

CHAPTER 83B

DOGS (REGISTRATION AND CONTROL) ACT

• Act • Subsidiary Legislation •

ACT

Act No. 24 of 2002

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CHAPTER 83B DOGS (REGISTRATION AND CONTROL) ACT

An Act to regulate the keeping of dogs, to control the importation and keeping of dangerous dogs, and for connected purposes.

[Act No. 24 of 2002.]

[1st April, 2004.]

PART I

Preliminary

1. Short title

This Act may be cited as the Dogs (Registration and Control) Act.

2. Interpretation

In this Act, unless the context otherwise requires—

“Animal Control Centre” means a place or kennel designated and set apart by the Chief Environmental Health Officer for the detention of dogs that have been seized under this Act;

“at large” means away from the premises of the owner and not leashed or tethered;

“authorised person” means a police officer and any person authorised by the Minister under section 44;

“court” means the Magistrates’ Court;

“dangerous dog” means a dog of the type listed in the Schedule, and a dog in respect of which an order has been made by a magistrate under section 39;

“Division” means the Veterinary Division of the Ministry of Agriculture;

“euthanised”, in respect of a dog, means that a lethal injection of pentobarbitone barbiturate has been injected intravenously in the dog by a veterinary surgeon;

“insurer” has the same meaning as in the Insurance Act, Chapter 150;

“kennel” means a place, whether enclosed or not, where five or more dogs of at least six months of age are kept or are proposed to be kept either as companion animals or for breeding, hunting, training, guarding, renting, branding, grooming, buying, selling or showing or for any other commercial or non-commercial purposes and includes a pet shop where dogs are sold, groomed or kept;

“licence” means a dangerous dog licence issued under section 20 or a kennel licence issued under section 6 as the context requires;

“Minister” means the Minister to whom is assigned responsibility for health;

“neutered” means rendered sexless and unable to procreate, by means of a medical operation;

“owner”, in relation to a dog, means—

- (a) any person who owns, keeps or harbours a dog, except the Animal Control Centre;
- (b) a person who occupies a dwelling house, building or other premises or any part thereof at which a dog is accustomed to stay or to be kept, unless some other person is the owner of the dog; and
- (c) a person who has the custody or control of a dog, except a veterinary surgeon or an authorised person carrying out duties under this Act;

and “own” is to be construed accordingly;

“public place” means any street, road or other place (whether or not enclosed) to which the public have or are permitted to have access whether on payment or otherwise and includes the common parts of premises containing two or more separate dwellings;

“veterinary surgeon” means a veterinary surgeon registered under the Medical Practitioners, Dentists and Veterinary Surgeons Registration Act, Chapter 189.

PART II

Dogs Generally

3. Application to register a dog

(1) Any person who at the date of the commencement of this Act is the owner of a dog that is six months old or over must, within 30 days after that date, apply to the Chief Environmental Health Officer to register the dog.

(2) Any person who, after the commencement of this Act, becomes the owner of a dog that is six months old or over must, within fourteen days after so becoming, apply to the Chief Environmental Health Officer to register the dog.

4. Issue of registration certificate

(1) Subject to subsection (2), the Chief Environmental Health Officer must, upon receipt in respect of a dog—

- (a) of an application under section 3;
- (b) of evidence of payment of the prescribed fee; and
- (c) of evidence that the dog has been vaccinated against rabies by a veterinary surgeon,

issue to the applicant a registration certificate in respect of the dog in a form approved by the Chief Environmental Health Officer.

(2) The Chief Environmental Health Officer may refuse to issue a registration certificate under this section if he or she reasonably believed that the applicant—

- (a) is under the age of eighteen (unless the applicant has the written consent of a parent);
- (b) is not of sound mind so as to be able to control a dog;
- (c) has been convicted of an offence under this Act; or
- (d) has been convicted of an offence under the Drug Abuse (Prevention and Control) Act, Cap. 84A.

(3) A registration certificate continues in force for—

- (a) twelve months from the date of issue thereof, on payment of the prescribed fee; or
- (b) three years from the date of issue, upon payment of a fee equal to twice the amount of the prescribed fee,

and is renewable within one month after the date of its expiry.

(4) The Chief Environmental Health Officer must supply in respect of each dog for which a registration certificate is issued under this section, without extra charge, a durable tag in a form the Minister approves, bearing a number corresponding with the number of the registration certificate.

