



BERMUDA

DOGS ACT 2008

2008 : 28

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WHEREAS it is expedient to enact the Dogs Act 2008:

Be it enacted by The Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and the House of Assembly of Bermuda, and by the authority of the same, as follows:

Short title

1 This Act may be cited as the Dogs Act 2008.

Interpretation

2 (1) In this Act, unless the context otherwise requires—

- “animal warden” means an animal warden of the Department;
- “appropriate fee” means a fee prescribed under the Government Fees Act 1965;
- “breed” in relation to a dog means to promote or allow the propagation or raising of dogs (including in utero);
- “breeding licence” means a licence issued under section 10;
- “broker” in relation to a dog, excludes a person who does not take possession of the dog;
- “Department” means the department responsible for the regulation of dogs;
- “Director” means the Director of the Department;

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“dog” means a dog or a dog hybrid of any age;

“dog licence” means a licence issued under section 6;

“keeper”, in relation to a dog, means a person (whether or not he or she is the owner of the dog) who—

- (a) has possession of the dog; or
- (b) is responsible for the care of the dog;

“Minister” means the Minister responsible for the environment;

“Officer” means an animal warden, a veterinary officer, or a police officer;

“premises” includes open or vacant land;

“public place” means any place to which the public are entitled or permitted to have access;

“recognized society” means any organization which the Minister, from time to time, by notice in the Gazette declares to be a recognized society for the purposes of this Act;

“stray dog” means a dog found in a 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 a dog that is accompanied by, and under the direct control of a person who is capable of exercising effective control over it;

“veterinary officer” means a veterinary officer of the Department.

(2) The Director may delegate to any member of staff of the Department any of his functions under this Act subject to such conditions as the Director may specify.

(3) For the purposes of carrying out his functions under this Act, the Director may engage the services of any organization or Government Department.

Duty of the Minister

3 The Minister shall have the duty—

- (a) to see to the welfare of dogs; and
- (b) for that purpose, with the assistance of the Director and the Department, to administer this Act.

Ownership of dogs

4 (1) Subject to this section, a person shall not own or keep a dog unless that person—

- (a) is eighteen years of age or older; and
- (b) in accordance with section 6 has been issued a licence, in respect of the dog.

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(2) The owner of a dog shall ensure that the dog is permanently identified by having a microchip inserted beneath its skin.

(3) Where a dog is transferred from one keeper to another, it is the duty of the transferor to notify the Director in writing within 14 days of the transfer giving the name and address of the new keeper and the identification number of the dog.

(4) The owner of a dog shall notify the Department within 14 days after the date when—

- (a) the dog dies; or
- (b) the dog is moved permanently overseas by the owner or by a new owner overseas.

(5) A person who imports a dog into Bermuda need not hold a licence for the dog if—

- (a) before the dog is imported, the Director is satisfied that the dog will be exported from Bermuda within the period of 28 days from the date of its importation; and
- (b) the dog is exported from Bermuda within that period.

(6) A dog licence is not required for a dog which—

- (a) is being kept at premises in accordance with a licence issued under section 10, is less than one month old and was born at those premises; or
- (b) is being kept by the Department or a recognized society.

(7) A person who contravenes any provision of this section is guilty of an offence.

Dogs to be acquired from a legitimate source

5 (1) No person shall keep a dog unless—

- (a) it was acquired from a litter born in Bermuda under the authority of a breeding licence;
- (b) it was lawfully imported into Bermuda;
- (c) it was lawfully obtained from the Department; or
- (d) it was lawfully obtained through an administrative programme approved by the Director in writing.

(2) A person who keeps a dog which did not originate from a source mentioned in subsection (1) is guilty of an offence.

Issue of licences

6 (1) The Director may, subject to such conditions as the Director thinks fit and on payment of the appropriate fee, issue a dog licence and identification tag to a person who applies for them ("the applicant") if the Director is satisfied that—

