

CHAPTER 177

DOGS (LICENSING AND CONTROL) 1981-13

This Act came into operation on 1st March, 1982 by Proclamation (S.I. 1982 No. 41).

Amended by:

1983-25

Law Revision Orders

The following Law Revision Order or Orders authorized the insertion and removal of pages as the case may be under the Law Revision Act Cap.2 now repealed:

1985

Notes:

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Guide to symbols in historical notes:

- indicates an amendment made by an Act

/ indicates an amendment made by statutory instrument

CHAPTER 177

**DOGS (LICENSING AND CONTROL)
1981-13**

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**BARBADOS**

DOGS (LICENSING AND CONTROL)

1981-13

An Act to repeal the Dogs Act and make new provision for the control of dogs.

[Commencement: 1st March, 1982]

PART I

PRELIMINARY

Short title

1. This Act may be cited as the *Dogs (Licensing and Control) Act*.

Definition

2. For the purposes of this Act,
“Animal Control Centre” means a place set apart for the detention of dogs that have been seized under this Act;
“at large” means away from the premises of the owner in contravention of section 12(1);
“authorised person” means a person authorised by the Minister under section 26;

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“kennel” means a place, whether enclosed or not, where 5 or more dogs of at least 6 months of age are kept or are proposed to be kept for commercial or non-commercial purposes;

“licensing officer” means a public officer designated by the Minister to perform, on his behalf, all the necessary functions in connection with the licensing of dogs under Part II;

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“Minister” means the Minister responsible for Health;

“owner” includes the person who occupies a dwelling house, building or other premises or any part thereof at which a dog is accustomed to stay or to be kept, unless that person furnishes satisfactory evidence to the contrary, and includes a person who has the custody or control of a dog;

“public place” means a road, street, lane, alley or any other place to which the public has access;

“veterinary surgeon” means a veterinary surgeon within the meaning of the *Veterinary Surgeons Act*, Cap. 374.

PART II

LICENSING OF DOGS

Application for licence to keep dog

3.(1) Subject to paragraph (a) of section 4(3), any person who at 1st March, 1982, is the owner of a dog that is 6 months old or over shall, within 30 days after that date, make application to a licensing officer in such form as the Minister approves for a licence to keep that dog.

(2) Any person who, after 1st March, 1982, becomes the owner of a dog that is 6 months old or over shall, within 14 days after so becoming, apply to a

licensing officer in such form as the Minister approves for a licence to keep that dog.

[1983-25]

[1983-25]

Issue of licence to keep dog and issue of tag

4.(1) Subject to subsection (2) a licensing officer shall, upon receipt of an application under section 3 and upon payment to him of the prescribed fee, issue to an applicant a licence in such form as the Minister approves.

(2) Notwithstanding subsection (1), a licensing officer may refuse to issue a licence under this section, if he is not satisfied that the applicant is of such age and of such condition as to be responsible and liable for the obligations imposed under this Act and under the regulations, on a person keeping a dog.

[1983-25]

(3) Subject to section 5(1), a licence issued

(a) under subsection (1) is valid for

- (i) a period of 12 months from the date of issue thereof, on payment of the prescribed fee; or
- (ii) a period of 3 years from the date of issue, upon payment of a fee equal to twice the amount of the prescribed fee, and is renewable within 1 month after the date of its expiry.

(4) A licensing officer shall supply to each person to whom a licence is issued under this section a tag in such form as the Minister approves and that tag shall bear a number corresponding with the number of the licence.

[1983-25]

Transfer of ownership of dog

- 5.(1) Where a person ceases to be the owner of a licensed dog, he shall
- (a) return the licence and tag to the licensing officer; and
[1983-25]
 - (b) where the ownership of that dog is transferred to a new owner, inform the licensing officer of the name and address of the new owner.
- (2) A transfer of a dog under subsection (1) renders a licence issued under section 4(1) void, and sections 3(2) and 4(2) operate in respect of every person who becomes a new owner upon such transfer.

