The expression "the telephone purchase money" means such sums as may be payable to the company by virtue of any award or awards of the Railway and Canal Commission in respect of the purchase of the plant, property, and assets of the company which the Postmaster General has agreed to purchase or has power to purchase under the purchase agreements together with interest from the thirty-first day of December nineteen hundred and eleven at the rate of three per cent. per annum on any amount thereof which is not discharged;

The expression "office" includes any place, situation, or employment; and the expression "officer" shall be construed accordingly;

The expression "transferred officer" means any officer of the Company who is employed in the Civil Service of the State on or in consequence of the carrying into effect of the telephone purchase agreements, and the expressions "transfer" and "transferred" as respects an officer shall be construed accordingly;

The expression "pensionable office" means any office service in which is service qualifying the officer for a superannuation allowance under the Superannuation Acts, 1834 to 1909;

The expression "the Company's pension fund" means the pension fund established under the deed of trust creating a pension fund for the employees of the National Telephone Company, Limited, dated the thirtieth day of July eighteen hundred and ninety-six; and the expression "original member of the fund" means a person who is entitled under paragraph (*a*) of article two of the said deed of trust to a retiring pension at sixty-five years of age, equal to two-thirds of his salary as on the first day of January eighteen hundred and ninety-six.

Short title and construction.

10.—(1) This Act may be cited as the Telephone Transfer Act, 1911.

(2) This Act may be cited with the Telegraph Acts, 1863 to 1909, and, so far as it relates to employees of the Company, shall be read as one with the Superannuation Acts, 1834 to 1909.

CHAPTER 27.

An Act to consolidate, amend, and extend certain enactments relating to Animals and to Knackers; and to make further provision with respect thereto.

[18th August 1911.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Offences of cruelty.

1.—(1) If any person—

(*a*) shall cruelly beat, kick, ill-treat, over-ride, over-drive, over-load, torture, infuriate, or terrify any animal, or shall cause or procure, or, being the owner, permit any animal to be so used, or shall, by wantonly or unreasonably doing or omitting to do any act, or causing or procuring the commission or omission of any act, cause any unnecessary suffering, or, being the owner, permit any unnecessary suffering to be so caused to any animal; or

(*b*) shall convey or carry, or cause or procure, or, being the owner, permit to be conveyed or carried, any animal in such manner or position as to cause that animal any unnecessary suffering; or

(*c*) shall cause, procure, or assist at the fighting or baiting of any animal; or shall keep, use, manage, or act or assist in the management of, any premises or place for the purpose, or partly for the purpose, of fighting or baiting any animal, or shall permit any premises or place to be so kept, managed, or used, or shall receive, or cause or procure any person to receive, money for the admission of any person to such premises or place; or

(*d*) shall wilfully, without any reasonable cause or excuse, administer, or cause or procure, or being the owner permit, such administration of, any poisonous or injurious drug or substance to any animal, or shall wilfully, without any reasonable cause or excuse, cause any such substance to be taken by any animal; or

(*e*) shall subject, or cause or procure, or being the owner permit, to be subjected, any animal to any operation which is performed without due care and humanity;

such person shall be guilty of an offence of cruelty within the meaning of this Act, and shall be liable upon summary conviction to a fine not exceeding twenty-five pounds, or alternatively, or in addition thereto, to be imprisoned, with or without hard labour, for any term not exceeding six months.

(2) For the purposes of this section, an owner shall be deemed to have permitted cruelty within the meaning of this Act if he shall have failed to exercise reasonable care and supervision in respect of the protection of the animal therefrom:

Provided that, where an owner is convicted of permitting cruelty within the meaning of this Act by reason only of his having failed to exercise such care and supervision, he shall not be liable to imprisonment without the option of a fine.

(3) Nothing in this section shall render illegal any act lawfully done under the Cruelty to Animals Act, 1876, or shall apply— 39 & 40 Vict. c. 77.

(*a*) to the commission or omission of any act in the course of the destruction, or the preparation for destruction, of any animal as food for mankind, unless such destruction or such preparation was accompanied by the infliction of unnecessary suffering; or

(*b*) to the coursing or hunting of any captive animal, unless such animal is liberated in an injured, mutilated, or exhausted condition; but a captive animal shall not, for the purposes of this section, be deemed to be coursed or hunted before it is liberated for the purpose of being coursed or hunted, or after it has been recaptured, or if it is under control.

