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CONTROL AND PROTECTION OF DOGS ACT, 2018

(Act 4 of 2019)



I assent

A handwritten signature in blue ink, appearing to read "Danny Faure".

Danny Faure
President

16th May, 2019

AN ACT to provide for care, control and protection of dogs and for matters connected therewith or incidental thereto.

ENACTED by the President and the National Assembly.

PART I - PRELIMINARY

1.(1) This Act may be cited as the Control and Protection of Dogs Act, 2018.

Short title and commencement

(2) It shall come into operation on such date as the Minister may, by notice in the Gazette, appoint and different dates can be appointed for different sections.

Interpretation

2. In this Act, unless the context otherwise requires —

“breeder” means a person who possesses adult female and male dogs who engage in intentional or unintentional breeding;

“commercial security dog” means a dog that is kept primarily for the purpose of guarding or protecting premises that are not dwellings and that are not the premises of the dog's owner, whether or not accompanied by a dog handler;

“Competent Authority” means the Seychelles Agricultural Agency established under section 3 of the Seychelles Agricultural Agency Act;

“dangerous dog” and “dog declared dangerous” shall have the meaning assigned to them in section 31;

“dangerous dog register” means the register kept pursuant to section 31(2);

“district administrator” means the district administrator of the district in which the dog is ordinarily kept;

“Dog Control Officer” means an officer appointed under section 6;

“dog management facility” means —

- (a) a facility operated by the Competent Authority that is, or may be, used for keeping dogs; or
- (b) a facility for keeping dogs that is operated by a person or body prescribed; or

- (c) a facility for keeping dogs that is operated by a person or body approved in writing by the Competent Authority;

“dog shelter” means any place maintained for the keeping of dogs for the purpose of finding such dogs suitable homes;

“dwelling house” includes any building or structure or part of a building or structure which is for the time being kept by the owner or occupier for the residence therein of himself or herself, his or her family or servants or any of them, and it is immaterial that it is from time to time uninhabited;

“livestock” includes any farm or domestic animal, poultry or protected wild life;

“microchip” means an identification device of a prescribed type that —

- (a) is capable of being implanted in a dog; and
- (b) is designed to record information in a way that can be electronically retrieved;

“microchipped” means implanted with a microchip in a prescribed manner;

“microchip database” means a database —

- (a) of records containing information about a dog and its owner; and
- (b) kept by a microchip database company;

“microchip database company” means —

- (a) a person or body —
 - (i) that keeps a microchip database; and
 - (ii) that is prescribed as a microchip database company for the purposes of this definition; and
- (b) in relation to a particular dog, the microchip database company that keeps, or has agreed to keep, records containing information about that dog and its owner;

“microchip implanter” means —

- (a) a prescribed person; or
- (b) a person holding the prescribed qualifications for a microchip implanter;

“microchip register” means the register kept pursuant to section 24;

“Minister” means the Minister responsible for agriculture and veterinary services;

“register” means the register kept pursuant to section 15;

“restricted breed dog” means a dog that —

- (a) is of a breed prescribed by the regulations to be a restricted breed; or
- (b) is a mix of 2 or more breeds, one being a breed prescribed by the regulations to be a restricted breed;

“restricted breed pup” means a pup —

- (a) having at least one parent that is a dangerous dog or restricted breed; and
- (b) that is under 3 months of age; and

“stray dog” includes any dog which, not wearing a registration tag, appears to be unaccompanied by a person unless such dog is on the premises of its owner or of some other person who has the dog in his or her charge, or of any other person with that person's consent.

3.(1) A dog owner shall —

Duties of
dog owners

- (a) ensure that the dog is registered in accordance with this Act, and that all relevant authorities are promptly notified of any change of address or ownership of the dog;
- (b) ensure that the dog is kept under control at all times and does not injure, endanger or cause distress to any person;
- (c) ensure that the dog receives proper care and attention and is supplied with proper and sufficient food, water and shelter;
- (d) ensure that the dog receives adequate exercise;
- (e) take all reasonable steps to ensure that the dog does not cause a nuisance to any other person, whether by persistent and loud barking or howling or by any other means;
- (f) take all reasonable steps to ensure that the dog

does not injure, endanger, or cause distress to any livestock or protected wild life; and

- (g) take all reasonable steps to ensure that the dog does not damage or endanger any property belonging to another person.

(2) A person who contravenes subsection (1) commits an offence and shall be liable on conviction to a fine not exceeding SCR10,000.

(3) Nothing in this Act limits the obligations of any owner of a dog to comply with the requirements of any other Act or of any regulations regulating the control, keeping and treatment of dogs.

(4) If a person is convicted of an offence under this Act by the Court or before which he or she is convicted may make an order disqualifying him or her from owning dogs for any length of time, and an entry of the order shall be made in the register.

(5) Notwithstanding the above, if a Dog Control Officer is satisfied that any of the offences in this Act have been committed, he or she may seize the dog pursuant to section 9 of this Act.

Cruel treatments
of dogs

4.(1) A person shall not treat a dog cruelly by —

- (a) beating, kicking, injuring, torturing or otherwise mistreat any dog so as to cause unnecessary pain or suffering or cause or, being the owner, permit any dog to be so mistreated;
- (b) without reasonable excuse, starving or otherwise neglecting the dog so as to render it liable to suffer pain;
- (c) willfully and unreasonably administering any injurious drug or substance to any dog or

willfully or unreasonably causing or attempting to cause any such drug or substances to be taken by a dog;

- (d) conveying or carrying, whether in or upon any vehicle or not, any dog in such a manner or position as to subject the dog to unnecessary pain or suffering;
- (e) keeping or confining any dog in any cage or other kennel which does not measure sufficiently in height, length and breadth to permit the dog reasonable opportunity for movement;
- (f) keeping for an unreasonable time any dog chained or tethered upon an unreasonably short, heavy, or tight chain or cord;
- (g) being the owner or person in control of any dog, neglecting to exercise or cause to be exercised reasonably the dog if habitually chained up or kept in close confinement;
- (h) being the owner or person in control of any dog, failing to provide the dog with sufficient food, drink, shelter or necessary medical treatment;
- (i) being the owner or person in control of any dog at any time, encouraging or facilitating the dog to fight with another dog; or
- (j) goading or harassing any dog to incite a reaction from it.

(2) For the purposes of subsection (1), if a dog is found by a Dog Control Officer to be injured or mistreated, the presumption shall be, unless proven otherwise, that the dog's

owner or person having control over the dog is responsible for the injury or mistreatment.

(3) A person who contravenes subsection (1) commits an offence and shall be liable on conviction to a fine not exceeding SCR50,000.

(4) Where a person is convicted under subsection (3), the Competent Authority shall issue a ban in the prescribed form on that person for a period of five years, and cause any dog under that person's care and control to be seized pursuant to section 9.

(5) Notwithstanding subsection (3), if a Dog Control Officer is satisfied that any of the offences in subsection (1) have been committed, he or she may seize the dog pursuant to section 9 of this Act.

(6) Nothing in this section applies to the humane destruction of a dog as provided for in this Act.

Control of
dogs

5.(1) The owner or any other person in charge of a dog shall not permit the dog to be in any place other than —

- (a) the premises of the owner;
- (b) the premises of such other person in charge of the dog; or
- (c) the premises of any other person, with the consent of that person,

unless such owner or such other person in charge of the dog accompanies it and keeps it under effectual control

(2) A person who contravenes subsection (1) commits an offence and shall be liable on conviction to a fine not exceeding SCR10,000.

(3) If a dog injures, endangers or causes distress or worries livestock or protected wild life, the owner or any other person in charge of the dog shall be deemed to have committed an offence unless it is established that at the material time the dog injured, endangered or caused distress or worried the livestock this was for the purpose of removing trespassing livestock and that, having regard to all the circumstances, the action was reasonable and necessary.