Application for licence to keep and operate a kennel

- 6.(1) A person who
- (a) keeps and operates a kennel; or
 - (b) keeps on his premises 5 or more dogs,
- shall apply to a licensing officer in such form as the Minister approves, for a licence to keep and operate a kennel.
[1983-25]
- (2) The application must contain the number of dogs kept or proposed to be kept in the kennel.
- (3) A licensing officer shall,
- (a) upon receipt of the application under this section;
 - (b) upon payment to him of the prescribed fee; and
 - (c) upon being satisfied of the requirements of section 4(2),
- issue to the applicant a licence in such form as the Minister approves, and such number of tags in such form as the Minister approves as corresponds to the number of dogs in respect of which the kennel is licensed.
- (4) A licence issued under this section is non-transferable.

Licensing officer to keep Record of licences

7.(1) A licensing officer shall keep a record of every licence issued under sections 4 and 6 and of any licence rendered void on the transfer or other disposal of a dog, and the record kept must contain

- (a) the name and address of the person to whom the licence has been issued or the dog transferred;
- (b) the number of the licence and date on which the licence has been issued or rendered void, as the case may be;
- (c) particulars as to the breed, sex, age, colour and marking (if any) of the dog in respect of which the licence has been issued; and
- (d) in the case of kennel licences, particulars in respect of the place where the kennel is operated and the number of dogs authorised to be kept in that kennel.

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

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Duplicate licence

8. Where a licence issued under this Part is damaged, defaced or rendered illegible, a licensing officer may on payment to him of the prescribed fee issue a duplicate licence.

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Production of licence

9.(1) A police officer or an authorised person may enter premises and request any person whom he reasonably believes

- (a) to be the owner of a dog of the age of 6 months or over;

- (b) to be a keeper or operator of a kennel; or
- (c) to be keeping on his premises 5 or more dogs of the age of 6 months or more,

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

(2) A person who fails without reasonable excuse to comply with a request made under subsection (1) is guilty of an offence and is liable on summary conviction to a fine of \$100 or to imprisonment for a term of 1 month, or both.

Failure to licence dog and burden of proof

10.(1) A person who keeps a dog or operates a kennel in contravention of this Part is guilty of an offence and is liable on summary conviction to a fine of \$250, or to imprisonment for a term of 3 months, or both.

- (2) In any proceedings under this Act the burden of proving
- (a) that a dog is licensed or is under the age of 6 months is on the owner of the dog; or
 - (b) that 5 or more dogs are not being kept, or that a kennel is not being operated on the premises, is on the owner, or, as the case may be, the occupier of the premises.

Owner to keep collar or harness with tag affixed on dog

11.(1) Subject to subsection (2), a tag furnished by a licensing officer under section 4(4) shall be affixed to a substantial collar or harness to be provided by the owner of the dog for which the licence is issued, and the collar or harness with the tag affixed thereto shall be kept on the dog at all times.

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

- (3) Any person who
- (a) without a reasonable excuse removes a tag from a collar or harness attached to a dog;
 - (b) without a reasonable excuse removes a collar or harness with a tag affixed thereto from any dog; or
 - (c) transfers from 1 dog a tag issued in respect of that dog to another dog,
- is guilty of an offence and is liable on summary conviction to a fine of \$100 or to imprisonment for a term of 1 month, or both.

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PART III

CONTROL OF DOGS IN PUBLIC PLACES

Duty of owner

- 12.(1)** An owner of a dog shall not
- (a) permit that dog to be
 - (i) in any public place unless it is kept on a lead or leash; or
 - (ii) in or on any premises without the consent of the owner or occupier of those premises; or
 - (b) permit that dog to enter, bring the dog into, or allow the dog to remain in, any restaurant or public eating place or any place where food is sold for public consumption.
- (2) Where a dog defaecates on a beach or in a public place, the owner of that dog shall forthwith remove the faeces and dispose of it to the satisfaction of the Medical Officer of Health.

(3) Any person who contravenes or fails without reasonable excuse to comply with this section is guilty of an offence and is liable on summary conviction to a fine of \$250 or to imprisonment for a term of 3 months, or both.

Seizure of dogs and recovery by owner

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

(2) Where a dog seized under subsection (1) wears a collar or harness with a tag affixed, an authorised person employed at the Animal Control Centre shall serve on the owner of the dog a written notice informing him that the dog has been seized and is being detained at the Animal Control Centre and that it is liable to be sold or destroyed in the prescribed manner if it is not claimed and all reasonable expenses incurred by reason of its seizure and detention are not paid within 7 days after the service of the notice.