- (a) the applicant is a suitable person to hold a licence; and
 - (b) the premises where the dog is to be kept is suitable for that purpose.
- (2) A dog licence shall be valid for a period of one year, or such period as the Director may determine, from the date on which the licence is issued or from such other date as may be specified in the licence.
- (3) A dog licence is valid only for the dog in respect of which it is issued.
- (4) An application for a dog licence shall be in such form as the Director may determine and shall contain the name and address of the owner of the dog and, if the dog will not be kept by the owner, the name of the person keeping the dog and the address at which the dog will be kept.
- (5) A dog licence shall be in such form as the Director may determine and shall be numbered and accompanied by an identification tag which shall—
- (a) bear a number identifying the dog; and
 - (b) be suitable for attachment to the dog's collar or harness.
- (6) The Director, on issuing a licence, shall give the person to whom it is issued—
- (a) a receipt for the licence fee showing the licence number; and
 - (b) except on the renewal of an existing licence, an identification tag which shall bear the licence number.
- (7) Where the owner of a dog seeks to re-licence a dog, the Director may, before issuing the dog licence, require the owner of the dog to pay the licence fee for each year or part of a year that the dog has not been licensed, up to a maximum of three years.
- (8) The Director shall keep such registers and records of dogs, dog owners, dog keepers and dog licences as the Minister may direct.
- (9) The Director may require production of the identification tag or proof of the expired licence of a dog before issuing a dog licence in respect of any dog that has been previously licensed.

Identification tags and collars

- 7 (1) The owner or keeper of a dog shall cause the dog to wear at all times, while in a public place, a collar or harness to which is attached the identification tag issued with its licence.
- (2) If the Director is satisfied that a dog's identification tag has been lost, he may, on production of the dog licence receipt and payment of the appropriate fee, issue a duplicate identification tag bearing the dog's licence number. The Director shall record the note "duplicate tag issued" on the dog licence and date the note.
- (3) Notwithstanding subsection (1), the Director may permit specified dogs or classes of dogs to be without a collar or harness or an identification tag in a place and at a time to be designated by the Director.

(4) A person who contravenes subsection (1), unless the person has a permit given under subsection (3), commits an offence.

Prohibition on keeping more than two dogs

8 (1) A person shall not keep, or permit to be kept, more than two dogs on any premises unless the person—

- (a) has the Director's written permission to do so; and
- (b) keeps the dogs, or permits them to be kept, on the premises in conformity with such conditions as the Director may specify in the permission.

(2) The Director shall not grant permission under subsection (1) unless the Director—

- (a) is satisfied that the premises are suitable for the keeping of dogs of the number and type for which permission is sought; and
- (b) has taken the number of dogs already being kept on the premises into account before granting the permission.

(3) A person who contravenes subsection (1) is guilty of an offence.

Licences for boarding, brokering and guarding operations

9 (1) A person shall obtain a licence under this section if that person intends to—

- (a) keep dogs belonging to another person for which a charge is made; or
- (b) keep dogs in the course of a sale or transfer of ownership of dogs; or
- (c) train or keep dogs for guard duties other than the guarding of the person's own premises.

(2) A person who intends to carry on an activity specified in subsection (1) shall apply to the Director for a licence under this section.

(3) The Director may, subject to such conditions as the Director may think fit, and upon payment of the appropriate fee, issue a licence under this section to a person who applies for one ("the applicant") if the Director is satisfied—

- (a) that the applicant is a suitable person to hold a licence for the activity in question; and
- (b) that the premises where the activity will be carried on are suitable.

(4) A licence issued under this section shall—

- (a) state the name of the licensee;
- (b) identify the premises to which the licence relates;
- (c) state the activity for which the licence is issued; and
- (d) state the terms and conditions applicable to the licence.

(5) A licence issued under this section shall be valid for a period of one year from the date on which it is issued or from such other date as may be specified in the licence.

(6) A person who contravenes subsection (1) or who contravenes any condition of a licence is guilty of an offence.

Breeding licences

10 (1) No person shall breed a dog unless they hold a breeding licence for the breeding of that dog.

(2) No person shall be the keeper of a dog that has been bred without a breeding licence.

(3) A person who intends to breed a dog shall apply to the Director for a breeding licence.

(4) The Director may, subject to such conditions as the Director thinks fit and on payment of the appropriate fee, issue a breeding licence to a person who applies for one ("the applicant") if the Director is satisfied that—

- (a) the applicant is a suitable person to hold a breeding licence;
- (b) the premises where the puppies will be whelped and weaned are suitable for those purposes; and
- (c) the female dog that is to be bred has not been bred more than twice in the fifteen months immediately preceding the date of the application for a breeding licence.

(5) A breeding licence shall—

- (a) state the name of the licensee;
- (b) identify the premises where the breeding will be carried on;
- (c) identify the female dog that is to be bred and the male dog that it is to be bred with;
- (d) be valid for such period not exceeding 90 days after the anticipated whelping date as may be specified in it;
- (e) be untransferable; and
- (f) contain any other terms and conditions that the Director may attach to the licence.