(4) A person who commits an offence under subsection (3) shall be liable on conviction to a fine not exceeding SCR10,000.

(5) The owner and any other person in charge of a dog shall be liable for the damage that the dog has caused, whether or not the dog was under his or her care, or lost or escaped.

PART II - DOG CONTROL OFFICERS

6.(1) The Competent Authority shall appoint Dog Control Officers or enter into an agreement for the provision of the services of Dog Control Officers, and may appoint such other staff as it considers necessary for the purposes of this Act.

Dog control
officers

(2) No person shall be appointed as a Dog Control Officer unless the Competent Authority or the person making the appointment on behalf of the Competent Authority is satisfied, having regard to the education and experience of the person to be appointed, that the person is competent to perform the duties and exercise the powers of a Dog Control Officer under this Act.

(3) A police officer may be appointed or designated as a Dog Control Officer for the purposes of this Act.

7.(1) Every Dog Control Officer shall be supplied by the Competent Authority with a warrant of appointment as a Dog Control Officer.

Dog Control
Officers to
produce warrant
of authority and
evidence of
identity

(2) Every Dog Control Officer who exercises or purports to exercise any power conferred by this Act shall carry, and shall produce if required to do so, his or her warrant of appointment and evidence of his or her identity.

Power of
entry

8.(1) Where any Dog Control Officer has good cause to suspect that an offence against this Act or any regulation made under this Act is being committed on any land or premises, the Dog Control Officer and all authorised officers he or she may call to his or her assistance, may enter at any reasonable time onto the land or premises —

- (a) to inspect any dog for the time being appearing to be kept on that land or premises or to inspect the conditions in which any such dog is kept;
- (b) if authorised under any other provision of this Act, to seize or take custody of any dog on the land or premises.

(2) Where any Dog Control Officer has reason to suspect that an offence against this Act or any regulation made under this Act has, at any time in the preceding 6 months, been committed in respect of any dog for the time being appearing to be kept on any land or premises, the Dog Control Officer, and all authorised officers he or she may call to his or her assistance, may enter at any reasonable time onto the land or premises —

- (a) to inspect any dog on the land or premises; and
- (b) if authorised under any other provision of this Act, to seize or take custody of any dog on the land or premises.

(3) Nothing in this section shall authorize any Dog Control Officer to enter any dwelling house unless —

- (a) the entry is authorised by a warrant given by the Competent Authority;
- (b) he or she is accompanied by a police officer; or
- (c) the Dog Control Officer has received the consent of an adult occupier of the premises.

(4) For the purposes of this section, an authorised officer means a police officer or a licensed veterinarian.

(5) This section is subject to any express provision to the contrary in this Act.

9.(1) A Dog Control Officer who has reasonable grounds to suspect that a dog is without access to proper and sufficient food, water, shelter or medical treatment, or that the dog is being subjected to physical abuse or is suffering, may enter on any land or premises where the dog is present and carry out one or more of the following —

Power of
Dog Control
Officers to feed,
treat and shelter

- (a) supply the dog with food, water or shelter;
- (b) from time to time continue to supply the dog with food, water, medical treatment or shelter; or
- (c) seize the dog and remove it from the land or premises.

(2) A dog may be seized and removed under section (1) (c) only if the Dog Control Officer —

- (a) is satisfied that the dog is without access to proper and sufficient food, water or shelter or requires veterinary assistance; and

-
- (b) has reasonable cause to suspect that except for the food, water or shelter supplied by the Dog Control Officer the dog will not be given access to proper and sufficient food, water, veterinary assistance or shelter within the next 24 hours.
- (3) If a dog is seized under subsection (1)(c), the Dog Control Officer —
- (a) shall give written notice in the prescribed form to the owner of the dog or, if the owner is not present, to the person for the time being appearing to be in charge of the land or premises; and
- (b) may retain custody of the dog until —
- (i) the Dog Control Officer is satisfied that the dog will be given access to sufficient food, water and shelter from its owner; or
- (ii) the dog is euthanised pursuant to section 54 of this Act, or adopted or re-homed.
- (c) shall notify the Competent Authority or the registration officer that the dog has been seized and provide the relevant particulars of the dog, including the dog's registration details.
- (4) For the purposes of subsection (3), if no person is present on the land or premises, the Dog Control Officer shall leave the notice in a conspicuous place on the land or premises.
- (5) All reasonable costs incurred in the seizure,

custody, sustenance, and transport of a dog under this section may be recovered as a debt from the owner of the dog.

10. No proceedings, whether civil or penal, shall lie against the Dog Control Officer or any person for any act, matter or thing done, or ordered to be done, in the exercise or purported exercise of a power or the performance of a duty under the provisions of this Act, or for any act, matter or thing omitted to be done, unless that act, matter or thing was done, ordered to be done, or omitted to be done maliciously or without reasonable cause.

Immunity of officers acting in good faith

11. Every person who willfully obstructs or hinders any Dog Control Officer in the exercise of his or her powers under this Act commits an offence and is liable on conviction to a fine not exceeding SCR20,000.

Willful obstruction of Dog control officers

12.(1) A police officer or Dog Control Officer may, for the purposes of this Act, request the following persons to state his or her full name, date of birth, address, telephone contact number, and place of work if applicable—

Power of police officer or Dog Control Officers to request information about owner

- (a) any person appearing to be in charge of a dog; or
- (b) any person appearing to be the occupier of any land or premises on which a dog for the time being is being kept.

(2) If a person referred to in subsection (1) (a) or (b) claims not to be the owner of the dog, the person shall state the name, address, and place of work of the owner of the dog, if known.

(3) A person who fails or refuses to comply with a lawful request under subsection (1), or wilfully provides false information in response to a request to provide the information, commits an offence and shall be liable on conviction to a fine not exceeding SCR5,000.

- (4) Any police officer or Dog Control Officer who—
- (a) has reasonable grounds to believe that an offence against subsection (2) has been committed by any person;
 - (b) has warned that person of the provisions of subsection (3);
 - (c) has reasonable grounds to believe that a further offence against subsection (1) has been committed by that person subsequent to the warning; and
 - (d) has reasonable grounds for believing that an offence against this Act, or against any regulation authorised by this Act, has been committed by the owner of the dog referred to in subsection (1),

may seize and impound the dog and, in the case of a police officer, may arrest that person without a warrant.

PART III - REGISTRATION AND MICROCHIPPING OF DOGS

Dog owner
to provided
information

13.(1) A police officer or Dog Control Officer may, for the purposes of this Act, request the owner of a dog to state the name, gender, registration number and a description of the dog.

(2) A person who fails to comply with a lawful request under subsection (1), or willfully provides false information in response to a request to provide the information, commits an offence and is liable on conviction to a fine not exceeding SCR5,000.

Registration
of Dogs

14.(1) All dogs over the age of 3 months shall be registered with the Competent Authority or the district administrator of the district in which the dog is ordinarily kept.

(2) Notwithstanding subsection (1), any approved animal shelter shall register all dogs in its care by the time they reach the age of 6 months or at such time that the dogs are in the process of being adopted by any individual, whichever is earlier.

(3) Subject to subsection (4), if a dog exceeding 3 months in age is not registered under this Act, each of the following persons commits an offence —

- (a) the owner of the dog;
- (b) if the dog is ordinarily kept or permitted to live in or at premises in Seychelles, the occupier of the premises.

(4) A person who contravenes subsection (3) shall be liable on conviction to a fine not exceeding SCR10,000 and, if the dog is deemed to be a dangerous dog pursuant to section 31 of this Act, he or she shall be liable on conviction to a fine not exceeding SCR20,000.

(5) It is a defence for an occupier referred to in subsection (3) against whom proceedings are brought for a contravention of that subsection to prove that a person over the age of 18 whom he or she shall identify was the owner of the dog at the time of the contravention.

