ANGUILLA

REVISED STATUTES OF ANGUILLA

CHAPTER D36

DOGS ACT

Showing the Law as at 31 December 2022

This Edition was prepared under the authority of the Revised Statutes and Regulations Act, R.S.A. c. R55 by the Attorney General as Law Revision Commissioner.

This Edition consolidates—

Act 8/2001, in force 8 November 2001
Act 6/2010, in force 1 November 2010
Act 40/2020, in force 23 December 2020

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DOGS ACT

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SCHEDULE: Offences and Fixed Penalties

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DOGS ACT

Interpretation

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

"Animal Control Officer" means the Animal Control Officer appointed under section 2(2);

"apartment" means a separate and self-contained dwelling unit forming part of a building;

"Department" means the Department responsible for agriculture;

"Director" means the Director of the Department;

"dog" means a dog or a dog hybrid of any age;

"house" means a detached dwelling unit;

"keeper", in relation to a dog, means the person keeping the dog, whether or not—

(a) he is the owner of the dog; or

(b) holds a dog licence in respect of the dog;

"Minister" means the Minister responsible for agriculture;

"premises" means a house or an apartment and its grounds;

"prescribed" means prescribed by regulations made under this Act;

"public place" means any place to which the public has access as of right including—

(a) any highway, street, road, thoroughfare, square, court, alley, lane, bridleway, park, footway, parade, plaza, curtilage or open space; and

(b) any wharf or foreshore;

"stray dog" means any dog found in any public place, or on any premises, other than the premises on which the dog is being kept or is for the time being allowed to remain, but shall not include any dog that is accompanied by, and under the direct control of, any person who is capable of exercising effective control over it.

Administration

2. (1) The Director shall be responsible for the overall administration of this Act.

(2) The Governor may appoint an Animal Control Officer and such Assistant Animal Control Officers as may be necessary for the purposes of this Act.

(3) Every Assistant Animal Control Officer shall have, subject to the direction either general or particular of the Animal Control Officer, all the rights, powers and duties given to the Animal Control Officer under this Act.

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Licensing of dogs

3. (1) No person shall keep a dog unless he—

(a) is above the age of 18 years; and

(b) holds a valid subsisting licence granted by the Director in respect of each dog he keeps.

(2) A licence is not required for a dog under the age of 4 months.

(3) An application for a licence under this section must be made to the Director in the prescribed form and accompanied by the prescribed fee.

(4) A dog licence is personal to the person to whom the dog licence is issued and is not transferable.

(5) Where any dog is transferred by sale or gift by its owner or any other person, the transferee shall notify the Director immediately of the transfer and the transferee shall be entitled to a free licence for the dog in respect of the rest of the period for which the original licence was valid.

Visitor's temporary dog licence

4. The Director may grant a temporary dog licence for any period not exceeding 3 months to any applicant for that licence, when it is shown to his satisfaction that the applicant is a *bona fide* visitor to Anguilla. Such temporary dog licence may be granted subject to such conditions as may be stipulated on the licence and to the payment of the prescribed fee.

Metal badge to be supplied with dog licence

5. (1) Every person taking out a dog licence shall, at the time of taking it out, be supplied by the Director with a metal badge, of such kind as may be prescribed, for the dog included in the licence; and the keeper shall ensure that the dog has a collar to which is attached such metal badge at all times during the subsistence of the licence.

(2) Notwithstanding the provisions of subsection (1), the Director may in respect of any particular occasion or occasions give permission in writing to particular dogs or classes of dogs to be without collar or metal badge in such place or places as he shall designate.

(3) In case of the loss of a badge, the keeper shall inform the Director within 1 week of the loss thereof, and the Director, on satisfactory proof, shall issue another badge at the prescribed cost.

(4) Every person who attaches a counterfeit or invalid metal badge on a dog is guilty of an offence and is liable on summary conviction to a fine of $500 for each such offence.

Prohibition on keeping more than 2 dogs

6. (1) No person shall keep or permit anyone to keep on any premises more than 2 dogs unless he obtains a permit from the Director in respect of that premises.

(2) An application for the permit must be made to the Director in the prescribed form and accompanied by the prescribed fee.

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(3) The permit shall not be granted unless the Director is satisfied—

(a) that the premises in question are suitable for keeping more than 2 dogs; and

(b) that the person is capable of complying with any conditions as the Director may impose on such permit.

(4) Where the premises in respect of which such a permission is sought are in the same building as other premises, the Director shall take into account the number of dogs usually kept in that building before granting the permission.

