

CHAPTER 144A

PREVENTION OF CRUELTY TO ANIMALS

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CHAPTER 144A

PREVENTION OF CRUELTY TO ANIMALS

An Act to make new provision for the prevention of cruelty to animals. 2000-16.

[28th August, 2000] Commence-
ment.

PART I

Preliminary

1. This Act may be cited as the *Prevention of Cruelty to Animals Act*. Short title.

2. For the purposes of this Act

Interpreta-
tion.

"animal" includes any horse, mare, gelding, bull, ox, cow, heifer, steer, calf, mule, ass, sheep, lamb, hog, pig, sow, goat, cat, dog or any other animal, whether of the kind or species particularly mentioned or of any kind or species or whatever and whether a quadruped or not, which is tamed or which has been or is being sufficiently tamed to serve some purpose of man's use;

"approved premises" means places as the Minister may by order designate as approved premises;

"authorised person" means an island constable or any other person authorised by the Minister;

"captive animal" means any non-domestic animal of whatsoever kind or species, whether a quadruped or not, including any bird, fish or reptile, which is in captivity or confinement or is maimed, pinioned or subjected to any appliance or contrivance for hindering or preventing its escape;

"Minister" means Minister responsible for Agriculture;

"over-drive" includes over-ride;

Cap. 374. "veterinary surgeon" means a person registered as such under section 6 of the *Veterinary Surgeons (Registration) Act*.

PART II

Cruelty to Animals

Ill-treating animals.

3. (1) Any person who wantonly and cruelly beats, ill-treats, starves, over-drives, over-loads, abuses, tortures, infuriates, teases, terrifies or causes unnecessary mutilation or suffering to, or otherwise maltreats or causes or procures to be cruelly beaten, ill-treated, starved, over-driven, over-loaded, abused, tortured or otherwise maltreated, any animal or who permits any animal to be infuriated, teased, terrified, or caused any unnecessary suffering commits an offence and is liable on summary conviction to a fine of \$1 000 in respect of each animal mentioned in the charge or to imprisonment for a term of 12 months or both.

(2) Where a person is convicted under subsection (1), the court may also disqualify that person from having custody of any domestic and captive animal or any animal of a specific kind, and may in its discretion order that the animal be forfeited and disposed of in a manner ordered by the court.

Operations on animals.

4. (1) Any person who, being the owner or having charge or control of an animal, permits the animal to undergo an operation which is performed without due care and humanity commits the offence of cruelty to the animal.

(2) Where an operation is performed on an animal and the operation affects sensitive tissues or bone structure and is performed without the use of an anaesthetic, the operation is performed without due care and humanity and constitutes an offence of cruelty to the animal.

(3) The following operations are exceptions to the operation referred to in subsection (2):

- (i) performing injections or extractions using a hollow needle;
 - (ii) the rendering of first aid in emergency cases for the purpose of saving the life of the animal or for relieving pain;
 - (iii) the docking of a dog's tail, cropping of a dog's ears, or the amputation of its dewclaws, before its eyes are open;
 - (iv) the castration of a sheep under the age of 3 months, or of a bull, goat or pig under the age of 2 months, except by the use of a rubber ring or other device to constrict the flow of blood to the scrotum, unless applied within the first week of life; and
 - (v) any minor operation performed by a veterinary surgeon which by reason of its quickness or painlessness is customarily performed without an anaesthetic.
- (4) The exceptions referred to in subsection (3) do not include
- (a) the castration, de-horning or dis-budding of the animal except by chemical cauterisation within the first week of the animal's life;
 - (b) the docking of a lamb's tail by the use of a rubber ring unless applied in the first week of the lamb's life;
 - (c) the docking of the tail of a pig less than 7 days old; or
 - (d) the removal of antlers in velvet.

5. (1) Any person who tethers or keeps an animal in a manner or in conditions that are likely to cause that animal unnecessary suffering commits an offence and is liable on summary conviction to a fine of \$5 000 or to imprisonment for a term of 12 months or to both.

Causing unnecessary suffering to animals.

(2) Any person who is the owner or has charge or control of an animal, and without reasonable cause or excuse abandons the animal or permits the animal to be abandoned whether permanently or temporarily and in circumstances likely to cause the animal unnecessary suffering commits an offence and is liable on summary conviction to a fine of \$5 000 or to imprisonment for a term of 12 months or to both.

(3) An officer of the Royal Society for the Prevention of Cruelty to Animals, a member of the Police Force or an authorised person may seize and take control of an animal that is suffering as a result of a contravention of this Act.

