



BELIZE

**POUNDS ACT
CHAPTER 89**

**REVISED EDITION 2011
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CHAPTER 89**POUNDS**

Ch. 138.
R.L., 1958.
CAP. 68,
R.E.1980-1990.
40 of 1963.
14 of 1968.

[17th May, 1899]

PART I*Preliminary*

- 1.** This Act may be cited as the Pounds Act.

Short title.

- 2.** In this Act, unless the context otherwise requires,

Interpretation.
14 of 1968.

“cattle” means any bull, ox, cow, steer, heifer, mule and the male, female and young of the horse, ass, sheep, goat, swine and of any animal, other than a dog, ordinarily kept or used as a beast of burden or for draught, riding or the production of wool, hair, meat, milk or hides;

“local authority” means the Belize City Council constituted under section 4 of the Belize City Council Act, Cap. 85, the Belmopan City Council or any Town Council mentioned and described in or added to the Schedule to the Town Councils Act, Cap. 87.

PART II*Establishment, Maintenance and Utilisation, etc., of Public Pounds*

- 3.** A local authority may establish, erect and maintain at a convenient place or places within its jurisdiction a public pound or pounds under the provision of this Act.

Establishment of
public pounds.

Pound keepers, how appointed and removed.

4.-(1) A local authority may appoint some fit and proper person to be the pound keeper at any such pound, and may from time to time remove the keeper of any pound from his office upon reasonable cause.

(2) In any such case, or upon the death or resignation of a pound keeper, the local authority may appoint another fit and proper person in the place of the pound keeper so removed, dying or resigning.

Notification of establishment of pound and appointment of keeper.

5. A notification of the establishment of any public pound and of the appointment or removal of any pound keeper, as the case may be, shall be inserted in the *Gazette* by Order of the local authority, and such notification shall be taken in all courts of law in Belize and for all intents and purposes to be evidence that such pound has been legally established and the pound keeper legally appointed or removed as in the said notification is stated.

Penalty for neglect of pound keeper to sustain cattle.

6. Every keeper of a pound who neglects to keep any cattle from time to time impounded at a pound supplied with sufficient wholesome food and water, shall for every such neglect be liable to a fine not exceeding one hundred dollars.

Pound fees and catcher's fees.

7. A local authority may, with the approval of the Minister, make rules specifying the fees,

40 of 1963.

- (a) to be taken and charged by the local authority in respect of any matter or thing required to be done by any pound keeper under or by virtue of this or any other law and not herein or therein specifically provided for;
- (b) which the keeper of any pound shall charge or receive for the sustenance of any cattle of whatever description committed to and secured in the pound;
- (c) to be taken and charged by the local authority in respect of the seizure and delivery to the pound keeper of any cattle by any person employed by the local authority for the purpose of seizing cattle in accordance with section 7 of the Cattle Trespass Act, Cap. 208.

8.-(1) Any person may seize any cattle found trespassing in his house or on his land, and secure it in any public pound or, if there is no public pound within three miles of the scene of trespass then, in any private pound or place of security, and keep it until satisfaction is made for such trespass in manner hereinafter provided.

Impounding cattle
trespassing.

(2) The party seizing and impounding any cattle in any private pound as provided by this section, shall make within a reasonable time complaint of such trespass to a magistrate and, until an order is made by that magistrate, treat the animal so impounded with reasonable care, supply it with food and water proper for its sustenance, and protect it from ill-use.

9. Every person who unlawfully and wilfully kills, wounds or maims any animal whatever trespassing in his house or on his lands, shall on being convicted thereof, unless in the opinion of the magistrate trying the case the killing, wounding or maiming was excusable in the special circumstances or ought not to be punished, pay by way of damages to the party injured, over and above the value of the animal if killed and all costs and expenses, a sum of money not exceeding two hundred dollars, and such damages and value shall be recoverable in like manner as a penalty is recoverable under this Act.

Damages for un-
lawfully killing
etc., any animal
trespassing.

10. No expense for keeping of any cattle impounded for trespass shall be recovered for more than the period of two weeks unless the said cattle have been advertised with a full description thereof as hereinafter provided.

Limitation of ex-
penses for keeping
cattle.

11. No cattle shall be sold by order of any magistrate on default of the discovery of the owner thereof, unless the impounding of such cattle has been advertised, with full description thereof, including marks, brands, colour and height by a notice in writing exhibited openly at the nearest district courthouse for two weeks.

Regulation as to
sale.

