

# Criminal Code Of Canada

## PART XI -- Sections 428-447

### WILFUL AND FORBIDDEN ACTS IN RESPECT OF CERTAIN PROPERTY

#### Cattle and Other Animals

- 444. INJURING OR ENDANGERING CATTLE.
- 445. INJURING OR ENDANGERING OTHER ANIMALS.

#### Cruelty to Animals

- 446. CAUSING UNNECESSARY SUFFERING / Punishment / Failure to exercise reasonable care as evidence / Presence at baiting as evidence / Order of prohibition / Breach of order.
- 447. KEEPING COCKPIT / Confiscation.

R.S., c. C-34, s. 399.

#### Cattle and Other Animals

Injuring or endangering cattle

444. Every one who wilfully

(a) kills, maims, wounds, poisons or injures cattle, or

(b) places poison in such a position that it may easily be consumed by cattle,

is guilty of an indictable offence and liable to imprisonment for a term not exceeding five years.

R.S., c. C-34, s. 400.

Injuring or endangering other animals

445. Every one who wilfully and without lawful excuse

(a) kills, maims, wounds, poisons or injures dogs, birds or animals that are not cattle and are kept for a lawful purpose, or

(b) places poison in such a position that it may easily be consumed by dogs, birds or animals that are not cattle and are kept for a lawful purpose,

is guilty of an offence punishable on summary [conviction](#).

R.S., c. C-34, s. 401.

### [Cruelty](#) to Animals

Causing [unnecessary](#) suffering

446. (1) Every one commits an offence who

(a) wilfully causes or, being the owner, wilfully permits to be caused unnecessary pain, suffering or injury to an animal or a bird;

(b) by wilful neglect causes damage or injury to animals or birds while they are being driven or conveyed;

(c) being the owner or the person having the custody or control of a domestic animal or a bird or an animal or a bird wild by nature that is in captivity, abandons it in distress or wilfully neglects or fails to provide suitable and adequate food, water, shelter and care for it;

(d) in any manner encourages, aids or assists at the fighting or baiting of animals or birds;

[Cockfighting!](#)

(e) wilfully, without reasonable excuse, administers a poisonous or an injurious drug or substance to a domestic animal or bird or an animal or a bird wild by nature that is kept in captivity or, being the owner of such an animal or a bird, wilfully permits a [poisonous](#) or an [injurious](#) drug or substance to be [administered](#) to it;

(f) promotes, arranges, conducts, assists in, receives money for or takes part in any meeting, competition, exhibition, pastime, practice, display or event at or in the course of which [captive](#) birds are liberated by hand, trap, [contrivance](#) or any other means for the purpose of being shot when they are liberated; or

(g) being the owner, occupier or person in charge of any premises, permits the premises or any part thereof to be used for a purpose

mentioned in paragraph (f).

### Punishment

(2) Every one who commits an offence under subsection (1) is guilty of an offence punishable on summary conviction.

### Failure to exercise reasonable care as evidence

(3) For the purposes of proceedings under paragraph (1)(a) or (b), evidence that **a person failed to exercise reasonable care** or supervision **of an animal** or a bird thereby causing it pain, suffering, damage or injury is, in the absence of any evidence to the contrary, proof that the pain, suffering, damage or injury was caused or was permitted to be caused wilfully or was caused by wilful neglect, as the case may be.

### Presence at baiting as evidence

(4) For the purpose of proceedings under paragraph (1)(d), evidence that an accused was present at the fighting or baiting of animals or birds is, in the absence of any evidence to the contrary, proof that he encouraged, aided or assisted at the fighting or baiting.

### Order of prohibition

(5) Where an accused is convicted of an offence under subsection (1), the court may, in addition to any other sentence that may be imposed for the offence, make an order prohibiting the accused from owning or having the custody or control of an animal or a bird during any period not exceeding two years.

### Breach of order

(6) Every one who owns or has the custody or control of an animal or a bird while he is prohibited from doing so by reason of an order made under subsection (5) is guilty of an offence punishable on summary conviction.

R.S., c. C-34, s. 402; 1974-75-76, c. 93, s. 35.

### Keeping cock-pit

447. (1) Every one who builds, makes, maintains or keeps a cockpit on premises that he owns or occupies, or allows a cockpit to be built, made, maintained or kept on such premises is guilty of an offence punishable on summary conviction.

Confiscation

(2) A peace officer who finds cocks in a cockpit or on premises where a cockpit is located shall seize them and take them before a justice who shall order them to be destroyed.

R.S., c. C-34, s. 403.