Power for court to order destruction of animal.

2. Where the owner of an animal is convicted of an offence of cruelty within the meaning of this Act, it shall be lawful for the court, if the court is satisfied that it would be cruel to keep the animal alive, to direct that the animal be destroyed, and to assign the animal to any suitable person for that purpose; and the person to whom such animal is so assigned shall, as soon as possible, destroy such animal, or cause or procure such animal to be destroyed, in his presence without unnecessary suffering. Any reasonable expenses incurred in destroying the animal may be ordered by the court to be paid by the owner, and thereupon shall be recoverable summarily as a civil debt:

Provided that, unless the owner assent, no order shall be made under this section except upon the evidence of a duly registered veterinary surgeon.

Power for court to deprive person convicted of cruelty of ownership of animal.

3. If the owner of any animal shall be guilty of cruelty within the meaning of this Act to the animal, the court, upon his conviction thereof, may, if they think fit, in addition to any other punishment, deprive such person of the ownership of the animal, and may make such order as to the disposal of the animal as they think fit under the circumstances:

Provided that no order shall be made under this section, unless it is shown by evidence as to a previous conviction, or as to the character of the owner, or otherwise, that the animal, if left with the owner, is likely to be exposed to further cruelty.

Compensation for damage done by cruelty to an animal.

4. If any person shall, by cruelty within the meaning of this Act to any animal, do or cause to be done, any damage or injury to the animal or any person or property, he shall upon conviction for the cruelty under this Act, be liable upon the application of the person aggrieved to be ordered to pay as compensation to the person who shall sustain damage or injury as aforesaid, such sum not exceeding ten pounds, as the court before whom he is convicted may consider reasonable:

Provided that this section shall not—

(*a*) prevent the taking of any other legal proceedings in respect of any such damage or injury, so that a person be not twice proceeded against in respect of the same claim; nor

(*b*) affect the liability of any person to be proceeded against and punished under this Act for an offence of cruelty within the meaning of this Act.

Compliance by knackers with certain regulations.

5.—(1) Every person who shall carry on, or assist in carrying on, the trade or business of a knacker shall observe and conform to the regulations set out in the First Schedule to this Act, and, if any person, carrying on or assisting in the carrying on of the said trade or business, contravenes or fails to comply with, or causes or procures or permits any contravention or non-compliance with, any such regulation, he shall be liable upon summary conviction to a fine not exceeding ten pounds.

(2) Any constable shall have a right to enter any knacker's yard at any hour by day, or at any hour when business is or apparently is in progress or is usually carried on therein, for the purpose of examining whether there is or has been any contravention of or non-compliance with the provisions of this Act, and, if any person refuses to permit any constable to enter any premises which he is entitled to enter under this section, or obstructs or impedes him in the execution of his duty under this section, he shall, upon summary conviction, be liable to a fine not exceeding five pounds.

(3) For the purposes of section one, which relates to offences of cruelty, of this Act, a knacker shall be deemed to be the owner of any animal delivered to him.

(4) For the purposes of this Act, an animal shall be deemed to have been delivered to a knacker if it has been delivered either to the knacker himself, or to any person on his behalf, or at the knacker's yard.

Persons licensed to slaughter horses not to be horse dealers at same time.

6.—(1) It shall not be lawful for any person who shall be licensed to slaughter horses, during the time while such licence shall be in force, to carry on the trade or business of a dealer in horses.

(2) If any person shall act in contravention of this section, he shall be liable upon summary conviction to a fine not exceeding ten pounds.

Animals in pounds.

7.—(1) Any person who impounds or confines, or causes to be impounded or confined, any animal in any pound shall, while the animal is so impounded or confined, supply it with a sufficient quantity of wholesome and suitable food and water, and, if he fails to do so, he shall be liable upon summary conviction to a fine not exceeding five pounds.

(2) If any animal is impounded or confined in any pound and is without sufficient suitable food or water for six successive hours, or longer, any person may enter the pound for the purpose of supplying the animal therewith.

