deliver the animal to the person making the payment; and
- (c) if the same animal be found trespassing on the same land more than once and such trespass shall take place within fourteen days after a preceding one there may be charged for the second and every other such trespass twice the amount of the seizure fees specified in the First Schedule to this Act.

9. Person impounding animals to answer questions

When any animal is brought to any pound it shall be the duty of the pound keeper to make, and of the person bringing the animal to the pound to answer, all such inquiries as are likely to make known the owner or person having the charge of the animal and any person bringing an animal to the pound who, upon any inquiry being made of him pursuant to this section, does not, according to the best of his knowledge, remembrance, information and belief, truly answer such inquiry shall be liable to a fine not exceeding one hundred shillings.

10. Notice to owner of animal impounded

- (1) Where any animal is impounded, the pound keeper shall serve notice of such animal being impounded upon the owner or person having the charge of the animal, by leaving such notice at the usual place of abode or village or hamlet of the person to be served, in all cases in which such pound keeper by any means obtains sufficient information to enable him to effect such service.
- (2) Any pound keeper who omits to give notice as required by this section shall be liable to a fine not exceeding one hundred shillings.

11. Costs of keeping animal in pound

Where any animal has been impounded, and notice of such impounding has been served under [section 10](#) upon the owner or person having the charge of such animal, the owner or person shall, in default of such animal being sold for a sum sufficient to defray such costs and charges, be liable to the fees and expenses specified in the First and Second Schedules hereto.

12. Notice where owner of animal not known

- (1) If, at the expiration of the day after any animal is impounded, the pound keeper is unable to ascertain who is the owner or person having the charge of such animal, the pound keeper shall cause a notice of the impounding of the animal to be posted at the court-house of the district in which the pound is situate, and at any other place which the senior officer of police may direct.
- (2) A pound keeper who omits to cause to be posted the notices required by this section shall be liable to a fine not exceeding one hundred shillings.

13. Fraudulent impounding

Any person who drives, leads or entices any animal into land with intent to impound such animal or to procure the same to be impounded, shall be liable to a fine not exceeding five hundred shillings, or to imprisonment for a term not exceeding three months.

14. Rescuing animals impounded

Any person who rescues or releases, or attempts to rescue or release any animal while in or being taken to any pound, or breaks or injures any pound, or does, or aids or abets the doing of, any act whereby any animal impounded may escape or be unlawfully liberated, shall be liable to a fine not exceeding five hundred shillings, or to imprisonment for a term not exceeding three months.

15. Detention of seized animals beyond statutory period

Any owner or occupier of land trespassed upon, securing and keeping any animal seized under [section 8](#) for a period longer than that prescribed in [section 8](#) shall be committing an offence under this Act, and shall be liable to a fine for each day during which the offence continues not exceeding one hundred shillings for each such day, and in addition to such fine shall forfeit all claim to the seizure fee in respect of any such animal, and any such animal found secured or kept in contravention of the provisions of [section 8](#) may be seized and taken away by any police officer and disposed of in such manner as the magistrate may direct.

16. Disposal of impounded animals

Any animal received into any pound under this Act shall be detained until sold under this Act, unless before the time for such sale the seizure fee specified in the First Schedule to this Act where payable, and the pound fees and expenses specified in the Second Schedule, are paid.

17. Sales of impounded animals

The keeper of any pound may, on such days as the senior police officer from time to time shall direct, put up for sale by public auction any animal which has been detained for more than ten days exclusive of the days of seizure and sale, and may sell and deliver the animal to the highest bidder for ready money for the same on receiving the amount of the bidding, and if such amount be not forthwith paid, may put up the animal again for sale and public notice of every sale under this section shall be given as the senior police officer may direct.

- (2) A senior police officer may if he sees fit direct some other person than the pound keeper to put up and sell any animal impounded notwithstanding that such person may not be licensed as an auctioneer.

[Please note: numbering as in original.]

18. Disposal of proceeds of sale

- (1) Out of the moneys received by any sale under this section, the pound keeper shall in the first place deduct the pound fees specified in the Second Schedule to this Act, and out of the surplus shall pay on demand the seizure fees specified in the First Schedule to this Act to the person whose land was trespassed upon when he attends and demands the same, and shall pay the balance of such surplus (if any) to any person known to be the owner of the animal and who attends and demands such balance:

Provided that if no persons having authority to receive such surplus, or the balance of such surplus, attends to demand the same before the expiration of the day of sale, the pound keeper shall forthwith pay such surplus or the portion thereof remaining in his hands to the administrative officer of the district in which the pound is situate, to be kept by him until the person or persons respectively entitled thereto appear before such administrative officer and prove their claims to the same.

- (2) If, at the expiration of twelve months after any sale under this section, the administrative officer has in his hands any portion of the moneys receive on account of such sale, he shall forthwith pay the same to the Permanent Secretary to the Treasury for the use of the Government, and all rights to the moneys so paid over shall thereupon be extinguished.

19. Power to abate fees and expenses

- (1) The District court of the within whose jurisdiction any poundable animal has committed trespass may, in its discretion, on application being made by the owner of such animal in that behalf not later than ten days after notice of the impounding of the animal has been served or posted as required by sections [10](#) and [12](#), grant remission of a portion of the fees and expenses payable in respect of such trespass where in the opinion of the court the exaction in full thereof would be harsh or excessive.
- (2) Before proceeding with the hearing of any such application, the court shall give due notice of the date of hearing to the person entitled to the seizure fees and also, where the animal has been received into the pound before such date, to the pound keeper; and, if either of such persons appears to oppose the application, the court shall not proceed to adjudicate thereon without giving him opportunity of being heard.
- (3) Where an application has been made in pursuance of subsection (1), no animal in respect of which the application has been made shall be sold until the same has been adjudicated.
- (4) Where on adjudication of any such application the court remits any portion of the fees or expenses, the residue thereof shall be payable by the owner or person having charge of the animal in lieu of the fees or expenses payable under sections [8](#) and [11](#), and the references in sections [16](#) and [18](#) (1) to fees and expenses shall be deemed to be references to such residue.

20. Rules as to feeding, care and treatment of animals in pounds

The senior police officer may with the approval of the administrative officer in charge of the district make rules as to the sum per day to be paid for the feeding of animals in pounds and as to their care and treatment, and such rules shall be posted in some conspicuous place at the pound.

21. Record to be kept by pound keeper

Every pound keeper shall keep such record as the senior police officer from time to time may direct for describing the animals impounded, and owners of the animal impounded and the persons bringing the animal impounded to the pound, for specifying the moneys due or received in respect of any animal and the disposal of all moneys received by the pound keeper and for registering such other matters as the senior police officer from time to time may direct.

22. Disposal of pound fees

All pound fees less an amount equal to the cost of feeding animals impounded shall, once in every month, be paid over to the administrative officer to be paid by him to the public revenue.

23. Act not to affect right of action

The remedies given by this Act in respect of animals trespassing shall be in addition to, and not in derogation of, any remedy by action or suit to which any person may be entitled in respect of any such trespass.

First Schedule (Section 8(b))**Seizure fees**

[Omitted: Fees regularly change.]

Second Schedule**Pound fees**

[Omitted: Fees regularly change.]