(6) A breeding licence shall be authority for the production of a single litter, and the licensee shall notify the Director of the birth of the litter within 14 days of the birth.

(7) In considering whether to issue a breeding licence the Director may take into consideration the breed of the dogs or the potential for the dogs that would be produced from the breeding to become a danger to human or animal health or to public safety.

(8) A person who contravenes subsection (1), (2) or (6) or any condition of a breeding licence is guilty of an offence.

Cancellation of licences

11 The Director may cancel a licence issued under section 9 or 10 if the Director is satisfied that—

- (a) a person to whom a licence under section 9 or 10 has been issued is no longer a suitable person to hold the licence;
- (b) (the premises to which such a licence relates are no longer suitable for the activity for which they are being used;
- (c) any dog for the time being kept or to be kept by a person to whom a licence under section 9 or 10 has been issued is a potential danger to human or animal health or to public safety; or
- (d) the terms and conditions of a licence are not being complied with.

Appeals

12 (1) A person aggrieved by a decision of the Director not to issue a licence under section 9 or 10, or to cancel such a licence under section 11, may appeal against that decision to a court of summary jurisdiction, whose decision on the appeal shall be final.

(2) The Chief Justice may make rules prescribing the procedure for appeals under subsection (1).

Seizure and disposal of dogs

13 (1) Where an Officer has reasonable grounds to believe that a person has committed the offence of—

- (a) breeding dogs without a breeding licence issued under section 10 or of being in contravention of the conditions specified under that section; or
- (b) keeping dogs at any premises in contravention of section 8(1) or of being in contravention of any condition specified in a permission issued pursuant to that section;

the dogs that are the subject of the offence may be seized in which case they shall be maintained by the Department, until final determination of the offence.

(2) An Officer, on producing, if so required, some duly authenticated document showing his authority, shall have a right at all reasonable hours to enter any premises for the purposes of ascertaining whether there is or has been on the premises any contravention of subsection (1).

(3) But admission to any premises used as a private dwelling shall not be demanded as of right unless 24 hours notice of intended entry has been given to the occupier.

(4) A Justice of the Peace may by warrant under his or her hand authorize an Officer to enter premises, if need be by force, where it is shown to the satisfaction of the Justice of the Peace on sworn information in writing that—

- (a) admission to any premises has been refused;

- (b) refusal is anticipated;
- (c) the premises are unoccupied;
- (d) the occupier is temporarily absent;
- (e) evidence may be destroyed or removed; or
- (f) the case is one of urgency.

(5) Where an Officer enters any premises, under this section, and the owner of the premises appears to be absent, the Officer shall leave a notice of seizure—

- (a) signifying that he believes an offence referred to in subsection (1) has been committed;
- (b) signifying the provision of law that he suspects gives rise to the offence; and
- (c) indicating where the dog is being kept.

(6) Where a person is convicted of an offence referred to in subsections (1)(a) or (b) the court—

- (a) may order the forfeiture or destruction of any dog in respect of which the offence is committed; and
- (b) may order the person to be disqualified, for such period as the court thinks fit, from having custody of a dog.

(7) Where a court makes an order under subsection (6) for the forfeiture or destruction of a dog that is owned by a person other than the convicted person, the owner may appeal to the Supreme Court against the order.

(8) A dog shall not be forfeited or destroyed pursuant to an order made under subsection (6)—

- (a) until the end of the period for giving notice of appeal against conviction; or
- (b) if notice of appeal is given within that period, until the appeal is determined or withdrawn,

unless the convicted person or, in a case to which subsection (7) applies, the owner of the dog gives notice to the court that made the order that there is to be no appeal.

(9) Where a court makes an order under subsection (6) (a) to destroy a dog it shall—

- (a) order the Director or any other person to undertake the destruction of the dog and require any person having custody of it to deliver it up for that purpose; and
- (b) order the convicted person to pay such sum as the court may determine to be the reasonable expenses of destroying the dog and of keeping it pending destruction.

(10) Any sum ordered to be paid under subsection (9)(b) shall be treated for the purposes of enforcement, in lieu of any other fine that the court could impose, as if it were a fine imposed on conviction.

(11) Any person who is disqualified from having custody of a dog by virtue of an order under subsection (6)(b) may, at any time after the end of a period of one year beginning with the date of the order, apply to the court that made it for an order terminating the disqualification.

(12) On an application made under subsection (11) the court may—

- (a) having regard to the applicant's character, his or her conduct since the disqualification was imposed and any other circumstances of the case, grant or refuse the application; and
- (b) order the applicant to pay all or part of the costs of the application.