(4) A person referred to in subsection (3) shall not be liable for the death or injury of an animal that has been seized or impounded in accordance with this Act.

(5) An animal that has been seized in accordance with subsection (3) may be transported to approved premises.

(6) Where in the opinion of an authorised person an animal is considered to be suffering from serious injury or disease, the authorised person shall solicit the opinion of a registered veterinary surgeon who may authorise the disposal of that animal in such manner as he sees fit.

Bull-baiting,
cock-
fighting,
dog-
fighting, etc.

6. (1) Any person who keeps, uses or manages any premises for the purpose of fighting, training for fighting, or baiting, any bull, dog or cock or other kind of animal, whether of a domestic or wild nature, or permits or causes any premises to be so used commits an offence and is liable on summary conviction to a fine of \$10 000 for every day he keeps, uses or manages that place or permits or causes that place to be so kept, used or managed.

(2) Every person who receives money for the admission of any other person to any place which is kept, used or managed for any of the purposes referred to in subsection (1) shall be deemed to be the keeper thereof.

(3) Any person who in any manner encourages by his presence, or aids, or assists at, the fighting or baiting of any bull, dog, cock or other animal commits an offence and is liable on summary conviction to a fine of \$10 000 or to imprisonment for a term of 12 months or to both.

- 7. Any person who works or causes to be worked,
 - (a) in any cart, wagon or carriage or other vehicle of pleasure or burden; or
 - (b) by riding,

Working animals unfit for work.

any animal in an emaciated condition as to be unfit for work, whether that condition is caused by disease, injury or deficient feeding, commits an offence and is liable on summary conviction to a fine of \$500 or to imprisonment for a term of 12 months.

8. (1) Any person who, by beating, ill-treating, over-driving, abusing, over-loading or torturing any animal, does any damage or injury to any animal or causes any damage or injury to be done to any person or to any property commits an offence and is liable on summary conviction to pay to the owner of that animal or to the person who sustains the damage or injury a sum of money by way of compensation, not exceeding the sum of \$5 000 or the value of the property as is ascertained and determined by the magistrate by whom such person is convicted.

Compensation for beating or causing damage.

(2) The payment of the compensation referred to in subsection (1) or any imprisonment for the non-payment thereof shall not prevent or in any manner affect the punishment to which that person or the owner of the animal may be liable for or in respect of the beating, ill-treating, over-driving, over-loading or abusing of the animal.

(3) Nothing in this section shall prevent any proceeding by action against the offender or the employer of that offender when the amount of damages or injury is not sought to be recovered under this Act.

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Impounded
animals to
be properly
fed.

9. (1) Every person who impounds or confines, or causes any animal to be impounded or confined, in any pound or receptacle of the like nature shall provide and supply the animal during confinement with a sufficient quantity of fit and wholesome food and water.

(2) Where the animal is impounded or confined under subsection (1), the reasonable costs of food, water or any other reasonable expenses incurred in its seizure and confinement shall be paid by the owner to the person who supplies the same before the animal is removed, and the said costs may be recovered in a summary manner before a magistrate.

(3) A person who refuses or neglects to provide and supply that animal with food and water commits an offence and is liable on summary conviction to a fine of \$500 for every day the offence continues.

(4) Where

(a) any animal by direction of any execution creditor, given by endorsement on the execution or otherwise, has been taken in execution or by direction of a landlord has been distrained on; and

(b) the title of the execution debtor or tenant to that animal is questioned and the animal is by order of any court or with the consent of any execution creditor or the landlord given up to any claimant other than the execution debtor or tenant,

the execution creditor or the landlord shall pay all reasonable expenses incurred by the Chief Marshal or by any writ officer or district auctioneer for all necessary food and water supplied to such animal, not exceeding the sum of \$10 a day per animal for horses, hogs, mules, asses and cattle and \$5 a day per animal for sheep and goats.

(5) All such expenses shall be recovered in a summary manner before a magistrate.

10. (1) Any person who uses or employs, or causes or permits to be used or employed, any horse or other cattle brought or delivered for the purpose of being destroyed or permits or suffers any such horse or other cattle to be employed in any manner of work commits an offence and is liable on summary conviction to a fine of \$500 for every day for which such horse or other cattle is so used or employed.

Using condemned animals.

(2) Any person who is found using or employing a horse or other cattle referred to in subsection (1) commits an offence and is liable on summary conviction to a fine of \$500 for every day he uses or employs such horse or other cattle.