5. Transfer of ownership of dog

(1) If the owner of a registered dog transfers the dog to another person, whether by gift or by sale, the person making the transfer must—

- (a) inform the Chief Environmental Health Officer of the name and address of the new owner of the dog; and
- (b) return the registration certificate to the Chief Environmental Health Officer.

(2) Upon transfer of a dog under subsection (1) sections 3 and 4 operate in respect of the person who becomes the new owner.

6. Application for kennel licence

(1) A person who—

- (a) keeps and operates a kennel as defined in section 2; or
- (b) keeps on the person's premises five or more dogs,

must apply to the Chief Environmental Health Officer in such form as the Chief Environmental Health Officer approves for a kennel licence.

(2) The Chief Environmental Health Officer must upon—

- (a) receipt of an application under this section;
- (b) payment of the prescribed fee;
- (c) being satisfied as to the requirements of section 4(2);

- (d) being satisfied on the report of an authorised person of the matters set out in subsection (5),

issue to the applicant a kennel licence in such form as the Chief Environmental Health Officer approves.

(3) Section 4(3) applies to a licence issued under this section as it applies to a registration certificate.

(4) A kennel licence issued under this section is not transferable.

(5) The matters referred to in subsection (2)(d) are—

- (a) that the kennel provides dogs with shelter from adverse weather conditions;
- (b) that the kennel provides an enclosure with an adequate exercise area;
- (c) that the kennel provides and maintains sanitary conditions with adequate means of removal of faeces;
- (d) that the kennel provides necessary veterinary health care;
- (e) that the kennel provides daily food and fresh water to all dogs housed in it.

7. Record of certificates and licences

(1) The Chief Environmental Health Officer must keep a record of every registration certificate issued under section 4, of every kennel licence issued under section 6 and of any certificate rendered void on the transfer or other disposal of a dog.

(2) In respect of a registration certificate the record must contain—

- (a) the name and address of the person to whom the certificate was issued;
- (b) the number of the certificate and the date on which it was issued or rendered void, as the case may be;
- (c) particulars as to the breed, sex, age, colour and marking, if any, of the dog in respect of which the certificate was issued.

(3) In respect of a kennel licence, the record must contain—

- (a) particulars of the place where the kennel is operated, with a copy of the authorised person's report under section 6(2)(d);
- (b) particulars as to the nature of the business of the kennel and as to the type and number of dogs kept there.

(4) A record referred to in subsection (1) is open to inspection by members of the public at any time during business hours.

8. Duplicate certificate or licence

If a registration certificate or kennel licence issued under this Part is damaged, defaced or rendered illegible, the Chief Environmental Health Officer may on payment of the prescribed fee issue a duplicate registration certificate or licence.

9. Failure to register dog or obtain kennel licence

(1) A person who owns a dog without there being in force in relation to the dog a registration certificate commits an offence and is liable on summary conviction to a fine of two thousand dollars and to imprisonment for one month.

(2) A person who owns or operates a kennel when there is not in force in relation to that kennel a kennel licence commits an offence and is liable on summary conviction to a fine of ten thousand dollars and to imprisonment for six months.

10. Production of certificate or licence

(1) An authorised person may at any time during daylight hours enter premises and request any person whom he or she reasonably believes—

- (a) to be owner of a dog of the age of six months or over;
- (b) to be a keeper or operator of a kennel; or
- (c) to be keeping on the premises five or more dogs of the age of six months or more,

to produce for inspection within 48 hours any registration certificate required under section 3 or kennel licence required under section 6 as the case may be.

(2) A person who fails without reasonable excuse to comply with a request made under subsection (1) commits an offence and is liable on summary conviction to a fine of one thousand dollars and to imprisonment for one month.

11. Owner to keep collar or harness with tag affixed on dog

(1) Subject to subsection (2), a tag furnished by the Chief Environmental Health Officer under section 4(4) must be affixed to a substantial collar or harness to be provided by the owner of the dog for which the tag is issued and the collar or harness with the tag affixed thereto must be kept on the dog at all times while it is in a public place.

(2) The provisions of subsection (1) in relation to the keeping of a collar or harness with a tag affixed thereto on a dog do not apply if the dog is in the custody and care of a veterinary surgeon for the purpose of examination or treatment or is in the Animal Control Centre.