(6) Where a person is convicted of an offence against subsection (3) the court shall, in addition to any penalty it may impose, order payment by that person of the registration fee which should have been paid and the amount of that fee shall be recoverable in the same manner as that in which the penalty for the offence may be recovered.

(7) For the purposes of ascertaining the approximate age of the dog in subsection (1), the competent officer, and the authorised person he or she calls to his or her assistance, may,

where he or she has good reason to suspect that an offence against this section is being committed on any land or premises, enter at any reasonable time onto the land or premises—

- (a) to inspect and examine any dog for the time being appearing to be kept on the land or premises; and
 - (b) to make records and take photographs of any dog for the time being appearing to be kept on the land or premises.
- (8) The provisions of this section shall not apply to—
- (a) a dog under the age of 3 months;
 - (b) a dog kept during any period allowed for the making of an application under section 32 or until an application under that section is determined, discontinued, or pending a review decision by the Appeals Board pursuant to section 51;
 - (c) a dog held in the custody of —
 - (i) any dog management facility;
 - (ii) a dog shelter; or
 - (iii) any other person in the performance of a function under this Act or any other written law.

Competent
Authority to
maintain
accurate
register

15. The Competent Authority—

- (a) shall keep an accurate and up-to-date register of dogs registered by the Competent Authority or the district administrator;

- (b) shall keep the register in such form as the Competent Authority thinks fit;
- (c) shall record in the register the information prescribed in respect of each dog registered by the Competent Authority;
- (d) may cause any error in, or omission from, the register to be corrected.

16.(1) Subject to the provisions of this section, the registration fee payable in relation to a dog shall be such amount as may be prescribed.

Registration periods and fees

(2) The registration under this Act of a dog, other than a dangerous dog, has effect from the date specified in the registration certificate.

(3) Regulations may provide that concessional rates of registration fee shall be payable —

- (a) by persons of a specified class or in specified circumstances;
- (b) by persons who elect to effect registration for the lifetime of a dog;
- (c) in respect of registration for a period of less than one year;
- (d) in respect of a dog that is proved, in such manner as may be prescribed, to have been sterilized;
- (e) in respect of a dog that is kept in an approved and licensed dog management facility; and
- (f) in respect of a dog that is kept in prescribed circumstances.

Registration
procedure

17.(1) (a) A dog may be registered by the Competent Authority or the district administrator if the owner of the dog or some person on his or her behalf delivers an application in the prescribed form, signed by or on behalf of the owner and accompanied by the prescribed fee, if any, to the office of the Competent Authority or some other place appointed by the Competent Authority for the purpose, or to the district administrator of the district in which the dog is ordinarily kept.

(b) For the purposes of subsection (1) (a), the Competent Authority may appoint one or more registration officers to register the dog at the office of the Competent Authority or some other place appointed by the Competent Authority for the purpose, or at the office of the district administrator of the district in which the dog is ordinarily kept.

(c) Where a dog is ordinarily kept by a person under the age of 18 years, application for registration of that dog shall be made by his or her parent or guardian or some other person who is over the age of 18 years, and any registration shall be in the name of the applicant.

(2) The form of application prescribed for the purposes of subsection (1) shall require the applicant to provide —

- (a) the name, residential address and contact details of the owner of the dog;
- (b) the address of the premises where the dog will ordinarily be kept;
- (c) a statement that the dog will be effectively confined in or at those premises;
- (d) if the dog is microchipped —
 - (i) the name of the microchip database company for the dog;

- (ii) the microchip's unique identification number for the dog;
- (e) a statement as to whether the dog is kept, or is to be kept, as a commercial security dog; and
- (f) a statement as to whether the owner has been disqualified from owning a dog under any Act.

(3) Nothing in subsection (2) prevents a form prescribed for the purposes of subsection (1) requiring an applicant to provide additional information.

(4) The Competent Authority or the district administrator on receipt of an application duly made under subsection (1) or (2) shall —

- (a) effect the registration in accordance with this Act; or
- (b) where the Competent Authority or the district administrator of the district in which the dog is ordinarily kept directs, refuse the application and refund the fee, if any, and in either event shall as soon as is practicable thereafter enter the prescribed particulars in the register maintained by the Competent Authority pursuant to section 15.

(5) If on an order under any written law a person is banned from owning or keeping a dog —

- (a) the Competent Authority shall cancel the registration of the dog in the person's name; and
- (b) the Competent Authority shall not to effect or renew the registration of a dog in the person's

name during the period to which the order applies.

(6) The Competent Authority may direct the district administrator to refuse to effect or renew the registration of a dog, and may direct that the registration of a dog shall be cancelled, if —

- (a) the applicant, the owner, or the registered owner, as the case may be, has been convicted, or has paid a penalty, within the previous three years, in respect of two or more offences against this Act;
- (b) the dog in question has been shown to the satisfaction of the Competent Authority to be destructive, unduly mischievous, or to be suffering from a contagious or infectious disease;
- (c) the Competent Authority is not satisfied that the dog is, or will be, effectively confined in or at premises where the dog is, or will be, ordinarily kept;
- (d) the dog is required under sections 21 to be tagged and under section 23 to be microchipped but is not tagged or microchipped; or
- (e) the dog is a dangerous dog pursuant to section 31 of this Act.

(7) The Competent Authority may cancel the registration of a dog if it is proved to his or her satisfaction that the dog has died or has been removed from the Republic.

(8) A person who willfully provides false information in response to a request by the Competent Authority or the

district administrator of the district in which the dog is ordinarily kept commits an offence and is liable on conviction to a fine not exceeding SCR5,000.

(9) Where the registration of a dog is refused, not renewed or cancelled pursuant to subsections (4), (5) and (6), the Competent Authority shall forthwith notify the applicant or the person in whose name the registration was effected, and that notification shall be accompanied by a statement in writing of the grounds upon which the decision of the Competent Authority was made.

(10) Where the registration of a dog is refused, not renewed or cancelled pursuant to subsections (4), (5) and (6), a Dog Control Officer shall enter onto or into any premises and seize the dog pursuant to section 8 of this Act, and thereafter the dog may be detained in an approved and licensed dog management facility or dog shelter.

(11) The registration of a dog under this Act shall have effect throughout the Republic of Seychelles.

(12) On effecting or renewing any registration, the registration officer shall deliver to the applicant —

- (a) a certificate in the prescribed form acknowledging the fee paid and specifying the registration number allocated to each dog, the term of the relevant registration period, and a description of each dog so registered; and
- (b) in respect of each dog so registered, a registration tag of the prescribed kind.

(13) The district administrator shall notify the Competent Authority of any registration promptly so as to keep the register accurate and up-to-date in accordance with section 15.

Change of
ownership

18.(1) Where the ownership of a dog, other than a dangerous dog, is transferred to another person, the registered owner shall within 28 days thereafter cause the Competent Authority or district administrator in whose register his or her name appears to be notified in the prescribed manner and form of the name and residential address of the new owner.

(2) A person who fails to comply with a lawful request under subsection (1) commits an offence and is liable on conviction to a fine not exceeding SCR5,000.

(3) No change shall be made in the record of the ownership of a dog unless —

- (a) the registered owner has notified the change to the Competent Authority or district administrator under subsection (1); or
- (b) an application for registration is made by a person who alleges that he or she is the new owner.

(4) The district administrator shall notify the Competent Authority of any change of ownership promptly so as to keep the register accurate and up-to-date in accordance with section 15.

Competent
Authority
shall make
inquiries

19.(1) Once a person has registered ownership of two dogs of different sexes with the Competent Authority or district administrator, the Competent Authority shall verify whether the person has a breeder's licence.

(2) If the Competent Authority is satisfied that the person does not have a breeder's licence but qualifies for one, the Competent Authority shall inform the person of the requirement to do so pursuant to regulations, unless the person prefers to have his or her dogs sterilised by a licensed veterinary surgeon within a reasonable time.