11. Any person who tortures or causes unnecessary suffering to any animal which is required to be killed for food or for other necessary purpose or in consequence of accidental injury or incurable disease, or who aids or abets any other person in inflicting such torture or suffering, commits an offence and is liable on summary conviction to a fine of \$2 000 or to imprisonment for a term of 18 months.

Torturing animals required for food.

12. Any person who conveys or carries or causes to be conveyed or carried in or upon any vessel, vehicle or boat, any animal in a manner or position as to subject that animal to unnecessary pain or suffering commits an offence and is liable on summary conviction to a fine of \$500 for the first offence and a fine of \$1 000 or to imprisonment for a term of 12 months for any subsequent offence; and that person shall thereafter be banned from conveying animals.

Causing unnecessary pain to animals in transit.

13. (1) Where an authorised person reasonably suspects that animals are being used or kept in contravention of this Act, he may at any reasonable time with a warrant enter and search the premises in the company of a member of the Police Force in uniform for the purposes of carrying out his functions under this Act.

Power of entry.

(2) Any person who, at any time or in any manner, unlawfully obstructs, hinders, molests, threatens or assaults any member of the Police Force or any authorised person while in the exercise of any power or authority given under this Act or regulations commits an offence and is liable on summary conviction to a fine of \$5 000 or to imprisonment for a term of 18 months or to both.

Obstructing
member of
the Police
Force.

14. (1) Where an offence is committed under this Act or regulations made hereunder and the commission involves a vehicle, it shall be the duty of the owner of that vehicle to give, if required to so do by a member of the Police Force in uniform or by an authorised person that is within his power, information that may lead to the identification and apprehension of the driver or conductor of that vehicle at the time when the offence was committed.

(2) Any owner of a vehicle who fails to comply with subsection (1) commits an offence and is liable on summary conviction to a fine of \$500 or to imprisonment for a term of 12 months or to both.

(3) Where the owner of a vehicle fails to give information that may lead to the identification and apprehension of the driver who has caused damage to another person, the owner of that vehicle shall be liable to pay to the aggrieved party such compensation and costs as are determined by the magistrate.

Regulations.

15. The Minister may make regulations for giving effect to the provisions of this Act.

PART III

Legal Proceedings

Destruction
of unfit
animals by
order of
magistrate.

16. (1) When any charge is laid before any magistrate for any offence committed under this Act, the magistrate may, if he thinks fit, direct that a veterinary surgeon be summoned to give evidence on the hearing of the charge.

(2) Where in the opinion of a veterinary surgeon the animal to which such charge relates suffers from an incurable disease or is suffering to such an extent that the animal cannot be used for any purpose for which such animal is ordinarily used, the magistrate hearing the charge may, in lieu of or in addition to any other penalty authorised by law, order such animal to be destroyed in a manner as he thinks fit.

17. In case of an appeal from an order of a magistrate directing the destruction of an animal, that animal shall be detained at approved premises until the hearing of the appeal, and the court shall, if such order is confirmed, direct that the costs of keeping the animal until the hearing of the appeal shall be recovered from the appellant in the same manner as costs of court are recovered.

Appeal
against
decision of
magistrate.

18. One-half of all penalties and forfeitures shall be paid to the informant, but all compensation money shall be paid to the party aggrieved or entitled.

Penalties
and
compensa-
tion.

PART IV

Miscellaneous

19. (1) The magistrate may issue a warrant for the apprehension of the person charged whenever reasonable grounds for so doing are stated on oath.

Arrest of
offenders.

(2) Whenever any person having charge of any vehicle or any animal is taken into custody, a member of the Police Force may take charge of that vehicle or animal and convey the same to a police station.

(3) Where an animal or a vehicle has been taken into custody and it is found that neither is the subject of the charge against the person arrested, that animal or vehicle shall be returned to the person entitled to the same.

(4) Any animal which is the subject of the charge against the person arrested may be detained pending the order of the court, and the costs of keeping that animal may be recovered summarily in addition to any penalty or punishment imposed upon the offender.

**PREVENTION OF CRUELTY TO ANIMALS
(AMENDMENT) ACT, 2007 – 43**

Arrangement of Sections

Section

1. Short title.
2. Amendment of section 2 of Cap. 144A.
3. Amendment of section 3 of Cap. 144A.
4. Amendment of section 4 of Cap. 144A.
5. Insertion of section 4A into Cap. 144A.
6. Amendment of section 5 of Cap. 144A.
7. Amendment of section 8 of Cap. 144A.
8. Amendment of section 13 of Cap. 144A.

