

# Pet owners should sue

**A** PET owner who decides to sue for harm inflicted on her animal may do so through several alternatives to the Animals Act 1953. The first two require us to acknowledge the "property" status of animals (i.e. they are mere subjects of human ownership) even though we know that animals are sentient beings and therefore differ from non-living things.

But this concession is worthwhile for it enables us to invoke laws dealing with the interference of property.

First, she may sue the wrongdoer for the mischief of causing harm to her property (i.e. the animal) under section 425 of the Penal Code.

Being both an offence against another's property and a non-seizable offence, section 380 of the Criminal Procedure Code allows her to personally prosecute the wrongdoer by either

appearing in person or by a lawyer.

There is no need to rely on public prosecution, unlike for the Animals Act.

Second, she may sue the wrongdoer under the law of torts, specifically for (i) 'trespass', if he injures or takes the animal away without her consent, or (ii) 'detinue', if he detains the animal with the intention of depriving it from its owner.

Third, where an animal is placed in the care of another in exchange for payment, and that person abused or neglected the animal causing unnecessary suffering, there is a clear case for breach of contract.

The recent Petknode incident where some 150 cats were left starving and dehydrated in a pet hotel over the Hari Raya holidays is a good example.

Notwithstanding the conviction under the

Animals Act, the owners could jointly bring a separate action for breach of contract.

Both the second and third alternatives are private claims where the owner sues for compensation.

They are different from the first which is an allegation of crime, the proof of which renders the wrongdoer punishable with fine and/or imprisonment.

The advantages of suing under these alternatives are that i) the owner can bring the claim personally; and ii) the amount of compensation recoverable under the second and third alternatives is likely to be substantial.

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