(3) If the Competent Authority becomes aware that a person has registered ownership of 5 dogs, all of which are still living and reside on the premises of the person, the Competent Authority shall direct a Dog Control Officer to perform a site inspection pursuant to section 8 of this Act to verify that the dogs are receiving adequate shelter, exercise, food and water, and that they are not being kept in inhumane or unhygienic conditions, or being otherwise mistreated.

(4) If the Competent Authority or a Dog Control Officer is satisfied that one or more of the dogs is being mistreated or inadequately cared for by the registered owner, the Competent Authority shall cancel the registration of the dog in the person's name and notify the district administrator and the registered owner accordingly.

20. Where on the cancellation of the registration of a dog that was registered for an extended period, the person who was the registered owner returns the registration tag to the Competent Authority or to the district administrator, the Competent Authority or district administrator, as the case may be, shall refund to the person such proportion of the registration fee as may be prescribed.

Refund of
fee on
cancellation

21.(1) A registration tag shall be worn by all dogs that have been registered with the Competent Authority or district administrator.

Registration
tags

- (2) A registration tag shall —
- (a) be of a durable material;
 - (b) be as specified by the Minister; and
 - (c) contain such particulars as may be prescribed.
- (3) Any person who —
- (a) keeps any dog wearing a registration tag —

- (i) issued in respect of another dog;
 - (ii) in respect of a registration which is cancelled; or
- (b) wrongfully removes or defaces any registration tag issued under this Act, or makes, uses, purchases or has in his or her possession any counterfeit or false certificate of registration or registration tag or anything apparently intended to resemble or pass for the same,

commits an offence and shall be liable on conviction to a fine not exceeding SCR10,000, or in the case of a dangerous dog, to a fine not exceeding SCR20,000.

(4) The Minister shall by regulation specify the colour of registration tags for the registration period or extended registration period.

(5) Where by regulation it is provided that a prescribed tattoo appearing on a dog and which was applied by a licensed veterinary surgeon, may be accepted by a Competent Authority as proof that the dog has been sterilised, a person who applies that tattoo, or causes the same to be applied, to an unsterilised dog commits an offence and shall be liable on conviction to a fine not exceeding SCR30,000.

Microchipping
of dogs other
than dangerous
dogs

22.(1) The owner of a dog that has reached 3 months of age shall ensure that the dog is microchipped.

(2) Notwithstanding subsection (1), any approved animal shelter shall microchip all dogs in its care by the time they reach the age of 6 months or at such time that the dogs are in the process of being adopted by any individual, whichever is earlier.

(3) A person who fails to comply with subsection (1) within 6 months from the date of the dog reaching 3 months of age, without reasonable excuse commits an offence and shall be liable upon conviction to a fine not exceeding SCR10,000.

(4) Subsection (1) does not require a dog to be microchipped if it is exempt from microchipping pursuant to subsection (5).

(5) A dog is exempt from microchipping if a certificate given by a licensed local veterinarian stating that the implantation of a microchip in the dog may adversely affect the health and welfare of the dog applies in respect of the dog.

(6) A certificate referred to in subsection (5) shall not apply in respect of a dog that is under 3 months of age.

23.(1) The owner of a dangerous dog that has reached 3 months of age shall ensure that the dog is microchipped.

Microchipping
of dangerous
dogs

(2) A person who fails to comply with subsection (1) within a reasonable time from the date of the dog reaching 3 months of age commits an offence and shall be liable on conviction to a fine not exceeding SCR20,000.

(3) A dangerous dog is exempt from microchipping if a certificate given by a licensed local veterinarian states that the implantation of a microchip in the dog may adversely affect the health and welfare of the dog.

(4) A certificate referred to in subsection (3) shall not apply in respect of a dangerous dog that is under 3 months of age.

24.(1) The Competent Authority —

Register of
dogs

- (a) shall keep an accurate and up-to-date register of dogs microchipped by the Competent Authority;

- (b) shall keep an accurate and up-to-date register of dogs microchipped by any other recognised and permitted microchip database company;
- (c) shall keep the register in such form as the Competent Authority thinks fit;
- (d) shall record in the register the information prescribed in respect of each dog registered by the Competent Authority;
- (e) may cause any error in, or omission from, the register to be corrected.

(2) If the dog has been microchipped by a recognised and permitted microchip database company other than the Competent Authority, the owner of a microchipped dog shall, within 7 days of the microchipping, give notice in writing to the Competent Authority of —

- (a) the name of the microchip database company; and
- (b) the microchip's unique identification number for the dog.

(3) A person who fails to comply with subsection (2) without reasonable cause commits an offence and shall be liable on conviction to a fine not exceeding SCR10,000.

(4) Subsection (3) does not apply if the information has been, or will be, provided with an application to the Competent Authority to register the dog.

Microchip
implanter
shall give
information to
microchip
database
company

25. A microchip implanter who implants a microchip in a dog shall, within 7 days after the microchip is implanted, give notice in writing in the form, if any, prescribed, of the information prescribed to the microchip database company for that dog.

26.(1) A microchip database company for a dog shall keep and maintain in its microchip database the information prescribed under section 24 in respect of the dog.

Microchip database company's obligations

(2) A microchip database company which fails to comply with subsection (1) commits an offence and shall be liable upon conviction to a fine not exceeding SCR20,000.

27.(1) A person shall not transfer the ownership of a dog that is not microchipped unless, at the time of the transfer, the person is satisfied that a certificate referred to in section 22(5) or 23(3) applies in respect of that dog.

Transfer of ownership of unmicrochipped dogs

(2) A person who fails to comply with subsection (1) commits an offence and a person shall be liable upon conviction to a fine not exceeding SCR10,000.

(3) Subsection (1) applies regardless of when or whether the dog was registered.

28.(1) Within 7 days after the transfer of the ownership of a microchipped dog, the person who effected the transfer shall give notice in writing to the microchip database company for that dog, of —

Transfer of ownership of microchipped dogs

- (a) the name and address of the person to whom the ownership of the dog was transferred; and
- (b) any other changes to the information prescribed under section 24 in respect of that dog.

(2) A person who fails to comply with subsection (1) commits an offence and shall be liable on conviction to a fine not exceeding SCR10,000.

29.(1) The owner of a dog shall give notice in writing —

- (a) to the Competent Authority, if there is a

Notice shall be given of changes to recorded information

change in any of the information prescribed under section 17(2) in respect of the dog; and

- (b) to the microchip database company for that dog and the Competent Authority if there is a change in any of the information prescribed under section 24 in respect of the dog, within 7 days after the change in the information.

(2) A person who fails to comply with subsection (1) commits offence and a person shall be liable upon conviction to a fine not exceeding SCR5,000.

Operator of dog management facility may have dog microchipped at owner's expense

30.(1) The operator of a dog management facility may do anything necessary to ensure that a dog kept at the facility is microchipped before the dog is reclaimed or otherwise transferred from the facility if the operator —

- (a) believes on reasonable grounds that the dog is required under sections 22 or 23 to be microchipped but is not microchipped; and
- (b) has no reason to believe that the dog is exempt from microchipping as referred to in sections 22(5) or 23(3).

(2) The owner of a dog kept at a dog management facility is liable to pay to the operator of the facility the costs associated with the implantation of a microchip in the dog under subsection (1).

(3) The operator of a dog management facility may recover, in a court of competent jurisdiction, the costs referred to in subsection (2) from the owner of the dog.

