

IN THE SUPREME COURT OF NOVA SCOTIA

DANA BAILEY and GAIL BENOIT

APPELLANTS

- and -

HER MAJESTY THE QUEEN

RESPONDENT

LIBRARY SHEET

[cite as: R. v. Bailey , 2002NSSC212]

HEARD: Before the Honourable Justice Charles E. Haliburton
at Digby, Nova Scotia, on the 5th day of June, A.D. 2002

DECISION: The 13th day of September, A.D. 2002

SUBJECT: The Animal Cruelty Prevention Act, SNS Chapter 22, 1996

SUMMARY: The two accused were convicted after trial that they “wilfully caused” the suffering of two dogs. The charge was laid under Section 11(1) of the Statute.

Appeal allowed and new trial ordered. The Act establishes two distinct offences. Section 11(1) prohibits deliberate abuse, Section 11(2) prohibits the owner from allowing animals to be in a “neglected” state. Here, while the evidence would arguably support a conviction for “neglect”, it is not clear what actions of the Appellants were characterized as “abuse”.

No precedent was offered with respect to prior interpretation of Sections 11(1) and (2).

RESULT: Appeal allowed.

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