(13) Where it has been determined that an offence under section 8(1) or 10 has not been established or that a dog seized under section 27(5) is licenced, to the satisfaction of the court, the court shall order that the dog seized be returned to its lawful owner within seven days from the date of such determination.

(14) An order made under subsection (9) shall not be effective until—

- (a) the time for appealing to the Supreme Court against the determination of the court has expired; or
- (b) if such an appeal to the Supreme Court has been made, until conclusion of that appeal and in accordance with such terms as the Supreme Court may order.

Water, shelter and movement

14 (1) No person shall leave a dog unattended on any premises unless the dog—

- (a) has access to drinking water;
- (b) has reasonable shelter against the sun, wind and rain; and
- (c) is able to move freely within an area that is not less than eighteen square feet.

(2) Where a person tethers a dog by a chain that person shall ensure that the thickness of each link of the chain does not exceed 1/4 inch.

(3) The Director may from time to time issue guidance as to the proper methods for containing or restraining dogs in a manner which allows freedom of movement of the dog.

(4) Any person who leaves a dog in contravention of subsection (1) or tethers a dog in contravention of subsection (2) commits an offence.

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Female dogs in heat

15 (1) No person shall keep or leave a female dog in heat in any place which will permit a male dog to approach it, and no keeper of a female dog shall allow a male dog to approach it, unless the keeper of both dogs desire the approach for the purpose of breeding.

(2) Any person who contravenes subsection (1) commits an offence.

Leash required when dog in a public place

16 (1) No person shall permit a dog to be taken into a public place unless the dog is—

- (a) on a leash, in a carrier, or otherwise constrained; or
- (b) in an area designated by the Director by way of an order published in the Gazette as an area where dogs are allowed to be off leash.

(2) Any person who takes a dog into a public place in contravention of subsection (1) commits an offence.

(3) An order made under subsection (1) is not a statutory instrument for the purposes of the Statutory Instruments Act 1977.

Dogs wearing spiked collars or items made for an offensive purpose

17 (1) It is an offence for an owner or keeper of a dog to cause or allow a dog to—

- (a) wear a spiked collar, or spiked harness or a collar or harness that could reasonably pose a danger to persons or other animals;
- (b) wear a spiked collar, or spiked harness that has been made or adapted for an offensive purpose; or
- (c) wear any item or thing that has been made or adapted for an offensive purpose.

(2) Where an owner or keeper is charged with an offence under subsection (1) (b) or (1) (c), the owner or keeper shall be presumed to have intended the spiked collar, spiked harness, item or thing, to be used for an offensive purpose until the contrary is proven.

Protection from dogs

18 (1) A police officer designated by the Commissioner of Police or any person designated by the Director may lawfully destroy a dog which they see attacking a person or a domestic animal or bird.

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

- (a) set traps of a type approved by the Minister for the purpose of capturing stray dogs; or
- (b) tranquilize stray dogs in a manner approved by the Minister.

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

(4) Any person, other than the Director who lays poison in any area or on any land in a manner likely to kill dogs commits an offence.

(5) Any person who releases a dog from a trap placed in any area or on any land by the Director or who interferes with such a trap commits an offence, unless the person has received authorization from the Director to do so.

Stray dog offence

19 The keeper of a dog who permits the dog to stray commits an offence:

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

Procedure when stray dog found or seized

20 (1) Any person who finds a stray dog may seize the dog and shall—

- (a) return the dog to its owner or keeper;
- (b) take the dog to the Department, or to a recognized society or to a police station; or
- (c) notify the Director that they are in possession of a stray dog.

(2) On receiving the notification referred to in subsection (1) (c), the Director shall direct the person in possession of the dog as to the proper disposition of the dog.

(3) Where a stray dog has been seized under this section, the person in possession of the dog shall ensure that the dog is properly cared for and shall inform the Director of the whereabouts of the dog.

(4) Where the Director has been informed of the whereabouts of a dog under subsection (3), the Director shall—

- (a) if the owner or keeper of the dog is known, serve notice on the keeper by personal visit or registered letter of the whereabouts of the dog and require them to collect it; or
- (b) if the owner or keeper is not known, retain the dog in kennels that are used for keeping stray dogs secure.

(5) The keeper of a dog seized under this Act shall, when they claim the dog, pay the person who cared for the dog the appropriate fee and the reasonable cost of keeping the dog from the day it was seized until it was claimed.