PART IV - DANGEROUS DOGS

Dangerous dogs

31.(1) The Competent Authority may, by notice in writing given in accordance with section 32, declare a dog to be a dangerous dog if, in the opinion of the Competent Authority —

- (a) the dog has caused injury or damage by an attack on, or chasing, a person, animal or vehicle;
- (b) the dog has, repeatedly, shown a tendency —
 - (i) to attack or chase a person, animal or vehicle even though no injury has been caused by that behaviour; or
 - (ii) to threaten to attack;
- (c) the behaviour of the dog meets other criteria prescribed for the purpose of this section.

(2) The Competent Authority —

- (a) shall keep an accurate and up-to-date register of dogs declared to be dangerous dogs by the Competent Authority;
- (b) shall keep the register in such form as the Competent Authority thinks fit;
- (c) shall record in the register the information prescribed in respect of each dog registered by the Competent Authority;
- (d) may cause any error in, or omission from, the register to be corrected.

32.(1) The Competent Authority shall give written notice before declaring a dog as a dangerous dog to the owner of the dog.

Owner may object to the declaration

(2) A notice to be given under subsection (1) —

- (a) shall give reasons for the making of the declaration; and

- (b) shall specify that the owner has a right under this section to appeal against the decision of the Competent Authority to the Appeals Board to be exercised within not more than 7 days after the giving of the notice.

(3) (a) Subject to subsection (c), a decision of the Appeals Board under this section shall be given within 14 days after the date of lodgement of the appeal.

(b) A decision of the Appeals Board made under this section shall not be vitiated solely on the ground that it was not given within the period specified in paragraph (a).

(c) The Appeals Board may revoke a decision referred to in subsection (1) within a period of 14 days after the date of the decision and make a new decision if it is satisfied that when the Competent Authority made the decision, relevant factors were not made known to the Competent Authority and that it is just and equitable that a new decision be made.

(d) The Appeals Board shall give the parties concerned an opportunity to be heard orally or in writing before making its decision.

(e) Whether or not an appeal is lodged the declaration of a dog as a dangerous dog shall have effect 7 days after the giving of a notice under subsection (1).

(f) The Appeals Board shall give reasons in writing of its decision.

33.(1) Every person having control of —

- (a) a commercial security dog shall ensure that the dog wears a collar of a type prescribed to be worn by commercial security dogs with

information attached to or endorsed on the collar in accordance with regulations; or

- (b) a dangerous dog other than a commercial security dog shall ensure that the dog wears a collar of a type prescribed to be worn by dangerous dogs other than commercial security dogs with information attached to or endorsed on the collar in accordance with regulations.

(2) A person who fails to comply with subsection (1) commits an offence and shall be liable on conviction to a fine not exceeding SCR10,000.

(3) Every person having the control of a dangerous dog shall ensure that the enclosure within which the dog is confined, whether or not the enclosure is at the premises where the dog is ordinarily kept or ordinarily permitted to live, is constructed to—

- (a) prevent the dog from escaping; and
- (b) prevent the dog from being removed or released from the enclosure without the permission of the person liable for the dog's control; and
- (c) prevent a child who has not reached 7 years of age from entering, or inserting any part of his or her body into, the enclosure without the assistance of an adult.

(4) A person who fails to comply with subsection (3) commits an offence and a person shall be liable on conviction to a fine not exceeding SCR10,000.

(5) Subsection (3) does not apply to a commercial security dog when it is working.

(6) When a commercial security dog is guarding or protecting premises, every person having control of the dog and the person who arranges for the dog to guard or protect the premises shall ensure that —

- (a) the dog is confined to the premises and that the enclosure within which the dog is confined is constructed to —
 - (i) prevent the dog from escaping that enclosure; and
 - (ii) prevent the dog from being removed or released from that enclosure without the permission of a person liable for the dog's control; and
- (b) during any time that a person other than the dog's handler has lawful access to the area in which the dog is working —
 - (i) the dog is confined to an enclosure that is constructed to —
 - (aa) prevent the dog from escaping that enclosure; and
 - (bb) prevent the dog from being removed or released from that enclosure without the permission of a person liable for the dog's control; and
 - (cc) prevent a child who has not reached 7 years of age from entering, or inserting any part of its body into, that enclosure without the assistance of an adult; or

- (ii) the dog is held by means of a chain, cord, leash or harness of sufficient strength and not exceeding the prescribed length, by a person who has reached 18 years of age and who is capable of controlling the dog; or
- (iii) the dog is securely tethered on a temporary basis by means of a chain, cord, leash or harness of sufficient strength and not exceeding the prescribed length.

(7) A person who fails to comply with subsection (6) commits an offence and shall be liable on conviction to a fine not exceeding SCR10,000.

(8) The occupier of the premises where a dangerous dog is ordinarily kept or ordinarily permitted to live shall ensure that a warning sign, of a prescribed kind, is displayed at each entrance to the premises.

(9) A person who fails to comply with subsection (8) commits an offence and shall be liable on conviction to a fine not exceeding SCR10,000.

(10) When a dangerous dog is not confined to an enclosure, every person liable for the control of the dog shall ensure that the dog wears a muzzle.

(11) A person who fails to comply with subsection (10) commits an offence and shall be liable on conviction to a fine not exceeding SCR10,000.

(12) When a dangerous dog, other than a commercial security dog, is not confined to an enclosure, every person having control of the dog shall ensure that —

- (a) the dog is held by means of a chain, cord, leash or harness of sufficient strength and not exceeding the prescribed length, by a person who has reached 18 years of age and who is capable of controlling the dog; or
- (b) the dog is securely tethered on a temporary basis by means of a chain, cord, leash or harness of sufficient strength and not exceeding the prescribed length.

(13) A person who fails to comply with subsection (12) commits an offence and shall be liable on conviction to a fine not exceeding SCR10,000.

(14) Every person liable for the control of a dangerous dog shall ensure that the dog —

- (a) does not kill a person; and
- (b) does not endanger the life of a person.

(15) A person who contravenes subsection (14) commits an offence and shall be liable on conviction to imprisonment for a period not exceeding 14 years.

(16) It shall be a defence to a charge under subsection (14) if a person was killed or grievously injured by a dangerous dog which was either confined in an enclosure or securely tethered on a temporary basis by means of a chain, cord, leash or harness of sufficient strength and not exceeding the prescribed length, on the premises of the registered owner or someone ordinarily in control of the dog, if the person killed or grievously injured was in the process of committing a felony on or in the said premises.

34.(1) The owner of a restricted breed dog that has reached 6 months of age shall ensure that the dog is sterilized.

(2) A person who fails to comply with subsection (1) commits an offence and shall be liable on conviction to a fine not exceeding SCR10,000.

(3) It is a defence to a charge of an offence under subsection (2) if the person charged satisfies the court that the dog—

- (a) has a physical condition that is likely to cause the dog to die if it is sterilized; or
- (b) is sterile.

35.(1) A person shall not advertise a restricted breed dog or a restricted breed pup as being for sale or otherwise available for transfer of ownership.

Restrictions on transferring ownership of restricted breed dogs

(2) A person who contravenes subsection (1) commits an offence and shall be liable on conviction to a fine not exceeding SCR10,000.

(3) A person shall not sell a restricted breed dog or a restricted breed pup to another person.

(4) A person who contravenes with subsection (3) commits an offence and shall be liable on conviction to a fine not exceeding SCR20,000.

(5) A person shall not otherwise transfer the ownership of a restricted breed dog or a restricted breed pup to another person unless—

- (a) the dog or pup forms part of a deceased estate and its ownership is transferred by the executor of the estate; or
- (b) the owner of the dog or pup is certified, by a person registered under a written law as a

medical practitioner, as being not capable of caring for the dog or fulfilling the responsibilities that an owner of a restricted breed dog has under this Act; or

- (c) a restricted breed pup has been seized and detained by the Competent Authority or a Dog Control Officer pursuant to section 38 of this Act and has been sterilized, and the Competent Authority is satisfied that the pup should be rehomed; or
- (d) the Minister in his or her absolute discretion forms the view that extraordinary conditions exist in a particular case and a transfer of ownership is justified in that case.