Spayed females

7. (1) Any person who keeps not more than 2 dogs, one or both of which is a female dog and does not have a breeding licence, shall pay a higher licence fee as may be prescribed for each unspayed dog unless a spay certificate can be produced.

(2) This certificate must be signed by the veterinary surgeon who performed the surgery.

Prohibition on breeding of pit bull terrier

8. (1) It is prohibited to breed or breed from, give, sell, exchange or gift, any dog of the type known as the pit bull terrier or other dog of a type which is bred for fighting or which has the characteristics of a dog so bred.

(2) Any person who contravenes this section shall be guilty of an offence and liable on summary conviction to a fine of $4,500.

(3) Where a person is convicted of an offence under this section, the court may order the destruction of any dog in respect of which the offence was committed.

Licences for professional operations

9. (1) No person shall carry out any of the following activities, unless he holds a licence under this section in respect of each activity—

(a) kennel keeper's licence to keep dogs belonging to another person for which a charge is made;

(b) dog breeder's licence to breed dogs;

(c) dog broker's licence to sell dogs or act as broker in relation to the sale or transfer of dogs;

(d) guard dog trainer's or keeper's licence to train or keep dogs for guard duties, other than the guarding of his own premises.

(2) A person intending to carry out an activity specified in subsection (1) shall apply to the Director in the prescribed form and accompanied by the prescribed fee.

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(3) The Director shall not issue a licence under this section unless he is satisfied—

(a) that the applicant is a suitable person to hold such a licence for the activity in question; and

(b) that the premises where the activity will be carried on comply with the planning permission or is a permitted development under the Land (Development) Control Act.

(4) A licence under this section shall state the following—

(a) name of the licencee;

(b) premises to which the licence relates;

(c) type of activity;

(d) number of dogs;

(g) breed of dogs.

(5) Any person who contravenes subsection (1) shall be guilty of an offence and is liable on summary conviction to a fine of $1,000.

Cancellation of permit or licence under section 9

10. Subject to section 11, if the Director is satisfied that—

(a) the person to whom a permit under section 6 or a licence under section 9 has been issued is no longer a suitable person to hold such a permit or a licence; or

(b) the premises to which such a permit or a licence relates are no longer suitable for the activity for which they are being used;

he may cancel the permit or licence.

Appeals

11. A person aggrieved by a decision of the Director not to issue a permit under section 6 or a licence under section 9, or to cancel such a permit or a licence under section 10, may appeal against that decision to the Magistrate's Court, whose decision on the appeal shall be final.

Duration of licence

12. Every licence or permit granted under the provisions of this Act shall bear the date of and commence on the day of its being granted and shall expire on the 31st day of March following.

Penalty for using counterfeit or forged licence

13. Any person using a counterfeit or forged licence or permit shall be guilty of an offence and is liable on summary conviction to a fine of $500 for every such offence.

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Penalty for keeping dogs without licence

14. If a person keeps a dog for which a licence under this Act is not in force, or if he keeps a greater number of dogs than he is authorised to keep by virtue of the permit granted under this Act, he commits an offence and is liable on summary conviction to a fine of $1,000 for each dog he is not authorised to keep.

(Act 40/2020, s. 2)

Register of dog's licence

15. The Director shall keep a register of licences or permits issued under this Act specifying the name and place of abode of the person to whom any such licences or permits are issued and the number of dogs and the type of dogs in respect of which the licences are issued.

Dogs to be kept on a leash

16. (1) No person shall take or permit anyone to take a dog into a public place unless it is on a leash.

(2) Any person who contravenes subsection (1) shall be guilty of an offence and is liable on summary conviction to a fine of $750.

(Act 40/2020, s. 3)

Ferocious dogs

17. (1) No person shall import any dog of the type known as the pit bull terrier or other ferocious dog and any dog so imported shall be seized and forfeited to the Crown, unless the person who imports the dog proves to the satisfaction of the Chief Veterinary Officer that the dog is not of a type known as the pit bull terrier or is not a ferocious dog.

(2) Every person who keeps a dog of the type known as the pit bull terrier or a ferocious dog shall have the dog spayed or castrated in a prescribed manner by an approved veterinary surgeon and produce the certificate to the Director when applying for a licence in respect of that dog.

(3) The keeper of a dog of the type known as the pit bull terrier or a ferocious dog shall not allow such a dog to be in a public place without being muzzled and kept on a lead or abandon it or allow it to stray.

(4) No person shall suffer to be at large any unmuzzled dog of the type known as the pit bull terrier or ferocious dog.