12.-(1) The keeper of every public pound shall receive and detain in his custody any cattle lodged in such pound, and he shall be responsible to the owner thereof for every loss or damage sustained by the wilful act or neglect of himself or his servant, but not otherwise.

Duty of keeper re-
ceiving and detaining
cattle.

(2) A pound keeper shall detain all cattle so impounded until they are replevied or otherwise disposed of or released in due course of law, or until he receives the written order of a magistrate, or of the person impounding such cattle to deliver them, together with his lawful fees and charges.

(3) Upon such order being received from a magistrate or the person impounding, together with his fees and charges aforesaid, the pound keeper shall immediately deliver such cattle to the owner thereof or his agent or other person duly authorised by the owner to receive them.

(4) If the pound keeper fails to deliver any cattle as directed in subsection (3) of this section, he shall for every such offence be liable to a fine not exceeding one hundred dollars.

Keeper to affix notice of animals impounded.

13.-(1) The keeper of every public pound whenever and as often as any cattle are impounded therein shall within twenty-four hours of such impounding affix a notice on some conspicuous part of the pound setting forth a description of the cattle impounded, or in his possession, and such notice shall remain so posted until such cattle are claimed or otherwise disposed of in due course of law.

(2) Every pound keeper who neglects to affix such notice as aforesaid shall for every offence be liable to a fine not exceeding fifty dollars.

Rescue and pound breach.

14. Every person who,

- (a) rescues any cattle which are lawfully seized for the purpose of being impounded, or
- (b) breaks down, injures or destroys any pound legally constituted as such with a view to committing any pound breach, whether any cattle are impounded therein or not; or
- (c) commits any pound breach or rescue whereby any cattle of any description escape or are let at large from any such pound,

shall be liable upon summary conviction to a fine not exceeding five hundred dollars or to imprisonment for any term not exceeding three months.

PART III

Miscellaneous

15.—(1) The person lodging any cattle in a public pound shall, on delivering them to any pound keeper for the purpose of being lodged in any public pound, be responsible to such pound keeper for all fees, charges and expenses of keeping such cattle.

Liability for, and recovery of, pound fees.

(2) All fees, charges and expenses shall and may be recovered from time to time by the pound keeper on summary conviction in the manner as any penalty may be recovered under this Act, however,

(a) it shall be lawful for any magistrate, if in his discretion he thinks it proper to do so, to order the public sale of any cattle impounded for or in respect whereof any fees, charges or expenses may be due and recoverable; and

(b) all sales under this provision shall be carried into effect by such person as may be appointed by such magistrate by public auction to the highest bidder, notwithstanding that he may not have taken out a licence as an auctioneer.

(3) A pound keeper, after deducting fees, charges and expenses together with the expenses of any sale, from the proceeds thereof, shall pay over the balance to the owner of the cattle so sold, or to any person entitled to receive it.

(4) If the owner is unknown or cannot be found, the pound keeper shall within one day after the sale pay the amount into the hands of the Clerk of Court in the judicial district where the sale took place, in trust

for the party entitled thereto, and the receipt of such Clerk of Court shall be a discharge to the pound keeper, and if no claim for the balance is made within one year, it shall merge in and form part of the town fund of the local authority.

Procedure where claims disputed by cattle owner.

16.—(1) In case any cattle are impounded in a public or private pound or place of security, and a larger amount of damages, penalties, fees or expenses are claimed than are reasonable or authorised, and the owner of such cattle, or his agent, disputes the amount of such damages, penalties, fees and expenses, or the identity of the cattle, or the nature of the trespass committed by such cattle, or denies the legality of the impounding, the owner of such cattle, or his agent, may allow such cattle to remain in such pound or place of security until the case is decided, as is provided in section 19 of this Act, or pay by way of deposit the damages, penalties, fees and expenses demanded, and release the said cattle.

(2) The pound keeper or person or persons as aforesaid is and are required and directed to release any cattle in respect of which a deposit is made under subsection (1) of this section.

(3) The owner or his agent shall at the same time give notice in writing to the pound keeper, or person or persons impounding the cattle, that he intends to dispute the amount of such damages, penalties, fees and expenses, or the legality of such impounding, as the case may be, and thereupon such pound keeper, person or persons shall retain the amount of such damages, penalties, fees and expenses so paid, to abide the written order of the magistrate finally hearing and adjudicating on the matter of trespass out of which such impounding arose.