(6) A person who contravenes subsection (5) commits an offence and shall be liable on conviction to a fine not exceeding SCR10,000.

(7) A person shall not —

- (a) buy a restricted breed dog or a restricted breed pup from another person; or
- (b) otherwise accept the ownership of a restricted breed dog or a restricted breed pup from another person except in the circumstances mentioned in subsection (5).

(8) A person who contravenes subsection (7) commits an offence and shall be liable on conviction to a fine not exceeding SCR10,000.

Restricted breed
dog not to
be bred

36.(1) A person shall not —

- (a) breed a restricted breed dog; or

(b) breed from a restricted breed dog.

(2) A person who contravenes subsection (1) commits an offence and shall be liable on conviction to a fine not exceeding SCR20,000.

(3) A person who commits a second or subsequent offence subsection (1) shall be liable on each conviction to a fine not exceeding SCR50,000.

37.(1) In this section —

(a) “receiver” means a person to whom —

(i) a dangerous dog is sold; or

(ii) the ownership of a dangerous dog is otherwise transferred;

(b) “relevant time” means the time at which an offence under subsection (2) is alleged to have been committed.

(2) A person shall not sell, or otherwise transfer the ownership of, a dangerous dog to a person who has not reached 18 years of age.

(3) A person who contravenes subsection (2) commits an offence and shall be liable on conviction to a fine not exceeding SCR10,000.

(4) It is a defence to a charge of an offence under subsection (2) if the person charged satisfies the court that —

(a) at or before the relevant time the receiver had produced to the person charged evidence that the receiver had reached 18 years of age; and

Prohibition on transfer of ownership of dangerous dogs declared to persons under 18

- (b) at the relevant time the person charged had no reason to believe that the receiver had not reached 18 years of age.

Seizure and disposal or destruction

38.(1) Where a Dog Control Officer or a police officer has reasonable grounds to believe that an attack by a dangerous dog has occurred the Dog Control Officer or police officer may, if he or she has reasonable grounds to believe it is necessary to do so, enter any premises and seize the dog pursuant to section 9 of this Act, and thereafter the dog may be detained in an approved pound or licensed dog management facility.

(2) On the dog being detained as provided for in subsection (1) the Competent Authority or a Dog Control Officer shall give notice in writing in the prescribed form to the owner of the dog —

- (a) informing the owner of the seizure and of the place where the dog is detained;
- (b) giving reasons for the seizure;
- (c) stating that, whether or not the dog is claimed, the Competent Authority proposes to cause the dog to be sterilised, at a time specified not earlier, unless the owner otherwise consents, than 7 days after the giving of the notice, unless the dog is below 6 months of age, in which case it shall be sterilised upon its attainment of that age;
- (d) stating that, following such sterilisation, the dog shall be rehomed pursuant to section 35 of this Act or, failing this, shall be euthanised pursuant to section 54 of this Act; and
- (e) specifying that the owner of the dog has a right under this section, to be exercised not

more than 7 days after the giving of the notice, to appeal against the decision of the Competent Authority to the Appeals Board.

(3) (a) Subject to subsection (b), a decision of the Appeals Board under this section shall be given within 14 days of the date of lodgement of the appeal.

(b) A decision of the Appeals Board made under this section shall not be vitiated solely on the ground that it was not given within the period specified in subsection (a).

(c) The Appeals Board may revoke a decision referred to in subsection (1) within a period of 14 days after the date of the decision and render a new decision if it is satisfied that, at the time when the original authority, approval, decision or determination was given, relevant factors in existence were not made known to the Competent Authority and that it is just and equitable that a new decision be made.

(d) The Appeals Board shall give the parties concerned an opportunity to be heard orally or in writing before making a new decision.

(e) The dog shall not be euthanised pending the decision of the Appeals Board.

(f) The Appeals Board shall give reasons in writing for its decision.

(4) A Dog Control Officer or a police officer who has reasonable grounds to believe that a restricted breed dog has given birth to one or more pups may —

- (a) enter any premises pursuant to section 8 of this Act, or with the consent of an adult occupier of the premises;
- (b) seize each pup; and

- (c) detain each pup in an approved and licensed dog management facility.

(5) On a dog being detained as provided for in subsection (3) the Competent Authority or a Dog Control Officer shall give notice in writing in the prescribed form to the owner of the dog—

- (a) informing the owner of the seizure and of the place where the dog is detained;
- (b) giving reasons for the seizure;
- (c) stating that, whether or not the dog is claimed, the Competent Authority proposes to cause the dog to be sterilised, at a time specified not earlier, unless the owner otherwise consents, than 7 days after the giving of the notice, unless the dog is below 6 months of age, in which case it shall be sterilised upon its attainment of that age;
- (d) stating that, following such sterilisation, the dog shall be rehomed pursuant to this section of this Act or, failing this, the dog shall be euthanised pursuant to section 54 of this Act; and
- (e) specifying that the owner of the dog has a right under this section, to be exercised not more than 7 days after the giving of the notice, to appeal against the decision of the Competent Authority to the Appeals Board.

(6) (a) Subject to subsection (b), a decision of the Appeals Board under this section shall be given within 14 days after the date of lodgement of the appeal.

- (b) A decision of the Appeals Board made under

this section shall not be vitiated solely on the ground that it was not given within the period specified in subsection (a).

(c) The Appeals Board may revoke a decision referred to in subsection (4) within a period of 14 days after the date of the decision and render a new decision if it is satisfied that, at the time when the original authority, approval, decision or determination was given, relevant factors were not made known to the Competent Authority and that it is just and equitable that a new decision be made.

(d) The Appeals Board shall give the parties concerned an opportunity to be heard orally or in writing before making a new decision.

(e) The dog shall not be sterilised or rehomed pending the decision of the Appeals Board.

(f) The Appeals Board shall give reasons in writing for its decision..

39. A notice declaring a dog to be a dangerous dog has effect until —

Duration of declaration

- (a) the dog dies; or
- (b) the notice is revoked by the Competent Authority; or
- (c) the decision pursuant to which the notice was given is quashed by the Appeals Board notwithstanding that the ownership of the dog may have changed.

40.(1) The owner of a dangerous dog shall ensure that every person liable for the control of the dog is aware of the person's responsibilities under this Act.

Duty to notify persons

- (2) A person who fails to comply with subsection (1)

without reasonable excuse commits an offence and shall be liable on conviction to a fine not exceeding SCR5,000.

(3) A person having the control of a dog which is a dangerous dog shall, within 24 hours, notify the Competent Authority or registration officer—

- (a) if the dog is missing, giving particulars of where it was last known to be located;
- (b) if the ownership of the dog changes, giving particulars as to that change.

(4) A person who fails to comply with subsection (3) commits an offence and shall be liable on conviction to a fine not exceeding SCR10,000.

(5) A person having control of a dog which is a dangerous dog shall, within 24 hours, notify the Competent Authority if an attack by the dog occurs, giving particulars of the attack.

(6) A person who fails to comply with subsection (5) commits an offence and shall be liable on conviction to a fine not exceeding SCR10,000.

(7) A person transferring ownership shall on or before the change of ownership of a dog declared dangerous, give to the person to whom ownership is to be transferred—

- (a) written notice that the dog is a dangerous dog for the purposes of this Act; and
- (b) a copy of the notice given under section 39 of this Act;

(8) A person who fails to comply with subsection (7) commits an offence and shall be liable on conviction to a fine not exceeding SCR10,000.

PART V - NUISANCE AND STRAY DOGS

41.(1) For the purposes of this section, a dog is a nuisance if the dog —

Nuisance
dogs

- (a) makes a noise, by barking or otherwise, that persistently occurs or continues to such a degree or extent that it unreasonably interferes with the peace, comfort or convenience of any person in any place; or
- (b) is shown to be allowed to behave consistently in a manner contrary to the general interest of the community.