(6) Subject to subsection (7), where a dog has been seized and detained for a period of not less than four days, the Director may—

- (a) sell or give the dog to a person approved by the Director who shall thereby obtain a good title to the dog; or
 - (b) arrange for the dog to be destroyed in a humane manner.
- (7) The Director may sell or dispose of a dog referred to in subsection (6) where—
 - (a) a personal visit has been made, or a notice has been served, under subsection (4) (a) and the dog has not been claimed by any person within four days of the visit or of the receipt of the notice;
 - (b) the keeper of the dog is unknown and cannot be traced by any reasonable means;
 - (c) the dog has been claimed but the claimant has failed either—
 - (i) to establish to the satisfaction of the person in possession of the dog that the claimant is the keeper of the dog or the duly authorized agent of the keeper; or
 - (ii) to pay any sum due under subsection (5); or
 - (d) an uncollected registered letter sent in accordance with this Act has been returned to the Department.
- (8) A dog shall not be sold or otherwise disposed of under this section for the purposes of vivisection or any other form of experiment or research.
- (9) A dog shall not be sold or given to any person by the Director or a recognized society unless that person has first licensed the dog.
- (10) Where a dog has been sold or disposed of under subsection (6) the keeper of the dog shall be liable to the Director for any sum payable under subsection (5) and for any expenses incurred in the disposal of the dog in excess of any money received on the sale or disposal.
- (11) Where the money received upon the sale of the dog exceeds the amount of the expenses incurred, the Director or the recognized society, as the case may be, shall not pay the balance to the keeper of the dog but shall retain such balance for the purpose of defraying expenditure incurred by the Director or the society in the discharge of their respective functions under this Act.

Action for damages

- 21 (1) When a dog causes death or injury to a person or an animal or causes damage to property it shall not be necessary for the plaintiff in an action brought in respect of such death, injury or damage to prove—
- (a) a previous mischievous propensity in the dog;
 - (b) any knowledge on the part of the keeper of the dog of such previous mischievous propensity; or
 - (c) that the injury or damage complained of was attributable to neglect on the part of the keeper of the dog.

(2) It shall be a defence to an action brought in respect of death, injury or damage caused by a dog to show that the action of the dog was caused by the unreasonable behaviour of some person other than the keeper or the owner of the dog.

(3) Notwithstanding subsection (2) where a dog causes death, injury or damage, the keeper of the dog shall be liable in damages for such death or injury or damage unless they can show that the person (or the animal) was trespassing on his property or the property of a person in lawful control of the dog.

Dogs out of control

22 (1) Subject to subsections (3) and (4), a person who keeps a dog commits an offence if the dog—

- (a) causes death or injury to a person or animal;
- (b) causes damage to the personal property of another person;
- (c) causes damage to a crop or plant, or other vegetation, the property of, or under the care of, another person;
- (d) strays off the property of the keeper;
- (e) repeatedly makes noise to the annoyance of one or more persons in the neighbourhood;
- (f) deposits faeces on property other than property of the keeper and the person fails to collect the faeces and dispose of it in a reasonable manner;
or
- (g) repeatedly soils, with urine or faeces, property of, or under the care of, another person without that person's consent.

(2) The fact that frequent barking occurs at the premises to the annoyance of one or more persons in the neighbourhood is evidence of an offence against subsection (1) (e).

(3) Where a person has been injured or the personal property of a person has been damaged by the act of a dog, an offence is not committed against subsection (1) (a), (b) or (c) if the act of the dog was provoked by a criminal act committed by the person or by behaviour of the person which was otherwise unreasonable in the circumstances.

(4) Where an animal has been injured or damaged by the act of a dog, an offence is not committed against subsection (1)(a) if the act of the dog was provoked by an attack made, or threatening behaviour exhibited by the animal being attacked directed against the dog or a person accompanying the dog.

Power of court with respect to dangerous dogs

23 (1) Where—

- (a) a person has been convicted of an offence under section 22 in respect of a dog; or

- (b) it is made to appear to a court of summary jurisdiction that a dog is dangerous or is likely to spread disease to any person or animal,

then the court may order that—

- (c) the dog be destroyed; or
- (d) the person who is keeping the dog observe such requirements in relation to the future keeping of the dog or other dogs as the court may order.

(2) A person who fails to comply with a requirement imposed upon them by an order made under subsection (1) (b) is guilty of an offence.