(4) Every pound keeper or person or persons as aforesaid who fails to release and deliver such cattle as required and directed by subsection (3) of this section, or fails to obey such written order, shall be liable for every such offence to a fine not exceeding one thousand dollars.

Owner to be summoned, damage assessed and payment enforced.

17.—(1) A magistrate may, on complaint upon oath made to him by any person sustaining damage from cattle as aforesaid, issue his summons for the appearance of the owner of the animal so trespassing, when known, or his agent, and on the appearance of the owner, or agent, or in his

absence, on proof of the service of the summons either personally or by leaving it at the usual place of residence of such owner, or agent, examine into the nature and amount of the damage alleged to have been committed, and make such order for the payment of the value thereof by the said owner, or agent, whether the last mentioned party is examined or not, together with all reasonable cost of pounding, feeding, police officer's fees, witnesses and other incidental charges as to such magistrate seems just.

(2) For that purpose the magistrate may compel the attendance of all necessary witnesses, and administer oaths to all parties examined.

(3) In case such order is not complied with, the magistrate making it may direct, by warrant under his hand, any police officer, by public sale of the animal so trespassing when impounded, to levy and raise the sum awarded by such order, together with all expenses of sale.

(4) If necessary, the magistrate may direct any police officer, by distress and sale of the other goods and chattels of the owner of such animal, to levy and raise the sum awarded by such order or any balance not satisfied under the said warrant.

(5) The magistrate making such order as described in subsection (1) of this section, may make at his discretion reasonable deduction from the amount of damages so ascertained on account of any negligence or other misconduct on the part of the person complaining, either by undue delay in making his complaint or by ill-treatment of the animal impounded.

18.-(1) If any person impounds any cattle and does not within reasonable time thereafter make complaint to a magistrate of the damage committed by such cattle, a magistrate of the district in which the impounding took place, may on complaint of the owner of such cattle, or his agent, summon before him the person impounding the cattle.

Damages for neglect to report impounding.

(2) Upon the appearance of the owner or his agent or, in his absence, upon proof of the service of such summons either personally or at his last or usual place of residence, the magistrate may proceed in such and in the like manner to all intents and purposes as a magistrate is authorised

to proceed and act on the return of any summons issued on the complaint of any person sustaining damages by the trespass of cattle.

Procedure when legality of impounding or amount of damages claimed is disputed.

19.-(1) On complaint by the owner of any cattle, or his agent, to any magistrate, that such cattle has been impounded, and that a larger amount of damages, penalties, fees or expenses is demanded than is reasonable or authorised, or that the identity of such cattle or the nature of the trespass is disputed, or that the legality of the impounding is denied, the magistrate may summon the person so impounding the cattle and summon and examine upon oath all necessary witnesses.

(2) In case it appears to the magistrate that the damages, penalties, fees and expenses charged are unreasonable or unauthorised, the magistrate may reduce them or wholly disallow them, and make such order thereon as to him appears proper and just.

(3) If the identity of such cattle is not made out, or if it appears that such cattle were not legally impounded, the magistrate may order the person impounding such cattle to deliver them to the owner, or his agent, and to pay to him such damages, not exceeding one hundred dollars and costs as to the magistrate may seem proper and just.

(4) In case any such order is not complied with within such time as the magistrate thereby limits and expresses for that purpose, the magistrate may levy and raise the damages and costs awarded the owner by distress and sale of the goods and chattels of the person who impounded such cattle, and direct and authorise any police officer or peace officer to enforce the release and delivery of the cattle impounded, and for that purpose, if necessary, to break open any doors or gates.

Person in charge of cattle to be regarded as owner.

20. In all cases of trespass committed by any cattle, the person having charge thereof at the time of the trespass shall be deemed to be sufficiently the owner of such cattle to render him liable for all damages and penalties arising from such trespass, unless within a reasonable time after being thereto required by the person sustaining damage by such trespass he makes and subscribes a declaration in accordance with sections 18 and 19 of the Oaths Act, Cap. 130, setting forth therein the name of the owner of such cattle.

21.-(1) All penalties imposed by, and proceedings required to be taken under, this Act shall be recoverable and taken on summary conviction.

Recovery of penalties and damages.

(2) A sum of money claimed under this Act by way of damages or as the value of an animal killed, wounded or maimed shall not be deemed to be a civil debt to be recovered under the provisions of the District Courts (Procedure) Act, Cap. 97, but shall be recovered under the Summary Jurisdiction (Offences) Act, Cap.98 and Summary Jurisdiction (Procedure) Act, Cap.99.