(2) A person may lodge a complaint in the prescribed form with the Competent Authority, alleging that a dog is a nuisance.

(3) If the Competent Authority is satisfied that a dog is a nuisance as alleged in a complaint after due inquiry, the Competent Authority may issue an order to the person liable for the control of the dog requiring that person to prevent the behaviour that is alleged to constitute the nuisance by a time specified in the order.

(4) An order has effect for 6 months after the day on which it is issued.

(5) A person to whom an order is issued shall comply with the order during the period in which it has effect.

(6) A person who fails to comply with subsection (5) commits an offence and shall be liable on conviction to a fine not exceeding SCR5,000 and the dog is liable to seizure by a Dog Control Officer.

(7) If the Dog Control Officer is not satisfied with the living conditions of the dog or the manner in which it is being

treated by its registered owner or the person in control of the dog, the Dog Control Officer may seize and detain the dog pursuant to section 9 of this Act.

(8) This section does not apply to a dog while that dog is kept at an establishment licensed as an approved kennel establishment, an approved pound or a dog management facility.

(9) The Competent Authority may at any time after receiving a complaint about a dog being a nuisance direct a Dog Control Officer to conduct a site visit pursuant to section 8 of this Act to inspect the living conditions of the dog and to ensure that it is receiving adequate shelter, exercise, food and water, and that it is not being kept in inhumane or unhygienic conditions, or being otherwise mistreated.

(10) For the purposes of subsection (9), the Minister shall by way of regulation prescribe guidelines for the Competent Authority to adhere to on receiving a complaint and before directing a Dog Control Officer to conduct a site visit, including obtaining the prior consent of the owner of the premises.

(11) If the Dog Control Officer is satisfied that the dog is being mistreated under subsection (9), he or she may seize and detain the dog pursuant to section 9 of this Act.

Stray dogs

42.(1) A Dog Control Officer shall take all reasonable steps to seize and detain any dog that appears to him or her to be a stray dog and he or she may enter any premises other than a dwelling place for the purposes of such seizure and detention.

(2) A Dog Control Officer shall detain a stray dog at an approved pound or dog management facility, which shall be equipped to provide the basic necessities to any dog, including food, shelter, water, medical treatment and exercise.

(3) Whenever a stray dog is seized or detained pursuant to this section by a Dog Control Officer —

- (a) the Competent Authority shall give notice to the owner or other person in charge of the dog if the name of such owner or other person is known to him or her or can be readily ascertained —
 - (i) that the dog has been seized and detained and that the dog shall be re-homed within a period of 7 working days from the date of the giving of the notice if it is not claimed by the owner or person in charge of the dog; and
 - (ii) that the dog may be euthanized if the dog is not claimed by the owner or person in charge of the dog after 7 working days from the date of the giving of the notice, if all expenses relating to its seizure and detention are not paid by the owner or, as the case may be, the person in charge of the dog within the prescribed time, or if reasonable attempts at re-homing the dog are unsuccessful;
- (b) the dog shall be detained at an approved dog management facility or an approved pound for a period not exceeding 4 working days for the purpose of allowing the owner or person in charge of the dog to claim it;
- (c) if the dog is not claimed in the period provided for in paragraph (b), the dog shall be detained for a further 3 days at the approved dog management facility or an approved pound to

allow for individuals or animal welfare organisations to adopt or rescue the dog;

- (d) for the purposes of paragraph (c), the Competent Authority shall ensure that reasonable attempts are made to re-home the dog within the prescribed period;
- (e) if the dog is not claimed, adopted or rescued within 7 days following the making of an entry in the register pursuant to subsection (5) of this section, or following the giving of a notice pursuant to subsection (3) of this section, whichever is later, the dog shall be euthanised pursuant to section 54 of this Act.

(4) If any person claims a dog which has been seized and detained pursuant to this section, the Competent Authority shall give the dog to such person if such person —

- (a) satisfies the Competent Authority that he or she is the owner of the dog or has been authorised by the owner to claim the dog;
- (b) makes a declaration in the prescribed form stating that he or she is either the owner or has been authorised to claim the dog; and
- (c) pays the value of the expenditure incurred by the Competent Authority in respect of the seizure and detention of the dog.

(5) Whenever a stray dog is seized or detained pursuant to this section by a Dog Control Officer, the Competent Authority shall cause an entry to be made in the register.

43. Any person, other than a Dog Control Officer, who finds and takes possession of a dog shall —

- (a) return the dog to its owner;
- (b) deliver the dog to a Dog Control Officer; or
- (c) detain the dog and give notice in writing containing a description of the dog, the address of the place where it was found, and the address of the place where it is detained to the Competent Authority or district administrator.

44. If a person wishes to adopt a stray dog other than a restricted breed dog—

Adoption of
stray dogs

- (a) the person shall notify the Competent Authority of a description of the dog, the address of the place where it was found, the address of the place where it is being detained or can be found, and the person's intention to adopt the dog;
- (b) the Competent Authority shall seize and detain the dog if the dog is not already being kept in the custody of the person wishing to adopt it;
- (c) the Competent Authority shall verify whether the dog has been registered or microchipped to ascertain who the registered owner is;
- (d) if there is a registered owner of the dog, the Competent Authority shall notify him or her pursuant to section 43 of this Act;
- (e) 5 days after giving the registered owner notice, the Competent Authority shall, if the dog is still unclaimed, notify the interested person that the dog may be adopted;

- (f) if the dog is not microchipped, the Competent Authority shall cause this to be effected pursuant to section 22 of this Act and charge the new owner for any fees incurred accordingly;
- (g) the Competent Authority shall ensure that the dog is registered pursuant to sections 14 and 15 of this Act in the name of its new owner, and charge the new owner for any fees incurred accordingly;
- (h) the Competent Authority shall ensure that any stray dog between 3 to 6 months of age is sterilised by a licensed veterinarian prior to being adopted and the costs incurred shall be recovered from the Government.

Unreasonable
abandonment
or release of
dogs

45.(1) A person in charge of a dog shall not abandon or release the dog unless he or she has sufficient reason or the abandonment or release is authorised by law.

(2) A person who fails to comply with subsection (1) commits an offence and shall be liable on conviction to a fine not exceeding SCR30,000.

(3) A person shall not, unless he or she has sufficient reason, release a dog from the custody of the person in charge of it.

(4) A person who contravenes subsection (3) commits an offence and shall be liable on conviction to a fine not exceeding SCR30,000.

(5) For the purposes of this section, abandon includes leaving the dog unattended for an unreasonable period.

(6) A person shall not be deemed to have committed an offence under this section if he or she transfers ownership of

the dog to another person pursuant to section 18 of this Act, or if he or she surrenders the dog to an animal shelter and notifies the Competent Authority or district administrator of the fact pursuant to section 18 of this Act.

(7) A person convicted of the offence under subsection (2) may be banned or disqualified from owning a dog for a period of 5 years and any dogs in his or her care or control may be seized.

PART VI - PROHIBITED MODIFICATIONS OR OPERATIONS ON DOGS

46.(1) A person, other than a licensed veterinary surgeon, shall not crop a dog's ear.

Cropping of dog's ear

(2) A person who contravenes subsection (1) commits an offence and shall be liable on conviction to a fine not exceeding SCR30,000.

(3) A licensed veterinary surgeon shall not crop a dog's ear unless the cropping is for a medical reason or in the interests of the dog's welfare.

(4) A person who contravenes subsection (3) commits an offence and shall be liable on conviction to a fine not exceeding SCR30,000.

(5) For the purposes of this section, crop means to remove part of the ear to make the ear stand erect.

47.(1) A person, other than a licensed veterinary surgeon, shall not dock a dog's tail.