(5) Any person who contravenes the provisions of this section shall be guilty of an offence and liable on summary conviction to a fine of $10,000.

(6) Where a person is convicted of an offence under subsection (3) or (4), the court may order the destruction of any dog in respect of which the offence was committed.

Protection of persons and domestic animals

18. (1) The Animal Control Officer, or a police officer, may lawfully destroy a dog which he sees attacking any person or any domestic animal or bird.

(Act 40/2020, s. 4(a))

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(2) The Director may, on any land with the permission of the occupier—

(a) set traps of a type approved by the Minister for the purpose of capturing stray dogs; or

(b) tranquillise stray dogs in a manner approved by the Minister.

(3) The Minister may, if he is satisfied that there is no other practicable way to control stray dogs in a particular area, authorise the Director to lay chemicals for such dogs in such area in accordance with a system approved by the Minister in agreement with the occupier of such area.

(4) Any person, other than the Director when authorised under subsection (3), who lays chemicals on land other than private land in a manner likely to kill dogs is guilty of an offence.

(Act 40/2020, s. 4(b))

(5) Any person not authorised by the Department who releases a dog from a trap placed on any land by the Director or who interferes with such trap shall be guilty of an offence.

(6) Any person who commits an offence under this section shall be liable on summary conviction to a fine of $2,000.

Seizure of stray dogs

19. (1) The keeper of a dog who allows it to stray shall be guilty of an offence and is liable on summary conviction to a fine of $500:

Provided that it shall be a defence to any prosecution under this subsection that the keeper took all reasonable precautions to prevent the dog from straying and that it strayed without his knowledge.

(2) The Animal Control Officer shall seize all stray dogs and such dogs shall be dealt with as follows—

(a) every dog so seized shall be retained in some proper place and be there kept for such period not less than 3 days from the date of such seizure, as the Animal Control Officer may think expedient, provided that where the owner or other person who had charge of the dog is known, the Animal Control Officer shall give notice to either of them of the seizure and detention of the dog; and upon receiving payment of the reasonable expenses incurred in respect of such seizure and detention deliver the dog to the person notified;

(b) if the dog so seized and detained is not claimed within 2 days after the notice has been served, or in case no owner or other person is known to be in charge of the dog, within such period, not less than 3 days, after such seizure as the Animal Control Officer may think expedient, or in the case of non-payment of the reasonable expenses incurred in respect of such seizure and detention, it shall be competent for the Animal Control Officer to sell or destroy the dog in such manner as he thinks fit.

Dangerous dogs

20. The Magistrate in any proceedings before him may take cognizance of a complaint that a dog is dangerous and not kept under proper control, and, if it appears to him that any dog, the subject of any such complaint made to him, is dangerous and not kept under proper control, he may make an order in a summary way directing that such dog be kept under proper control by its owner or be destroyed; and

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every person who shall fail to comply with any such order is liable to a penalty of $125 for every day during which he fails to comply with the order.

Powers of Animal Control Officer

21. (1) The Animal Control Officer may enter at all reasonable times any premises where any dog is being kept or where the Animal Control Officer reasonably believes a dog is being kept for the purpose of ascertaining whether there is or has been any contravention of the provisions of this Act.

(2) Where it is shown to the satisfaction of the Magistrate on sworn information in writing that admission to any premises has been refused, or that refusal is apprehended, or that the premises are unoccupied or that the occupier is temporarily absent or that the case is one of urgency, the Magistrate may by warrant under his hand authorise the Animal Control Officer to enter the premises.

(3) The Animal Control Officer entering any premises in pursuance of powers conferred by this section may take with him a veterinary officer or a police officer.

(4) The Animal Control Officer or a police officer may require any person in charge of a dog to show him the licence in respect of the dog or permit in respect of the premises.

(5) If a person fails to produce a valid licence or valid permit within 3 days of being requested to do so by the Animal Control Officer or a police officer, the Animal Control Officer may seize the dog and treat the dog as stray dog.

Limitation of personal liability

22. The Director, Animal Control Officer, any Assistant Animal Control Officer or any public officer shall not be personally liable in any court for or in respect of any act done or omitted to be done in good faith, in the exercise or purported exercise of any power conferred by this Act.