BARBADOS

I assent
C. STRAUGHN HUSBANDS
Governor-General
13th December, 2007.

2007 – 43

An Act to amend the Prevention of Cruelty to Animals Act.

(17th December, 2007). Commence-
ment.

ENACTED by the Parliament of Barbados as follows:

1. This Act may be cited as the *Prevention of Cruelty to Animals (Amendment) Act, 2007*. Short title.

2. Section 2 of the *Prevention of Cruelty to Animals Act*, in this Act referred to as the principal Act, is amended by deleting the definition of "authorised person" and substituting the following: Amend-
ment of
section 2 of
Cap. 144A.

" "authorised person" means a person authorized by the Minister pursuant to section 4A;"

PREVENTION OF CRUELTY TO ANIMALS
(AMENDMENT) ACT, 2007 - 43

Amend-
ment of
section 3 of
Cap. 144A.

3. Section 3 of the principal Act is amended by deleting sub-section (1) and substituting the following:

"Ill-treating
animals.

3. (1) Any person who

- (a) wantonly and cruelly beats, ill-treats, starves, over-drives, over-loads, abuses, tortures, infuriates, teases, terrifies, causes unnecessary mutilation or suffering to, or otherwise maltreats an animal;
- (b) causes or procures to be done an act referred to in paragraph (a); or
- (c) permits an animal to be infuriated, teased, terrified, or caused any unnecessary suffering

is guilty of an offence and is liable on summary conviction to a fine of \$1 000 in respect of each animal mentioned in the charge or to imprisonment for a term of 12 months or to both.

Amend-
ment of
section 4 of
Cap. 144A.

4. Section 4 of the principal Act is amended by deleting subsections (1), (2) and (3) and substituting therefor, the following:

(1) Subject to subsection (3), a person who performs an operation on an animal, that affects the sensitive tissue or bone structure of the animal, without the use of the appropriate anaesthetic is guilty of an offence.

(2) The owner or person in charge of an animal who permits the animal to undergo an operation referred to in subsection (1), knowing that the operation would be performed without the appropriate anaesthetic, is guilty of an offence.

(3) No offence referred to in subsection (1) is committed where the operation

- (a) constitutes the rendering of first aid, without anaesthetic, in emergency circumstances for the purpose of saving the life of the animal or relieving pain;
- (b) entails only the administering of an injection or the performing of an extraction using a hollow needle;
- (c) constitutes the castration of
 - (i) a sheep under the age of 3 months; or
 - (ii) a bull, goat or pig under the age of 2 months,
 - (A) using a method other than the application of a rubber ring or device that constricts the flow of blood to the scrotum; or
 - (B) using the method of applying a rubber ring or device that constricts the flow of blood to the scrotum only within the first week of the animal's life.
- (d) is a minor operation performed by a veterinary surgeon which by reason of its quickness or painlessness is customarily performed without an anaesthetic.

5. The principal Act is amended by inserting, immediately after section 4, the following new section as section 4A:

Insertion of
section 4A
into
Cap. 144A.

Authorised
persons.

" 4A. The Minister may by instrument in writing designate any of the following persons as an authorised person:

Cap. 166.

- (a) a parish constable appointed under the *Parish Constables Act*;
- (b) an
 - (i) Animal Control Officer;
 - (ii) Animal Control Inspector;

PREVENTION OF CRUELTY TO ANIMALS
(AMENDMENT) ACT, 2007 – 43

- (iii) Assistant Control Officer;
- (iv) Animal Control Attendant

assigned to the Animal Control Unit, Ministry of Health;

(c) the

- (i) Senior Agricultural Officer;
- (ii) Senior Veterinary Officer;
- (iii) Veterinary Officer;
- (iv) Senior Animal Health Assistant;
- (v) Animal Health Assistant

assigned to the Ministry of Agriculture and Rural Development;

(d) a veterinary surgeon who is registered as such under the *Veterinary Surgeons (Registration) Act*; or

Cap. 374.

(e) any other person whom the Minister considers necessary to be an authorized person for the purpose of carrying out the provisions of this Act."

Amend-
ment of
section 5 of
Cap. 144A.