Docking of dog's tail

(2) A person who contravenes subsection (1) commits an offence and shall be liable on conviction to a fine not exceeding SCR30,000.

(3) A licensed veterinary surgeon shall not dock a dog's tail unless the surgeon reasonably considers the docking is in the interests of the dog's welfare.

(4) A person who contravenes subsection (3) commits an offence and shall be liable on conviction to a fine not exceeding SCR30,000.

(5) For the purposes of this section, dock means to remove the whole or part of the dog's tail.

Debarking
operations

48.(1) A person, other than a licensed veterinarian, shall not perform an operation on a dog to prevent it from being able to bark or to reduce the volume of its bark.

(2) A person who contravenes subsection (1) commits an offence and shall be liable on conviction to a fine not exceeding SCR30,000.

(3) A licensed veterinarian shall not perform a debarking operation on a dog unless the Competent Authority—

- (a) reasonably considers the operation is in the interests of the dog's welfare; or
- (b) reasonably considers the operation is the only way to comply with an order under section 41 of the Act without destroying the dog.

(4) For the purposes of subsection (3) (b), the veterinarian shall be satisfied of the following—

- (a) that the Competent Authority has issued an order to the person liable for the control of the dog in accordance with section 41 of this Act;

- (b) that reasonable attempts have been made to prevent the dog's barking from being a nuisance; and
- (c) that each attempt has been unsuccessful.

(5) A person who contravenes subsection (3) commits an offence and shall be liable on conviction to a fine not exceeding SCR30,000.

(6) For the purposes of this section, bark includes cry, howl and yelp.

PART VII - RIGHT OF APPEAL

49. A person aggrieved by a decision of the Competent Authority may appeal in writing to the Appeals Board.

Right of
Appeal

50.(1) There shall be established an Appeals Board.

Establishment
of Appeals
Board

(2) The appeals Board shall consist of the following members appointed by the President —

- (a) a Chairperson;
- (b) a representative of the Attorney General;
- (c) a representative of a non-Governmental organisation that represents the interests of animal welfare;
- (d) a veterinarian from the private sector.

(3) The President shall appoint the Chairperson and members of the Appeals Boards on such terms and conditions as the President may determine and the appointments shall be published in the Gazette.

(4) The Chairperson and other members of the Appeals Board shall hold office for three years and are eligible for reappointment.

(5) The President may terminate at any time the appointment of the Chairperson or a member of the Board, as the case may be, who has been found guilty of —

- (a) misconduct, default or breach of trust in the discharge of that member's duties; or
- (b) an offence of such nature as renders it desirable that the member's appointment be terminated.

(6) The Appeals Board may appoint as advisor for a specific appeal a person whose specialised knowledge or experience is such that the person is able to assist the Appeals Boards in its deliberations.

Decision of
appeal

51. The Appeals Board may, where it entertains a notice of appeal, decide the appeal by —

- (a) confirming the decision of the Competent Authority;
- (b) varying the decision;
- (c) quashing the decision;
- (d) ordering the Competent Authority to reconsider its decision as directed by the Appeals Board.

PART VIII - MISCELLANEOUS

Revenue to
be paid into
Consolidated
Fund

52. The revenue from collection of licenses fees shall be paid into the Consolidated Fund.

53.(1) Where an attack by a dog is shown on a balance of probabilities to have caused injury or damage, a court before which any offence arising out of that attack is heard may order that dog to be euthanised by the Competent Authority or licensed veterinarian.

Dogs carrying injury or damage may be euthanised

(2) For the purposes of subsection (1), the owner of the dog or the person in control of the dog, as the case may be, shall be liable to compensate the victim of the attack for the injury or damage incurred.

(3) A court may, if it makes an order that a dog is to be euthanised, require the owner of the dog—

- (a) to take, during or within such period as is specified in the order, such action as the court considers likely to be necessary to—
 - (i) prevent, or reduce the likelihood of, that dog causing injury; or
 - (ii) enable effect to be given to the order for euthanasia; and
- (b) to pay any costs or expenses incurred in relation to the detention or euthanising of the dog.

(4) If an attack by two or more dogs is shown on a balance of probabilities to have caused injury or damage, both or all of those dogs shall be treated for the purposes of subsection (1) as having caused that injury or damage even if it is not possible to show which of those dogs actually caused that injury or damage.

54.(1) Dogs shall only be euthanised when ordered by a competent Court, or where necessary and expressly provided for under this Act.

Dogs shall be euthanised when necessary

(2) Dogs shall be euthanised in order to prevent their undue suffering.

(3) Notice shall be given to a registered owner of a dog prior to its euthanising.

(4) Poison baiting of dogs or the placing of poison bait for the destruction of dogs in special control areas as prescribed by regulation shall only be effected as a matter of urgency, and only if the Competent Authority deems it to be strictly necessary.

(5) A person who deliberately places any poison in any area for the purpose of baiting or killing dogs commits an offence and shall be liable on conviction to a fine not exceeding SCR50,000;

(6) All reasonable attempts shall be made by the Competent Authority to re-home a dog before resorting to euthanasia, unless it is a restricted breed dog, or a dog in a fatal condition or infected with a life-threatening disease;

(7) A person who destroys a dog inhumanely, or who releases a dog to fend for itself, commits an offence and is liable upon conviction to a fine not exceeding SCR50,000.

(8) The Minister may by regulation prescribe the approved methodology for the humane destruction or euthanasia of dogs.

Regulations

55.(1) The Minister may make regulations and prescribe relevant offences and penalties therein to carry out the objects of this Act, and without prejudice to the generality of the foregoing power, such regulations may provide for —

(a) registration fees;

(b) registration tags;

- (c) restricted breeds of dangerous dogs;
- (d) criteria for declaring a dog to be a dangerous dog;
- (e) collars to be worn by dangerous dogs;
- (f) qualifications for Dog Control Officers;
- (g) the form in which applications or complaints under this Act should be made;
- (h) dogs on moving vehicles;
- (i) dogs in parked vehicles;
- (j) dogs in public places;
- (k) dog parks;
- (l) special control areas;
- (m) limitations on the number of dogs per household or on a parcel of land;
- (n) appropriate kennel sizes for dogs;
- (o) dog management facilities, inclusive of dog shelters, Government pounds, kennel establishments or dog boarding facilities, including their location;
- (p) dog importation and exportation licences;
- (q) dog trainer licences;
- (r) dog licences;

- (s) dog breeder licences;
- (t) dogs exempted from licence;
- (u) dog show licences or Kennel Club licences;
- (v) microchip database company licence;
- (w) empowering organisations concerned with the welfare of dogs to have powers and authorities referred to under this Act regulating the importation of dogs;
- (x) providing adequate quarantine facilities for dogs;
- (y) the imposition of fees and late fees; or
- (z) any other matter the Minister thinks fit to further the objects of this Act.

(2) Regulations made under subsection (1), may provide for offences and penalties of fines or terms of imprisonment, or for both, not exceeding SCR50,000 or 2 years in respect of any offence.

Repeal and
savings

56.(1) The Control of Dogs Act (Act 18 of 1982) is hereby repealed.

(2) Notwithstanding the repeal of the Control of Dogs Act (Act 18 of 1982)—

- (a) any document made or anything done under the provisions of the repealed Act or under any corresponding provisions of the repealed Act subsisting or in force at the time of the coming into force of this Act shall continue to have effect as if it had been made or done

under this Act and as if this Act was in force at the time the document was made or the thing was done;

- (b) any right, privilege, obligation or liability acquired, accrued or incurred under the repealed Act shall continue to subsist;
- (c) any penalty, seizure or punishment incurred in respect of any offence committed against any provisions of the repealed Act shall continue to be enforceable.

I certify that this is a correct copy of the Bill which was passed by the National Assembly on 11th December, 2018.



Mrs. Tania Isaac
Deputy Clerk to the National Assembly