(3) Any person who—

- (a) without a reasonable excuse removes a tag from a collar or harness attached to a dog;
- (b) without a reasonable excuse removes a collar or harness with the tag affixed thereto from any dog; or
- (c) transfers from one dog a tag issued in respect of that dog to another dog,

commits an offence and is liable on summary conviction to a fine of one thousand dollars.

12. Duty of owner

(1) An owner or person in charge of a dog must not

- (a) permit that dog to be—
 - (i) in any public place unless it is kept under proper control,
 - (ii) in or on any premises without the consent of the owner or occupier of those premises; or
- (b) permit that dog to enter, bring the dog into or allow the dog to remain in, any restaurant or any place where food is sold for public consumption, other than a guide dog for the blind.

(2) Where a dog defecates on a beach or in a public place the person in charge of the dog must forthwith remove the faeces and dispose of it, enclosed in plastic or paper or other suitable material, in a container intended for waste material.

(3) A person who fails without reasonable excuse to comply with this section commits an offence and is liable on summary conviction to a fine of one thousand dollars.

13. Seizure of dogs and recovery by owner

(1) Any dog that is found at large in a public place may be seized by an authorised person and taken to the Animal Control Centre and detained there until its owner claims it and pays all reasonable expenses incurred as a result of its seizure and detention.

(2) If a dog seized under subsection (1) is wearing a collar or harness with a tag affixed, an authorised person employed at the Animal Control Centre must orally or in writing inform the owner that the dog is being detained at the Animal Control Centre and that it is liable to be sold or destroyed if it is not claimed and all reasonable expenses incurred by reason of its seizure and detention paid within seven days after the owner has been so informed.

(3) If a dog seized under subsection (1) is not wearing a collar or harness with a tag affixed, a notice must be exhibited in the area where the dog was seized giving full particulars of the dog, and stating that unless a person claims the dog from the Animal Control Centre within seventy-two hours the dog will be destroyed.

(4) If no person claims a dog to which subsection (3) applies within the time specified, the dog may be disposed of in accordance with section 14.

(5) A note in the records of the Animal Control Centre that a dog's owner has been informed of the dog's detention under subsection (1) is, if signed and dated by an authorised person, evidence of that fact unless and until the contrary is proved.

14. Disposal of dogs seized

(1) An authorised person may cause a dog that has been seized and detained under section 13(1) to be sold, or given for adoption, or euthanised, if—

- (a) its owner fails to claim it within the time specified under subsection (2) of that section; or
- (b) its owner is unknown and seventy-two hours have elapsed since a notice was exhibited under subsection (3) of that section.

(2) The proceeds resulting from a sale of a dog under subsection (1) are to be applied towards the payment of all reasonable expenses incurred by reason of the seizure and detention of the dog, and the balance of the proceeds, if any, are to be paid to the owner or, if the owner is unknown, into the Consolidated Fund.

15. Conditions for release of dogs, etc.

No dog may be released from the Animal Control Centre unless the person who claims it or the person seeking to purchase it, as the case may be—

- (a) produces for the inspection of the person in charge of the Animal Control Centre a valid registration certificate in respect of that dog; and
- (b) pays all reasonable expenses incurred by reason of its seizure and detention.

16. Euthanasing of injured dogs

(1) If it is the opinion of a veterinary surgeon that a dog seized under section 13—

- (a) is so severely injured as to be in extreme pain or suffering;
- (b) shows symptoms of having rabies; or
- (c) should be destroyed in the interest of public safety,

the veterinary surgeon may, without permitting the dog to be delivered to its owner and without causing it to be offered for sale or adoption, euthanase the dog.

(2) No compensation is payable to any person in respect of a dog that has been euthanased under this section.

17. Vivisection and unlawful destruction

(1) A dog that has been seized and detained under section 13 must not be sold or otherwise disposed of for the purposes of vivisection unless the Minister in writing so permits.

(2) Except as provided by this Act, a dog must not be destroyed other than by being euthanised.

PARTS III

Dangerous Dogs

18. Importation of dangerous dogs prohibited

(1) No person may import into Grenada—

- (a) a dangerous dog; or
- (b) the semen or embryo of a dangerous dog.

(2) A person who contravenes subsection (1) commits an offence and is liable on summary conviction to a fine of ten thousand dollars and to imprisonment for six months.

19. Neutering and prohibition of breeding of dangerous dogs

(1) A person who owns a dangerous dog must ensure that the dog is neutered by a veterinary surgeon within three months of the coming into force of this Act.

(2) No person may breed any dangerous dog or breed from a dangerous dog.