(3) Where a court that has convicted a person of an offence under subsection (2) in respect of a dog is not satisfied that the dog can or will be properly controlled in the future, the court may, in addition to punishing that person for the offence, order the destruction of the dog.

Emergency orders

24 (1) Without prejudice to section 22 or 23, where an Officer is of the opinion that the behaviour or condition of a dog is an immediate danger to any person or animal unless immediate steps are taken, the Officer shall seize the dog and deliver it to a secure place under the Department's control, and as soon as practicable thereafter make application to a court of summary jurisdiction for an order under this section.

(2) If the court is satisfied at the hearing of the application that there is an immediate danger to any person or animal the court, whether or not the keeper of the dog or any other person has been heard, may make an order under this section (an "emergency order") that the dog shall be kept at a secure place under the Department's control until the court orders otherwise.

(3) An emergency order—

- (a) may be made subject to such conditions as are specified in the order;
- (b) shall be served, in such manner as is specified in the order, upon the keeper of the dog immediately before it was seized, if that person is ascertainable; and
- (c) shall have effect for such period, not exceeding six months, as is specified in the order.

(4) If upon the hearing of an application under subsection (1) the court is not satisfied that there is an immediate danger to any person or animal, the court shall order that the dog be restored to the person who was the keeper of the dog immediately before it was seized, if that person is ascertainable.

(5) Where an emergency order is made, an Officer shall as soon as practicable institute proceedings under section 23 for such order as the court may find necessary or expedient in the circumstances.

(6) When proceedings referred to in subsection (5) are heard, a court of summary jurisdiction has power to extend or modify or cancel the emergency order affecting the dog to which the proceedings relate.

Procedure for orders under section 23 or 24

25 (1) An order may be made under section 23 or 24 in relation to a dog in the course of any proceedings in a court of summary jurisdiction in which the behaviour or condition of the dog is in question or comes into question, whether those proceedings are civil or criminal and whether they are brought or taken under this Act or under any other provision of law.

(2) An Officer shall be competent to make an application to a court of summary jurisdiction for an order under section 23 or 24, but the making of an application under either of those sections is not a necessary condition precedent to the exercise by a court of summary jurisdiction of the powers mentioned in subsection (1).

(3) An application for an order under sections 23 or 24 shall be made by a complaint which names the keeper or owner in charge of the dog as the respondent.

Identification of seized dogs

26 Where a dog comes into the control of the Director or a recognized society under this Act, the Director shall cause the dog to be permanently identified by having a microchip inserted beneath its skin, if it does not already have one.

Powers of authorized Officers

27 (1) An Officer authorized in writing by the Director may, on production, if so required, of a duly authenticated document showing his authority, enter at all reasonable hours any premises where a dog is kept or where the Officer reasonably believes a dog is being kept for the purposes of ascertaining whether there is or has been any contravention of this Act:

Provided that admission to any premises shall not be demanded unless twenty-four hours notice of the intended entry has been given to the occupier.

(2) A Justice of the Peace may by warrant under his or her hand authorize the Officer to enter the premises, if need be by force, where it is shown to the satisfaction of the Justice of the Peace on sworn information in writing that—

- (a) admission to any premises has been refused;
- (b) refusal is anticipated;
- (c) the premises are unoccupied;
- (d) the occupier is temporarily absent;
- (e) evidence may be destroyed or removed; or
- (f) the case is one of urgency.

(3) An Officer entering any premises in pursuance of powers conferred by this section may take with them a veterinary practitioner or any other Officer.

(4) An Officer may require any person in charge of a dog to show them the dog licence in respect of the dog and to give such particulars as the Officer may require in relation to the person and the keeper of the dog.

(5) If a person in charge of a dog fails to produce a current dog licence in respect of the dog within three days of being requested to do so by an Officer, the Director may seize the dog and treat it as a stray dog.

(6) Any person who obstructs an Officer in the execution of their functions under this Act or who disposes or attempts to dispose of evidence of an offence against this Act or the regulations made hereunder or fails to comply with a requirement under subsection (4) is guilty of an offence.

Requirement to give information in connection with offence committed under the Act

28 (1) Where an Officer has reason to suspect that a person has committed an offence against this Act, the Officer may require that person to give their name and address and to produce, within three days of being so required, any licence that has been issued to them under section 9 or 10 of the Act.

(2) Any person who refuses or fails to comply with a requirement made under subsection (1) commits an offence against this Act.

(3) Without prejudice to any provision of any Act authorizing arrest without warrant, a police officer may arrest without warrant a person the police officer has reason to suspect of having committed an offence against this Act if that person, on being requested to do so by the police officer, refuses to comply with a requirement under subsection (1).