Regulations

23. (1) The Minister may make regulations for the purpose of giving effect to the principles and provisions of this Act and in particular may provide for all or any of the following—

(a) forms for licences and permits;

(b) use and control of guard dogs;

(c) muzzling of dogs;

(d) kennelling and caging of dogs;

(e) castrating and spaying of dogs;

(f) tattooing of dogs;

(g) identifying of dogs;

(h) control of dogs on private property;

(i) excluding of dogs from certain places;

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(j) use of traps or chemicals for the control of dogs;

(k) imposing special conditions in connection with the licensing of dogs or of premises where dogs are bred or are to be bred.

(2) Regulations may make different provisions in relation to different breeds or kinds or categories of dogs.

(3) Regulations may create offences and prescribe penalties for such offences.

Evidence of keeping a dog

24. Every person in whose custody, charge or possession or at, in or upon whose house or premises any dog shall be found or seen shall be deemed for the purpose of this Act to keep such dog unless the contrary is proved.

Payment of fines and other amounts

25. (1) Every sum paid in relation to a licence under this Act shall be paid to the Comptroller of Inland Revenue.

(2) Every sum paid by way of a fine under this Act shall be paid into the Consolidated Fund.

(3) Every sum paid as the proceeds of the sale of any dog under this Act shall, after deduction of the expenses of the sale, be paid into the Consolidated Fund.

(Act 6/2010, s. 41)

Punishment without prosecution for certain offences

26. (1) Notwithstanding any provision of this Act or any other law, where the Animal Control Officer finds a person on any occasion and has reason to believe that on that occasion he is committing or has committed an offence to which this section applies, he may give him the prescribed notice in writing offering the opportunity of the discharge of any liability to conviction of that offence by payment of a fixed penalty under this section, and no person is then liable to be convicted of that offence if the fixed penalty is paid in accordance with this section before—

(a) the expiration of 21 days following the date of the notice or such longer period (if any) as may be specified therein; or

(b) before the date on which proceedings are begun;

whichever event last occurs.

(2) Notwithstanding subsection (1), where a notice is given under this subsection to a person who is not ordinarily resident in Anguilla, the period within which the fixed penalty may be paid as specified in the notice shall be either the period ending on the day before the person is due to leave Anguilla or 7 days following the date of the notice, whichever is the shorter period.

(3) Where a person is given a notice under this section in respect of an offence, proceedings shall not be taken against any person for that offence by the Animal Control Officer until the end of the 21 days following the date of the notice or such longer period (if any) as may have been specified therein.

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(4) In subsections (1) to (3), "proceedings" means any summary proceedings in respect of the act or omission constituting the offence specified in the notice under subsection (1), and "convicted" shall be construed in like manner.

(5) Payment of a fixed penalty under this section shall be made to the Comptroller of Inland Revenue and sums paid by way of fixed penalty for any offence shall be treated for the purposes of that section as if they were fines imposed on summary conviction for that offence, and in any proceedings a certificate that payment of a fixed penalty was or was not made to the Comptroller of Inland Revenue by a date specified in the certificate shall, if the certificate purports to be signed by the Comptroller of Inland Revenue or a person authorised by him to receive payment, be sufficient evidence of the facts stated, unless the contrary is proved.

(Act 6/2010, s. 41)

(6) A notice under subsection (1) shall give such particulars of the circumstances alleged to constitute the offence as are necessary for giving reasonable information thereof and shall state also the period during which, by virtue of subsection (3), proceedings will not be taken for the offence, the amount of the fixed penalty as prescribed in the Schedule, and the address at which the fixed penalty may be paid.

(7) This section applies to any offence listed in the Schedule.

Prescribed fee and amendment of Schedule

27. (1) The Governor in Council may by regulation—

(a) prescribe fees for a licence, temporary licence and permit and a higher fee for female dogs in respect of which no spay certificate is produced;

(b) add any offence to the Schedule;

(c) delete any offence from the Schedule or alter the fixed penalty for any offence or prescribe a new penalty for any offence in an amount not exceeding $600;

(d) prescribe the form of notice and the duties of the person in the Inland Revenue Department authorised by the Comptroller of Inland Revenue to receive payment and the information to be supplied to him;

(Act 6/2010, s. 41)

(e) make provision for any matter incidental to the operation of section 26.

(2) In paragraph (1)(b), "offence" means an offence against any Act relating to the control and regulation of dogs punishable on summary conviction.

Citation

28. This Act may be cited as the Dogs Act, Revised Statutes of Anguilla, Chapter D36.

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SCHEDULE

(Section 26)

OFFENCES AND FIXED PENALTIES

Offences against the Regulations	$200
Offences against sections 5(4), 13, 14,16, 19(1)	$200
Offences against sections 9(5), 18(6)	$300

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