(3) A person who contravenes this section commits an offence and is liable on summary conviction to a fine of ten thousand dollars and to imprisonment for six months.

20. Licensing of dangerous dogs

(1) No person may own a dangerous dog unless there is in force in respect of that dog a dangerous dog licence.

(2) An application for a dangerous dog licence must be made to the Chief Environmental Health Officer through the Veterinary Division of the Ministry of Agriculture, and be accompanied by evidence of payment of the prescribed fee.

(3) The Chief Environmental Health Officer must not issue a licence in respect of a dangerous dog unless there is presented to the Chief Environmental Health Officer—

- (a) a certificate in the prescribed form verifying that the premises on which the dog is to be kept have been inspected and approved in accordance with section 28;
- (b) a policy of insurance which complies with section 24;
- (c) a certificate from a veterinary surgeon verifying that the dog in respect of which the licence is to be issued is neutered; and
- (d) evidence that the applicant is aged eighteen years or over.

(4) Every licence expires on the anniversary of the date of issue but may be renewed on payment of the prescribed fee.

21. Offence

A person who owns or keeps a dangerous dog when there is not in force in respect of that dog a dangerous dog licence commits an offence and is liable on summary conviction to a fine of ten thousand dollars and to imprisonment for six months.

22. Badges for dangerous dogs

(1) Every dangerous dog licensed under this Part must carry, at no extra charge to the owner—

- (a) a metal label or other badge bearing a licence number in the prescribed form;
- (b) the licence number referred to in paragraph (a), branded or tattooed onto the inner ear or microchipped under the skin of the dog.

(2) A person who owns a dangerous dog must ensure that—

- (a) the dog wears a collar at all times;
- (b) the metal label or badge referred to in subsection (1)(a) is at all times securely affixed to the collar worn by the dog;
- (c) the dog is not abandoned or allowed to stray.

(3) A person who contravenes this section commits an offence and is liable on summary conviction to a fine of ten thousand dollars and to imprisonment for six months.

23. Transfer of licence

(1) The owner of a dangerous dog who takes up residence at a place other than that in respect of which he or she obtained a licence must notify the Chief Environmental Health Officer and the Chief Environmental Health Officer if satisfied as required by section 20(3)(a), must amend the licence accordingly.

(2) The owner of a dangerous dog must notify the Division if the dog is to be sold or given away and must notify the proposed new owner in writing that the dog is classified as a dangerous dog.

(3) A dangerous dog must not be sold or given away until the new owner has obtained a licence under section 20.

(4) A person who contravenes this section commits an offence and is liable on summary conviction to a fine of five thousand dollars and to imprisonment for three months.

24. Obligation on owner of dangerous dog to hold policy of insurance

(1) Subject to this Act a person who owns a dangerous dog must have in force in relation to the dog a policy of insurance that provides coverage in respect of each claim for injury or death caused by that dog in the sum of not less than two hundred and fifty thousand dollars or such other sum as the Minister may prescribe by Order.

(2) A person must not own a dangerous dog unless there is in force in respect of the dog a policy of insurance of the type referred to in subsection (1).

(3) A person who contravenes this section commits an offence and is liable on summary conviction to a fine of ten thousand dollars and to imprisonment for six months.

(4) In order to comply with this Act, a policy of insurance must be a policy which—

- (a) is issued by an insurer; and
- (b) insures the owner and any other person specified in the policy against any liability which may be incurred by the owner in respect of the death of, or injury to a person caused by the dog in relation to which the policy of insurance is in force.

(5) If payment is made by an insurer under a policy issued under this Act, or by the owner of a dangerous dog in respect of the death of or injury to a person and the person who has died or suffered injury has to the knowledge of the insurer or owner received treatment in a medical institution in respect of the fatal or other injury, the insurer must also pay to the owner of the institution the expenses reasonably incurred in the treatment of that injury.

25. Cancellation or lapse of policy

(1) If a policy of insurance required by section 24 ceases to be in force, the owner of the dangerous dog in respect of which the policy is issued must promptly inform the Division.

(2) If it comes to the attention of the Division that a policy of insurance required under section 24 is no longer in force, the Division must revoke the licence.

(3) The owner of a dangerous dog who fails to comply with subsection (1) commits an offence and is liable on summary conviction to a fine of ten thousand dollars and to imprisonment for six months.