Disposal of dogs seized

14.(1) An authorised person may cause a dog that has been seized and detained under section 13(1) to be sold or destroyed in the prescribed manner if

- (a) its owner fails to claim it within the time specified in the notice served on him pursuant to subsection (2) of that section and to pay all reasonable expenses incurred by reason of the seizure and detention; or
- (b) its owner is unknown and 3 clear days have elapsed after its seizure.

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

Conditions for release of dogs from Animal Control Centre

15. No dog shall be released from the Animal Control Centre unless the person who claims it or the person seeking to purchase it, as the case may be, produces for the inspection of the person in charge of the Animal Control Centre a valid licence in respect of that dog.

Destruction of injured dogs

16. Notwithstanding anything contained in sections 13 to 15, if it is the opinion of an authorised person that a dog seized under section 13

- (a) is so severely injured that it ought to be destroyed; or
- (b) should be destroyed either for humane reasons or in the interest of public safety,

he may, without permitting the dog to be delivered to its owner and without offering it for sale, cause it to be destroyed, as soon as practicable, in such manner as a veterinary surgeon directs; and no compensation is payable to any person in respect of a dog that has been destroyed in pursuance of this section.

Vivisection

17. No dog that has been seized and detained under section 13 shall be sold or otherwise disposed of for the purposes of vivisection unless the Minister in writing so permits.

PART IV
PREVENTION OF CRUELTY TO DOGS

Cruelty

- 18.(1)** No owner of a dog shall
- (a) without reasonable excuse
 - (i) allow his dog to remain without food or water for a period that would amount to cruelty, or cause the dog to be a nuisance,
 - (ii) fail to provide sufficient opportunity for exercise in respect of a dog that is chained or kept in close confinement,
 - (iii) abandon or attempt to abandon his dog;
 - (b) unnecessarily punish or treat his dog in a manner that is cruel;
 - (c) keep, use, or allow his dog to be kept or used, for the purpose of fighting.
- (2) Any person who contravenes or fails to comply with this section is guilty of an offence and liable on summary conviction
- (a) in the case of contraventions under sub-paragraphs (1)(a)(i) and (1)(a)(iii) to a fine of \$2 500 or imprisonment for 6 months or both;
 - (b) in the case of contraventions under sub-paragraphs (1)(a)(ii) and (1)(b), to a fine of \$250 or imprisonment for 3 months or both; and
 - (c) in the case of a contravention under paragraph (1)(c) to a fine of \$5 000 or imprisonment for 12 months or both.

[Effective date 4th August, 1983.]

[1983-25]

Power to disqualify persons convicted of cruelty to dogs

19.(1) A court before which a person is convicted of an offence under section 18 may, in addition to any punishment it imposes, order that that person be disqualified from

- (a) keeping a dog;
- (b) operating a kennel; or
- (c) holding or obtaining a licence to keep a dog or to keep or operate a kennel,

for such period as the court determines.

(2) Where a person who is disqualified under subsection (1) is, at the time of his disqualification, the holder of a licence to keep a dog or kennel, the licence is suspended for such period as the disqualification continues in force.

(3) A person who has been disqualified under this section for a period in excess of 6 months may, after the expiration of a period of 6 months from the date of the disqualification, apply to the court that ordered the disqualification to remit the unexpired portion of the disqualification.

(4) The court may, upon an application made to it under subsection (3), after having regard to

- (a) the character of the applicant;
- (b) the conduct of the applicant subsequent to his disqualification;
- (c) the nature of the offence that resulted in the disqualification; and
- (d) any other relevant circumstances,

order the removal of the disqualification as from such date as the court may specify, or it may refuse the application.

(5) Where the court under subsection (4) refuses an application, no further application may be entertained by the court until after the expiration of a period of 3 months from the date of the refusal.

(6) A person disqualified under subsection (1) who keeps a dog or operates a kennel or applies for or obtains a licence to keep a dog or to operate a kennel while he is disqualified is guilty of an offence, and is liable on summary conviction to a fine of \$500, or to imprisonment for a term of 3 months, or both; and in the case of a continuing offence, to a further fine of \$100 in respect of each day on which the offence continues after a conviction was first obtained.