General penalty

29 (1) Offences against this Act shall be prosecuted before a court of summary jurisdiction.

(2) A person found guilty of an offence under this Act is liable to imprisonment not exceeding six months or to a fine not exceeding \$10,000 or to both imprisonment and fine; provided that in the case of a second or subsequent conviction under the same provision, the maximum fine shall be an amount not exceeding \$20,000.

Compensation

30 (1) Where the keeper of a dog is convicted of an offence under this Act or where a court makes an order under section 23, if the court is satisfied that as a result of the conduct of the dog in respect of which the proceedings were brought any person suffered injury or loss then the court, after hearing such evidence as it deems necessary, shall order the keeper of the dog to pay the person who suffered the injury or loss such compensation as the court deems just.

(2) In assessing the amount of compensation payable under subsection (1) the court shall take into account the extent to which the behaviour of the person or animal who

suffered injury or loss or of any other person or animal caused the dog to act in the way it did.

(3) Where a court without convicting the keeper of a dog of any offence orders the keeper of the dog to pay compensation under this section or refuses to make such an order, an appeal shall lie to the Supreme Court against the decision of the court and section 5 of the Criminal Appeal Act 1952 shall apply to such an appeal as if the keeper of the dog had been convicted.

(4) A court awarding damages in a civil action brought in respect of the same circumstances as those in respect of which compensation has been awarded under subsection (1) shall take into account the amount of compensation awarded.

Regulations

31 (1) The Minister may make regulations under this section prescribing anything that is necessary or convenient to be prescribed for carrying out this Act or giving effect to it, or that is required or permitted by this Act to be prescribed.

(2) Without prejudice to the generality of subsection (1), regulations made by the Minister under this section may provide for all or any of the following—

- (a) the leashing of dogs;
- (b) the muzzling of dogs;
- (c) the kennelling or caging of dogs;
- (d) the neutering or spaying of dogs;
- (e) the tattooing of dogs;
- (f) the identifying of dogs;
- (g) the excluding of dogs from certain places;
- (h) the imposing of special conditions in connection with the licensing of dogs or of premises where dogs are bred or to be bred;
- (i) the keeping of dogs;
- (j) the breeding of dogs;
- (k) the controlling of dangerous or potentially dangerous dogs;
- (l) the licensing and socialization of dogs.

(3) Regulations may divide, or have regard to the divisions of, dogs into different breeds or kinds or categories, and may make different provision (whether by way of exemption from, or increase or reduction in, the incidence of obligations or in any other way) in relation to different breeds or kinds or categories of dogs.

(4) Regulations may create offences and prescribe penalties for such offences but not exceeding the penalty fixed by section 29.

(5) Regulations made under this section are subject to the negative resolution procedure.

Authorization of ticketing

32 Without prejudice to the procedure set out in the Summary Jurisdiction Act 1930 for the laying of information and for issuing a summons, an information may be laid and a summons issued for offences specified in the Schedule by means of a ticket issued in accordance with this Act.

Form of ticket

33 (1) A ticket shall, subject to this Act, be in the form prescribed in regulations made under section 41 and shall consist of three parts, an information, a summons and a record of conviction.

(2) The use on a ticket of any word or expression in the Schedule describing the offence, or any word or expression substantially to the same effect, in relation to an offence under this Act is sufficient for all purposes in connection with proceedings for that offence to describe the offence.

Issue of ticket

34 Where an Officer has reasonable cause to suspect that a person has committed an offence under this Act the Officer may issue a ticket under this Act to that person by delivering to, or serving, the person the summons part of the ticket in accordance with section 35.

Summons

35 (1) The Officer who issues a ticket shall, upon completing and signing the summons part of the ticket, either deliver the summons part to the person charged under this Act in respect to which the ticket is issued or serve it on that person by sending it by registered mail to the person's last known address.

(2) Unless the contrary is shown, the date of service of a summons served by registered mail is the fourteenth day after it was sent to the address referred to in subsection (1).

(3) Where the summons part of the ticket is delivered to the person charged, the Officer shall request the person charged with an offence under this Act to sign the ticket in the place provided for it and the person's signature shall be sufficient proof that the person has received the summons.

(4) A person charged with an offence under this Act who refuses without reasonable excuse to accept delivery of the summons part of the ticket under subsection (1) commits an offence:

Punishment on summary conviction: a fine of \$100.00.