(4) If the owner of a dangerous dog is convicted under subsection (3), the court must—

- (a) in addition make an order that the owner take out a policy of insurance required under this Act in respect of the dangerous dog within one month of the date of the conviction or such reasonable time as the Court thinks fit; and
- (b) impound the dangerous dog during that period.

(5) If the owner fails to comply with an order made under subsection (4), the Division must have the dog euthanased and the owner is liable for any expenses incurred in the keeping or euthanasing of the dog.

26. Joinder of insurer as co-defendant

(1) If a plaintiff brings a civil action for damages against any person who is required by this Act to have in force a policy of insurance, then even though—

- (a) liability as between the plaintiff and the insured has not yet been determined; or
- (b) the insurer may be entitled to avoid or cancel or may have avoided or cancelled the policy,

the plaintiff may, subject to the provisions of this section, join the insurer as co-defendant in the action.

(2) If an insurer is joined as a co-defendant under subsection (1), the insurer may raise any defence that the insurer is entitled to under the policy of insurance or otherwise.

(3) If the insurer is joined as a co-defendant or is required to make a payment to any person entitled under section 24(4), the insurer is liable to satisfy the judgment obtained against the insured in addition to all costs and interest payable in respect of such judgement and any other costs for which the insured is liable.

(4) A plaintiff who desires to institute proceedings under this section may require the insured to provide within fourteen days the name and address of the insurer, the date of the policy, and any other particulars required to enable the plaintiff to institute such proceedings.

(5) Upon receipt of the particulars referred to in subsection (4), or if the plaintiff has obtained those particulars in any other manner, whichever is earlier, the plaintiff must give to the insurer twenty-eight days notice of the intention to institute proceedings under this section.

(6) An insured who refuses or neglects to provide the particulars required under subsection (4) commits an offence and is liable on summary conviction to a fine of twenty thousand dollars.

(7) This section applies if a plaintiff brings an action in a capacity as the personal representative of a person who suffered fatal injuries.

27. Keeping dangerous dogs under control

(1) Except for the purposes of compliance with this Act a person who owns a dangerous dog must keep the dog under proper control in the person's private premises.

(2) A dangerous dog must not be outside of a proper enclosure unless the dog is muzzled and restrained by an unbreakable chain or leash and under the control of an adult of or over the age of eighteen years. The muzzle must fit the dog in such a manner that it will not cause injury to the dog or interfere with its vision or respiration, but must prevent it from biting persons or animals.

(3) The owner of a dangerous dog who contravenes subsection (1) or (2) commits an offence and is liable on summary conviction to a fine of five thousand dollars and to imprisonment for three months.

(4) The owner of a dangerous dog who allows it to enter private premises where it is not permitted to be commits an offence and is liable on summary conviction to a fine of five thousand dollars and to imprisonment for three months.

(5) For the purposes of subsection (1), a dangerous dog is to be regarded as not under proper control if there are grounds for reasonable apprehension that it will injure any person whether or not it actually does so.

28. Obligation to secure premises

(1) A person who owns a dangerous dog must ensure that the premises on which the dog is kept are secured by a fence or wall of a suitable height and that such fence or wall is so constructed and maintained as to prevent the escape of the dog.

(2) For the purposes of this section, a fence or wall includes a gate.

(3) A person who contravenes this section commits an offence and is liable on summary conviction to a fine of five thousand dollars and to imprisonment for three months.

(4) An authorised person may, upon producing, if so required, a duly authenticated document showing his or her authority, at any reasonable hour enter any premises upon which a dangerous dog is kept to inspect those premises for the purpose of ensuring compliance with this section.

29. Warning notice

(1) A person who owns a dangerous dog or keeps a dangerous dog on his or her premises must cause to be displayed in a prominent place on the premises, a notice indicating that there is a dangerous dog on the premises.

(2) A person who contravenes this section commits an offence and is liable on summary conviction to a fine of five thousand dollars.

30. Liability for dangerous dog

(1) If a dangerous dog escapes from any premises, the owner of the dog is liable for an injury or damage caused by the dog.

(2) If a dangerous dog injures a person, the owner or keeper of the dog commits an offence and is liable on summary conviction to a fine of ten thousand dollars and to imprisonment for six months.

(3) If a dangerous dog kills a person or causes the death of a person, the owner or keeper of the dog commits an offence and is liable on summary conviction to a fine of twenty-five thousand dollars and to imprisonment for one year.

