

BERMUDA STATUTORY INSTRUMENT

BR 33/1978

DOGS ACT APPEAL RULES 1978

*[made under section 7(8) of the Dogs Act 1978] [title 25 item 17] and
brought into operation on 17 November 1978]*

ARRANGEMENT OF RULES

- 1 Time limit
- 2 Notice of appeal
- 3 Service of copy on Director
- 4 Hearing
- 5 Witnesses
- 6 Decision of court; costs

SCHEDULE

Time limit

1 An appeal against a decision of the Director not to issue, or to cancel or not to renew a licence under section 7 of the Act must be brought within twenty-eight days of the decision of the Director being conveyed to the applicant or such further period as the court may allow for good cause shown by the appellant and shall be commenced by notice of appeal in the form or in a like form to that set out in the Schedule

Notice of appeal

2 A notice of appeal shall be lodged in the office of the Magistrates Court in the City of Hamilton and the Clerk shall endorse thereon the place, date and time of hearing as determined by the Senior Magistrate.

DOGS ACT APPEAL RULES 1978

Service of copy on Director

3 A copy of the notice of appeal as endorsed by the Clerk shall be served by the court on the Director within seven days of it being so endorsed either by registered post or by leaving it at the office of the Director and obtaining a receipt therefor, and a further copy shall be served upon the appellant by registered post addressed to him at the address specified in the notice of appeal.

Hearing

4 At the hearing the Court shall first hear the appellant or his attorney and take the evidence of any witness he may call and then shall hear the Director or his attorney and take the evidence of any witnesses it may call and thereafter the appellant or his attorney shall have a right to reply.

Witnesses

5 Witnesses shall be sworn and examined and cross-examined as in civil proceedings but the rules of evidence shall apply only to the extent that the court shall determine to be in the interests of justice between the parties to the appeal.

Decision of court; costs

6 After hearing the parties as provided in rule 5 the court shall give its decision and may make an order as to payment of the costs of the appeal not exceeding in any case the sum of one hundred dollars.

SCHEDULE

The Dogs Act Appeal Rules 1978

Notice of Appeal

Name of appellant

Address of appellant

Address of the premises in respect of which the appeal relates

Nature of decision in respect of which appeal relates (i.e. whether refusal to issue, to cancel or renew licence)

Grounds of appeal

Number of witnesses, if any, likely to be called at hearing

Lodged on the [blank] day of [blank] 19 [blank] Hearing to be at [blank] a.m./p.m. on the [blank] day of [blank] 19 [blank] at the Magistrates Court, Hamilton.

Signed [blank]
Clerk

* A Copy of the letter or other document by which the decision of the Director was made known to the appellant shall be attached to the notice.

[Amended by
1985 : 42]