Payment of penalty out of court

36 (1) An Officer who issues a ticket in respect to an offence under this Act may enter on the summons part of the ticket the amount of any penalty specified in the Schedule for that offence, in which case the Officer shall endorse the back of the summons part of the ticket with notice that the person to whom the summons is directed may, within seven days after delivery or service of the summons as the case may be, pay out of court the specified penalty.

(2) Where a summons is endorsed under subsection (1), it shall provide for a plea of guilty in the following form —

PLEA OF GUILTY

I am aware that I have a right to a hearing in respect of the offence with which I am charged and that by signing this plea of guilty I am waiving my right to a hearing and my signature may result in a conviction against me without a hearing. I hereby plead guilty to the offence as charged and consent to be convicted of the offence in my absence.

[blank]

Signature of Defendant

(3) A signature affixed to the form of Plea of Guilty purporting to be that of the person to whom the summons is directed is prima facie proof that it is the signature of that person.

(4) Upon receipt of a summons duly signed with a plea of guilty and of the amount of the penalty specified in the summons, an officer of the court shall issue an official receipt for the amount of that penalty and shall place the summons before the court.

(5) The court shall formally convict the person charged with an offence under this Act specified in the summons and no further penalty may be imposed in respect of the offence.

(6) If a person charged with an offence under this Act does not plea guilty to the offence and pay the penalty specified in the summons, the person shall appear at the time and place specified in the summons for the hearing of the charge, and if they fail to appear, the court may proceed in accordance with section 4 of the Summary Jurisdiction Act 1930.

Information

37 (1) The information part of the ticket shall be—

- (a) signed by the Officer who issues the ticket;
- (b) sworn before a justice of the peace or a magistrate; and
- (c) deposited with the court, together with the record of conviction part of the ticket.

(2) The information part of the ticket need not be sworn to before the summons part is delivered or served and the Officer who signed, swore and issued the ticket need not be the person who delivers or serves the summons.

Amount of penalty

38 Nothing in this Act prevents the court from imposing any penalty authorized by law in regards to offences under this Act if—

- (a) no amount is entered on the summons; or
- (b) the person charged does not plea guilty to the offence and pay the penalty specified in the summons.

Record of conviction

39 Where the court makes a conviction on a ticket information in respect of an offence under this Act, the court shall complete the record of conviction part of the ticket and an officer of the court shall cause a copy of it to be forwarded to the Commissioner of Police.

Amendment of Schedule

40 (1) The Minister may make regulations to amend the Schedule, including adding or deleting offences or changing the amounts of penalties specified for offences.

(2) An amount specified by the regulations as the penalty for an offence shall not exceed the maximum amount, or be less than any minimum amount, established for the offence by the enactment that creates the offence.

(3) Regulations made under this section are subject to the negative resolution procedure.

Prescription of ticket by the Minister

41 (1) The Minister may make regulations prescribing the form of ticket for the purposes of this Act.

(2) Regulations made under this section are subject to the negative resolution procedure.

Repeal

42 The Dogs Act 1978 is repealed.

Commencement

43 (1) This Act or any of its provisions shall come into force on such day as the Minister may appoint by notice published in the Gazette.

(2) Different days may be appointed under subsection (1) for different provisions of this Act.

DOGS ACT 2008

SCHEDULE OFFENCES AND PENALTIES

DESCRIPTION OF OFFENCE	PROVISION OF LAW	PENALTY
Unlicensed dog	Section 4	\$250
Failure to microchip dog	Section 4	\$100
Failing to notify Director (death, moving overseas)	Section 4	\$50
Obtaining dog from an unlawful source	Section 5	\$500
Dog without a licence tag	Section 7	\$50
Keeping excessive number of dogs	Section 8	\$500
Unlicensed professional activity	Section 9	\$1,000
Unlicensed breeding	Section 10	\$1,000
Inadequate water, shelter, movement	Section 14	\$200
Heavy chain	Section 14	\$100
Keeping a female dog so to permit unintended breeding	Section 15	\$500
Unleashed dog in public place	Section 16	\$50
Spiked collar/harness	Section 17	\$50
Laying of poison	Section 18	\$500
Unauthorized release from trap	Section 18	\$250
Stray	Section 19	\$100
Soils property	Sections 22	\$50
Barking/Noise	Section 22	\$200

[Sections 1 to 30, 40, 42 and 43 of the Dogs Act 2008 in force 5 October 2018 by BR 123 / 2018]

[Assent Date: 21 July 2008]