31. Inciting a dangerous dog to attack a person or animal

(1) A person who incites a dangerous dog to attack another person or animal commits an offence and is liable, in addition to any other penalties he or she may incur under this Act, on summary conviction to a fine of twenty-five thousand dollars and to imprisonment for one year.

(2) It is a defence for a person charged with an offence under this section to establish that the other person was committing or had an intention of committing a criminal offence.

32. Defences

(1) References to a dangerous dog injuring a person or there being reasonable grounds for apprehension that it will do so, do not include references to a dog being used for a lawful purpose by a police officer or a person in the service of the State.

(2) The owner of a dangerous dog is not liable if an injury or damage is sustained by a person who, at the time such injury or damage was sustained, was committing a wilful trespass or other tort upon premises occupied by the owner, or was teasing, tormenting, abusing or assaulting the dog or was committing or attempting to commit a crime.

(3) The owner of a dangerous dog is not liable if the dog was protecting or defending a human being within the immediate vicinity of the dog from an unjustified attack or assault.

33. Other especially dangerous dogs

(1) The Minister may by order amend the Schedule.

(2) If it appears to the Minister that dogs of any type other than dangerous dogs present a serious danger to the public, the Minister may by order impose in relation to dogs of that type, such restrictions as those provided in this Part with such modification as the Minister thinks appropriate.

(3) An order made under this section is subject to affirmative resolution of Parliament.

34. Destruction and disqualification orders

(1) If a person is convicted of an offence under this Part, the Court may—

- (a) order the euthanasing of the dangerous dog in respect of which the offence was committed; and
- (b) order the offender to be disqualified, for such period as the Court thinks fit, from having custody or control of a dangerous dog.

(2) If a Court makes an order under subsection (1)(a) in respect of a dangerous dog owned by a person other than the offender, the owner may appeal against the order.

(3) A dangerous dog must not be euthanased pursuant to an order under subsection (1)(a)—

- (a) until the end of the period for giving notice of appeal against the order; and

(b) if the notice of appeal is given within that period, until the appeal is decided or withdrawn.

(4) If a court makes an order under subsection (1)(a), it may order the offender to pay such sum as the court determines to be the reasonable expenses incurred in euthanasing the dangerous dog and in keeping it pending euthanasation.

(5) Any sum ordered to be paid under subsection (4) must be treated for the purposes of enforcement as if it were a fine imposed on conviction.

(6) A person who has custody of a dangerous dog in contravention of an order under subsection (1)(b) commits an offence and is liable on summary conviction to a fine of five thousand dollars.

35. Seizure and destruction

An authorised person may seize and impound a dangerous dog or a dog which appears to the person to be a dangerous dog which is in a public place or in a place where it is not permitted to be, and—

- (a) may, as humanely as possible, destroy the dog if the prospect of imminent danger to people or domestic animals is present; or
- (b) take the dog to the Animal Control Centre and notify the owner in accordance with sections 13 and 14.

36. Issue of warrant

(1) A magistrate who is satisfied by information on oath that there are reasonable grounds for believing—

- (a) that an offence under this Part is being or has been committed; or
- (b) that evidence of the commission of any such offence is to be found on any premises,

may issue a warrant authorising an authorised person, with assistance if needed, to enter and search those premises and to seize any dangerous dog or other thing found there which is evidence of the commission of such an offence.

(2) Sections 13 and 14 apply when a dangerous dog is seized under this section, except that if the dog is required as evidence of an offence in a court case it can be kept at the Animal Control Centre until the case is finally disposed of.

37. Exemption

(1) A reference in this Act to the owner of a dangerous dog does not include a veterinary surgeon who keeps a dangerous dog in a professional capacity for the purposes of compliance with section 4(1).

(2) Notwithstanding subsection (1), a veterinary surgeon is liable for any damage caused by a dangerous dog in his or her charge.

(3) If a dangerous dog is kept at the Animal Control Centre pursuant to this Act it must be kept separate and apart from other dogs at the Centre and only for so long as is required for a decision to be made on its return or disposal under this Act.

(4) No dangerous dog may be kept at a licensed kennel.

38. Part II also applies

The owner of a dangerous dog must also comply with the requirements of Part II in respect of the dog.

PART IV

Miscellaneous

39. Destruction of dogs that kill or injure

A police officer of the rank or sergeant or above, or a veterinary surgeon, if satisfied that any dog has killed or injured any person or dangerous animal, and whether or not there has been a prosecution for that killing or injury, may on the application of an authorised person, or of any person aggrieved by the killing or injury, destroy the dog as humanely as possible.