(3) The reasonable cost of the food and water supplied to any animal impounded or confined in any pound shall be recoverable summarily from the owner of the animal as a civil debt.

Poisoned grain and flesh, &c.

8. If any person—

(*a*) shall sell, or offer or expose for sale, or give away, or cause or procure any person to sell or offer or expose for sale or give away, or knowingly be a party to the sale or offering or exposing for sale or giving away of any grain or seed which has been rendered poisonous except for bonâ fide use in agriculture; or

(*b*) shall knowingly put or place, or cause or procure any person to put or place, or knowingly be a party to the putting or placing, in or upon any land or building any poison, or any fluid or edible matter (not being sown seed or grain) which has been rendered poisonous,

such person shall, upon summary conviction, be liable to a fine not exceeding ten pounds:

Provided that, in any proceedings under paragraph (*b*) of this section, it shall be a defence that the poison was placed by the accused for the purpose of destroying rats, mice, or other small vermin, and that he took all reasonable precautions to prevent access thereto of dogs, cats, fowls, or other domestic animals.

Use of dogs for purposes of draught.

9. If any person shall use, or cause or procure, or being the owner permit, to be used, any dog for the purpose of drawing or helping to draw any cart, carriage, truck, or barrow, on any public highway, he shall be liable upon summary conviction in respect of the first offence to a fine not exceeding two pounds, and in respect of the second or any subsequent offence to a fine not exceeding five pounds.

Inspection of traps.

10. Any person who sets, or causes or procures to be set, any spring trap for the purpose of catching any hare or rabbit, or which is so placed as to be likely to catch any hare or rabbit, shall inspect, or cause some competent person to inspect, the trap at reasonable intervals of time and at least once every day between sunrise and sunset, and, if any person shall fail to comply with the provisions of this section, he shall be liable, upon summary conviction, to a fine not exceeding five pounds.

Injured animals.

11.—(1) If a police constable finds any animal so diseased or so severely 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, he shall, if the owner is absent or refuses to consent to the destruction of the animal, at once summon a duly registered veterinary surgeon, if any such veterinary surgeon resides within a reasonable distance, and, if it appears by the

certificate of such veterinary surgeon that the animal is mortally injured, or so severely injured, or so diseased, or in such physical condition, that it is cruel to keep it alive, it shall be lawful for the police constable, without the consent of the owner, to 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, to remove the carcase or cause or procure it to be removed therefrom.

(2) If any veterinary surgeon summoned under this section certifies that the injured animal can without cruelty be removed, it shall be the duty of the person in charge of the animal to cause it forthwith to be removed with as little suffering as possible, and, if that person fail so to do, the police constable may, without the consent of that person, cause the animal forthwith to be so removed.

(3) Any expense which may be reasonably incurred by any constable in carrying out the provisions of this section (including the expenses of any veterinary surgeon summoned by the constable, and whether the animal is slaughtered under this section or not) may be recovered from the owner summarily as a civil debt, and, subject thereto, any such expense shall be defrayed out of the fund from which the expenses of the police are payable in the area in which the animal is found.

(4) For the purposes of this section, the expression "animal" means any horse, mule, ass, bull, sheep, goat, or pig.

Powers of constables.

12.—(1) A police constable may apprehend without warrant any person who he has reason to believe is guilty of an offence under this Act which is punishable by imprisonment without the option of a fine, whether upon his own view thereof or upon the complaint and information of any other person who shall declare his name and place of abode to such constable.

(2) Where a person having charge of a vehicle or animal is apprehended by a police constable for an offence under this Act, it shall be lawful for that or any other constable to take charge of such vehicle or animal, and to deposit the same in some place of safe custody until the termination of the proceedings or until the court shall direct such vehicle or animal to be delivered to the person charged or the owner, and the reasonable costs of such detention, including the reasonable costs of veterinary treatment where such treatment is required, shall, in the event of a conviction in respect of the said animal, be recoverable from the owner summarily as a civil debt, or, where the owner himself is convicted, shall be part of the costs of the case.

Employers and owners to produce drivers or animals if so required.