Larceny

20. A person who

- (a) steals a dog;
- (b) has in his possession or on his premises a stolen dog knowing it to have been stolen; or
- (c) without reasonable excuse kills, maims or wounds a dog,

is guilty of an offence and is liable on summary conviction to a fine of \$2 500, or to imprisonment for a term of 6 months, or both.

PART V

MISCELLANEOUS

Name and address of owner of dog to be stated

21. A person who occupies a dwelling-house, building or other premises in or at which a dog is accustomed to stay shall at the request of a member of the Police Force or of an authorised person, state to the best of his knowledge, the full name and address of the owner of the dog.

Regulations

22. The Minister may make regulations generally for carrying out the provisions of this Act and for any of the following purposes:

- (a) regulating the keeping or operation of a kennel;
- (b) prescribing conditions relating to the seizure and detention of dogs under this Act;
- (c) prescribing standards for the maintenance of the Animal Control Centre and the powers exercisable by the person in charge of that Centre;
- (d) providing for the examination of dogs seized and detained under this Act;
- (e) prescribing the fees chargeable for
 - (i) the issue of a licence under this Act,
 - (ii) the detention of dogs at the Animal Control Centre, and
 - (iii) the destruction of dogs at the Animal Control Centre;
- (f) authorising the issue of duplicate licences and tags and prescribing the fees chargeable therefor;
- (g) controlling the dog population of Barbados;
- (h) regulating the issue, renewal and transfer of licences and tags on the sale or other disposal of dogs seized under Part III;
- (i) prescribing the powers of persons authorised under section 26 to carry out the provisions of this Act; and
- (j) prescribing anything authorised or required to be prescribed by this Act.

Remission of Fees

23. The Minister may, in any case that he deems proper, remit any fee that would otherwise be payable in pursuance of subparagraph (iii) of paragraph (e) of section 22.

General offences

24.(1) Any person who

- (a) fails without reasonable excuse to comply with a request made under section 21;
- (b) gives a false name or a false address in reply to a request made under section 21;
- (c) assaults, resists, obstructs or intimidates a member of the Police Force or an authorised person in the execution of his duty;
- (d) unlawfully releases, unlawfully procures the release of, or unlawfully attempts to procure the release of, a dog from the Animal Control Centre or from the custody of a member of the Police Force or the custody of an authorised person;
- (e) uses indecent, abusive, or insulting language to a member of the Police Force or an authorised person in the execution of his duty;
- (f) without any lawful excuse withholds any information that has been lawfully requested by a member of the Police Force or by an authorised person; or
- (g) by the offer of any gratuity, bribe, or other inducement prevents or attempts to prevent a member of the Police Force or any authorised person from carrying out his duty,

is guilty of an offence.

- (2) A person guilty of an offence under subsection (1) is liable on summary conviction
- (a) in respect of paragraphs (a) to (f), to a fine of \$2 000, or to imprisonment for a term of 12 months, or both; and
 - (b) in respect of paragraph (g), to a fine of \$5 000, or to imprisonment for a term of 12 months, or both.
- (3) A person who contravenes any of the regulations is guilty of an offence and is liable on summary conviction to a fine of \$500, or to imprisonment for a term of 3 months; and, in the case of a continuing offence, to a fine of \$50 for each day or part thereof during which the offence continues after a conviction was first obtained.

Expenses

25. All expenses incurred in the administration of this Act are to be defrayed out of moneys voted by Parliament for the purpose.

Power of Minister to authorise persons to carry out provisions of Act

26. The Minister may in writing designate such persons as he considers necessary to be authorised persons for the purpose of carrying out the provisions of this Act.

Authorised persons may request assistance of police officer

27.(1) An authorised person may, in the execution of his duties under this Act request the assistance of a member of the Police Force.

(2) No liability attaches to any member of the Police Force or to any authorised person for anything done by him in good faith pursuant to this Act.

[1983-25]

[Effective date 4th August, 1983.]

Crown

28. This Act and the regulations bind the Crown, subject to any modifications contained in the regulations.