40. Civil actions

Nothing in this Act prevents a person from bringing an action under any other law in respect of any injury inflicted by a dangerous dog.

41. Regulations

The Minister may make regulations for—

- (a) prescribing the forms of certificates, records and other documents required under this Act;
- (b) regulating the keeping or operation of a kennel;
- (c) prescribing conditions relating to the seizure and detention of dogs under this Act;
- (d) prescribing standards for the maintenance of the Animal Control Centre and the powers exercisable by the person in charge of that Centre;
- (e) providing for the examination of dogs seized and detained under this Act;
- (f) prescribing the fees payable for—
 - (i) the issue of a licence or registration certificate under this Act,
 - (ii) the detention of dogs at the Animal Control Centre,
 - (iii) the euthanasing of dogs under this Act;
- (g) authorising the issue of duplicate licences and registration certificates and tags and prescribing the fees chargeable therefore;
- (h) regulating the issue, renewal and transfer of registration certificates and tags on the sale or other disposal of dogs seized under Part II;
- (i) prescribing the powers of persons authorised under section 45 to carry out the provisions of this Act;
- (j) prescribing anything authorised or required to be prescribed by this Act;
- (k) generally, carrying out the provisions of this Act.

42. Remission of fees

(1) The Minister may, in any case that the Minister considers proper, by Order remit any fee that would otherwise be payable under this Act.

(2) The remission of a fee payable under this Act in respect of a dog does not affect other obligations of an owner in respect of the dog.

43. General offences

(1) Any person who—

- (a) fails without reasonable excuse to comply with a request made under section 40;
- (b) gives a false name or false address in reply to a request made under section 40;
- (c) assaults, resists, obstructs or intimidates an authorised person in the execution of his or her duty;
- (d) unlawfully releases, unlawfully procures the release of or unlawfully attempts to procure the release of a dog from the custody of an authorised person;
- (e) uses indecent, abusive, or insulting language to an authorised person in the execution of his or her duty;
- (f) without lawful excuse withholds any information that has been lawfully requested by an authorised person; or
- (g) by the offer of any gratuity, bribe, or other inducement prevents or attempts to prevent any authorised person from carrying out his or her duty,

commits an offence.

(2) A person who commits an offence under subsection (1) is liable on summary conviction—

- (a) in respect of paragraphs (a) to (f), to a fine of five thousand dollars and to imprisonment for three months; and
- (b) in respect of paragraph (g), to a fine of ten thousand dollars and to imprisonment for six months.

(3) Regulations made under section 42 may provide that a person who contravenes any of the regulations commits an offence and is liable on summary conviction to a fine of one thousand dollars and to imprisonment for three months.

44. Expenses

All expenses incurred in the administration of this Act are to be defrayed out of monies voted by Parliament for the purpose whether directly or to a Ministry.

45. Appointment of authorised persons

(1) The Minister may in writing designate such persons as the Minister considers appropriate to be authorised persons for the purpose of carrying out the provisions of this Act.

(2) Persons appointed as authorised persons under this section must receive training as humane control officers before taking up their duties.

46. Exemption from liability

No liability attaches to a police officer, a veterinary surgeon or any authorised person for anything done by him or her in good faith in pursuance of this Act.

47. Act binds the Government

This Act and any regulations made under it bind the Government subject to section 32(1) and to any modifications contained in the regulations.

48. Amendment of Licences Act

The Licences Act, Chapter 172, is amended in Part II of the First Schedule by deleting paragraphs (a) and (b) of item (1).

49. Commencement

This Act comes into force on the 1st day of April, 2004.

Schedule

DOGS (REGISTRATION AND CONTROL) ACT

Dangerous Dogs

[Section 2.]

1. Any dog of the type known as Pit Bull Terrier, that is to say Staffordshire Bull Terrier, American Staffordshire Terrier, American Bull Terrier or any mixed breed dog which can be identified as partially of any of those breeds.
2. Any dog of the type known as Fila Brasileiro.
3. Any dog of the type known as Japanese Tosa.
4. Any dog in respect of which a designation order has been made by a court under section 39.

Note.—This Schedule may be amended by an order of the Minister under section 33.

CHAPTER 83B

DOGS (REGISTRATION AND CONTROL) ACT

SUBSIDIARY LEGISLATION

No Subsidiary Legislation