13.—(1) Where proceedings are instituted under this Act against the driver or conductor of any vehicle, it shall be lawful for the court to issue a summons directed to the employer of the driver or conductor, as the case may be, requiring him, if it is

in his power so to do, to produce the driver or conductor at the hearing of the case.

(2) Where proceedings are instituted under this Act, it shall be lawful for the court to issue a summons directed to the owner of the animal requiring him to produce either at, or at any time before, the hearing of the case, as may be stated in the summons, the animal for the inspection of the court, if such production is possible without cruelty.

(3) Where a summons is issued under either of the foregoing subsections of this section, and the owner or employer, as the case may be, fails to comply therewith without satisfactory excuse, he shall be liable upon summary conviction to a fine not exceeding five pounds for the first occasion, and not exceeding ten pounds for the second or any subsequent occasion, on which he so fails, and may be required to pay the costs of any adjournment rendered necessary by his failure.

Appeals.

14.—(1) An appeal shall lie from any conviction or order (other than an order for the destruction of an animal) by a court of summary jurisdiction under this Act to quarter sessions.

(2) Where there is an appeal by the owner of an animal from any conviction or order by a court of summary jurisdiction under this Act, the court may direct that the recognisance required to be entered into under subsection (3) of section thirty-one, which relates to procedure on appeal to general or quarter sessions, of the Summary Jurisdiction Act, 1879, shall include an undertaking not to sell or part with the animal until the appeal is determined or abandoned, and to produce it on the hearing of the appeal if such production is possible without cruelty.

42 & 43 Vict. c. 49.

Definitions.

15. In this Act, except the context otherwise requires, or it is otherwise expressly provided—

(*a*) the expression "animal" means any domestic or captive animal;

(*b*) the expression "domestic animal" means any horse, ass, mule, bull, sheep, pig, goat, dog, cat, or fowl, or any other animal of whatsoever kind or species, and whether a quadruped or not which is tame or which has been or is being sufficiently tamed to serve some purpose for the use of man;

(*c*) the expression "captive animal" means any animal (not being a domestic animal) of whatsoever kind or species, and whether a quadruped or not, including any bird, fish, or reptile, which is in captivity, or confinement, or which is maimed, pinioned, or subjected to any appliance or contrivance for the purpose of hindering or preventing its escape from captivity or confinement;

(*d*) the expression "horse" includes any mare, gelding, pony, foal, colt, filly, or stallion; and the expression "bull" includes any cow, bullock, heifer, calf, steer,

or ox, and the expression "sheep" includes any lamb, ewe, or ram; and the expression "pig" includes any boar, hog, or sow; and the expression "goat" includes a kid; and the expression "dog" includes any bitch, sapling, or puppy; and the expression "cat" includes a kitten; and the expression "fowl" includes any cock, hen, chicken, capon, turkey, goose, gander, duck, drake, guinea-fowl, peacock, peahen, swan, or pigeon;

(*e*) the expression "knacker" means a person whose trade or business it is to kill any cattle not killed for the purpose of the flesh being used as butcher's meat, and the expression "knacker's yard" means any building or place used for the purpose, or partly for the purpose, of such trade or business, and the expression "cattle" includes any horse, ass, mule, bull, sheep, goat, or pig;

(*f*) The expression "pound," used in relation to the impounding or confining of animals, includes any receptacle of a like nature.

Extent of Act.

16. This Act shall not apply to Scotland.

Application to Ireland.

17. This Act in its application to Ireland shall be subject to the following modifications, namely:—

14 & 15 Vict. c. 92.

(1)—(*a*) Section twenty-three of the Summary Jurisdiction (Ireland) Act, 1851 (which gives a right of appeal), shall apply as respects any conviction or order under this Act (other than an order for the destruction of an animal), notwithstanding that the fine imposed does not exceed twenty shillings or that the term of imprisonment imposed does not exceed one month;

14 & 15 Vict. c. 93.

(*b*) A reference to section twenty-four of the Petty Sessions (Ireland) Act, 1851, shall be substituted for the reference to subsection (3) of section thirty-one of the Summary Jurisdiction Act, 1879.

(2) Nothing in section eight of this Act shall prevent owners or occupiers of land in Ireland from laying or causing to be laid any poison or poisonous matter as therein described, after a notice has been posted in a conspicuous place, and notice in writing has been given to the nearest constabulary station.