6. Section 5 of the principal Act is amended by deleting

(a) subsection (3) and substituting the following:

"(3) An authorised person may seize and take control of an animal that is suffering as a result of a contravention of this Act."; and

(b) subsection (6) and substituting the following:

"(6) Where in the opinion of a police officer or an authorised person who is not a veterinary surgeon, an animal is considered to be suffering from serious injury or disease, that authorised person shall refer the matter to a veterinary surgeon for a determination of whether the animal should be disposed of.";

7. Section 8 of the principal Act is amended by deleting subsection (1) and substituting the following:

Amend-
ment of
section 8 of
Cap. 144A.

"(1) Where the conduct of a person results in the conviction of that person of an offence under section 3 and also in damage or injury to

- (a) an animal;
- (b) a person; or
- (c) any property

the magistrate may, during the proceedings for the trial of the case, order that compensation be paid, of an amount determined by the magistrate, to the owner of the animal, the person who sustained injury and the person whose property was damaged."

8. Section 13 of the principal Act is amended by inserting the following new subsections immediately after subsection (2):

Amend-
ment of
section 13
of
Cap. 144A.

"(3) A warrant referred to in subsection (1) shall be issued by a Magistrate where

- (a) the authorised person has presented information on oath setting out the facts on which the warrant is being sought; and
- (b) the Magistrate is satisfied that sufficient grounds exist for the issue of the warrant.

(4) A warrant issued under subsection (3) shall on the face of it specify its duration."

**PREVENTION OF CRUELTY TO ANIMALS
(AMENDMENT) ACT, 2007 – 43**

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"Ill-treating
animals.

3. (1) Any person who

- (a) wantonly and cruelly beats, ill-treats, starves, over-drives, over-loads, abuses, tortures, infuriates, teases, terrifies, causes unnecessary mutilation or suffering to, or otherwise maltreats an animal;
- (b) causes or procures to be done an act referred to in paragraph (a); or
- (c) permits an animal to be infuriated, teased, terrified, or caused any unnecessary suffering

is guilty of an offence and is liable on summary conviction to a fine of \$1 000 in respect of each animal mentioned in the charge or to imprisonment for a term of 12 months or to both.

Amend-
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4. Section 4 of the principal Act is amended by deleting subsections (1), (2) and (3) and substituting therefor, the following:

(1) Subject to subsection (3), a person who performs an operation on an animal, that affects the sensitive tissue or bone structure of the animal, without the use of the appropriate anaesthetic is guilty of an offence.

(2) The owner or person in charge of an animal who permits the animal to undergo an operation referred to in subsection (1), knowing that the operation would be performed without the appropriate anaesthetic, is guilty of an offence.

(3) No offence referred to in subsection (1) is committed where the operation

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- (b) an
 - (i) Animal Control Officer;
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PREVENTION OF CRUELTY TO ANIMALS
(AMENDMENT) ACT, 2007 – 43

(iii) Assistant Control Officer;

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(i) Senior Agricultural Officer;

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assigned to the Ministry of Agriculture and Rural
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(d) a veterinary surgeon who is registered as such under
the *Veterinary Surgeons (Registration) Act*; or

Cap. 374.

(e) any other person whom the Minister considers
necessary to be an authorized person for the purpose
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6. Section 5 of the principal Act is amended by deleting

(a) subsection (3) and substituting the following:

"(3) An authorised person may seize and take
control of an animal that is suffering as a result of a
contravention of this Act."; and

(b) subsection (6) and substituting the following:

"(6) Where in the opinion of a police officer or an authorised person who is not a veterinary surgeon, an animal is considered to be suffering from serious injury or disease, that authorised person shall refer the matter to a veterinary surgeon for a determination of whether the animal should be disposed of.";

7. Section 8 of the principal Act is amended by deleting subsection (1) and substituting the following:

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"(1) Where the conduct of a person results in the conviction of that person of an offence under section 3 and also in damage or injury to

- (a) an animal;
- (b) a person; or
- (c) any property

the magistrate may, during the proceedings for the trial of the case, order that compensation be paid, of an amount determined by the magistrate, to the owner of the animal, the person who sustained injury and the person whose property was damaged."

8. Section 13 of the principal Act is amended by inserting the following new subsections immediately after subsection (2):

Amend-
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"(3) A warrant referred to in subsection (1) shall be issued by a Magistrate where

- (a) the authorised person has presented information on oath setting out the facts on which the warrant is being sought; and
- (b) the Magistrate is satisfied that sufficient grounds exist for the issue of the warrant.

(4) A warrant issued under subsection (3) shall on the face of it specify its duration."