Repeals.

18. Except so far as applying to Scotland, the enactments mentioned in the Second Schedule to this Act are repealed to the extent mentioned in the third column of that schedule.

Commencement, saving for pending proceedings, and short title.

19.—(1) This Act shall come into operation on the first day of January nineteen hundred and twelve.

(2) This Act shall not apply where proceedings have been instituted before the commencement of this Act.

(3) This Act may be cited as the Protection of Animals Act, 1911.

SCHEDULES.

FIRST SCHEDULE.

Section 5.

1. The name of the knacker, together with the word "knacker," shall be painted or affixed in a conspicuous manner over the door or gate of the knacker's yard.

2. The hair shall be cut from the neck of any horse, ass, or mule directly the animal has been delivered to the knacker.

3. All animals shall be slaughtered, with as little suffering as possible, within two days from the time they have been delivered to the knacker. Any animal which is in pain shall be so slaughtered without delay.

4. All animals shall be properly fed and watered after they have been delivered to the knacker.

5. No animal shall be used or employed for any work after it has been delivered to the knacker.

6. The knacker shall enter in a book kept for the purpose such a full and correct description of the colour, marks, and gender of every animal delivered to him as may clearly distinguish and identify the same, and the name and address of the owner thereof, and the book shall be produced by him before any justice of the peace upon the requirement of such justice, and the knacker shall allow such book to be inspected and extracts to be made therefrom at all reasonable times by any police constable or by any other person authorised by a justice of the peace.

7. No person who is under the age of sixteen years shall be admitted to, or permitted to remain in, the knacker's yard during the process of slaughtering or of cutting up the carcase of any animal.

8. No animal shall be killed in the sight of any other animal awaiting slaughter.

9. The knacker shall not sell or part with alive, or cause or procure or permit any person to sell or part with alive, any animal which has been delivered to him.

SECOND SCHEDULE.

Section 18.

ENACTMENTS REPEALED.

Session and Chapter.	Short Title.	Extent of Repeal.
26 Geo. 3. c. 71	The Knackers Act, 1786 - -	Section four.
7 & 8 Vict. c. 87.	The Knackers Act, 1844 - -	Section three.
12 & 13 Vict. c. 92.	The Cruelty to Animals Act, 1849.	The whole Act, so far as not already repealed.
17 & 18 Vict. c. 60.	The Cruelty to Animals Act, 1854.	The whole Act.

Session and Chapter.	Short Title.	Extent of Repeal.
26 & 27 Vict. c. 113.	The Poisoned Grain Prohibition Act, 1863.	The whole Act.
27 & 28 Vict. c. 115.	The Poisoned Flesh Prohibition Act, 1864.	The whole Act.
39 & 40 Vict. c. 13.	The Drugging of Animals Act, 1876.	The whole Act.
63 & 64 Vict. c. 33.	The Wild Animals in Captivity Protection Act, 1900.	The whole Act.
7 Edw. 7. c. 5 -	The Injured Animals Act, 1907	The whole Act.

CHAPTER 28.

An Act to re-enact the Official Secrets Act, 1889, with Amendments. [22nd August 1911.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Penalties for spying.

1.—(1) If any person for any purpose prejudicial to the safety or interests of the State—

(*a*) approaches or is in the neighbourhood of, or enters any prohibited place within the meaning of this Act; or

(*b*) makes any sketch, plan, model, or note which is calculated to be or might be or is intended to be directly or indirectly useful to an enemy; or

(*c*) obtains or communicates to any other person any sketch, plan, model, article, or note, or other document or information which is calculated to be or might be or is intended to be directly or indirectly useful to an enemy;

he shall be guilty of felony, and shall be liable to penal servitude for any term not less than three years and not exceeding seven years.

(2) On a prosecution under this section, it shall not be necessary to show that the accused person was guilty of any particular act tending to show a purpose prejudicial to the safety or interests of the State, and, notwithstanding that no such act is proved against him, he may be convicted if, from the circumstances of the case, or his conduct, or his known character as proved, it appears that his purpose was a purpose prejudicial to the safety or interests of the State; and if any sketch, plan, model, article, note, document, or information relating to or used