

No. 10 of 2013

Third Session Tenth Parliament Republic of
Trinidad and Tobago

HOUSE OF REPRESENTATIVES

BILL

AN ACT to provide for the control of dogs and to regulate the manner in which certain breeds of dogs are kept by their owners or keepers; to repeal the Dangerous Dogs Act, 2000 and for related matters

THE DOG CONTROL BILL, 2013

Explanatory Note

(These notes form no part of the Bill but are intended only to indicate its general purport)

The Bill seeks to provide for the control of dogs and to regulate the manner in which certain breeds of dogs are kept by their owners or keepers; to repeal the Dangerous Dogs Act, 2000 and for related matters.

Clause 1 would provide for the short title of the Act.

Clause 2 would provide for the commencement of the Act.

Clause 3 would allow the Act to have effect even though inconsistent with sections 4 and 5 of the Constitution.

Clause 4 would provide for the use of certain terms in the Act. Class A dogs are listed in the Schedule as the Pitbull Terrier, Fila Brasileiro and Japanese Tosa. Class B dogs are all other types of dogs.

Clause 5 would prohibit the entry of dogs in restaurants, places where food and beverages are consumed by the public, commercial malls and shops unless the dog is a guide dog. Class A dogs would be prohibited from entering public places unless they are properly muzzled and on a leash.

Clause 6 would provide for the registration of class A dogs with the local authority for the area where the owner resides.

Clause 7 would provide for the licensing of class A dogs. This licence would be valid for a period of two years. This clause would also provide for the license fees, the establishment of a database for all class A dogs, the identification of class A dogs by microchip and other requirements.

Clause 8 would permit the Ministry of Local Government to take charge of a class A dog where the owner or keeper is unable to fulfill the requirements of the Act.

Clause 9 would impose a duty on owners of class A dogs to secure the premises where these dogs are kept. This clause would also permit an authorized officer of a local authority to inspect these premises and provides for the authorized officer to issue a notice of non-compliance to the occupier where the premises are not secured so as to prevent the escape of the dog.

Clause 10 would prohibit the keeping of an unlicensed class A dog.

Clause 11 would impose an obligation on the owner of a class A dog to hold a policy of insurance with coverage of not less than two hundred and fifty thousand dollars (\$250,000.00) for each dog.

Clause 12 would provide for the owner to inform the local authority of any cancellation or lapse in the policy of insurance for the class A dog.

Clause 13 would provide for the insurer to be joined as a co-defendant in any civil action for damages brought against a person who is required to have a policy of insurance in force under this Act.

Clause 14 would provide for the prohibition of class A dogs from certain places.

Clause 15 would prohibit the abandonment of class A dogs by their owners or keepers.

Clause 16 would impose an obligation on owners or keepers to have class A dogs trained by a certified dog trainer. Class B dogs would require training by a certified dog trainer if that dog has been dangerously out of control.

Clause 17 would impose liability on the owner or keeper of a class A dog where that dog escapes and causes any death, injury or damage.

Clause 18 would provide for a notice to be displayed in a prominent place that there is a class A dog on the premises.

Clause 19 would provide for liability where injury or death is caused by a class A dog.

Clause 20 would prohibit the inciting of a dog to attack a person without reasonable cause.

Clause 21 would empower the Court to make destruction or disqualification orders in the appropriate circumstances.

Clause 22 would provide for a constable or officer of a local authority to seize and destroy a class A dog that is in a place where it is not permitted to be.

Clause 23 would empower a Magistrate to issue a warrant authorizing a constable to enter and search premises and seize a class A dog in certain circumstances.

Clause 24 would provide an exemption for veterinary surgeons who keep class A dogs in a professional capacity.

Clause 25 would provide for impounding or destruction of a class A dog due to non-compliance with the Act.

Clause 26 would permit civil actions to be brought under any other law.

Clause 27 would provide for persons who keep more than five class A dogs to be deemed kennel operators.

Clause 28 would empower the Minister to make Regulations.

Clause 29 would repeal sections 15, 16 and 17 of the Dogs Act.

Clause 30 would repeal the Dangerous Dogs Act, 2000.

THE DOG CONTROL BILL, 2013

Arrangement of Clauses

Clause

1. Short title
2. Commencement
3. Act inconsistent with sections 4 and 5 of the Constitution
4. Interpretation
5. Control of dogs
6. Registration of class A dogs
7. Licensing of class A dogs
8. Ministry to take charge of class A dogs
9. Obligation to secure premises
10. Keeping an unlicensed class A dog
11. Obligation on owner of class A dog to hold policy of insurance
12. Cancellation or lapse of policy
13. Joinder of insurer as co-defendant
14. Prohibition from certain places
15. Obligation not to abandon class A dog
16. Obligation to train class A dog
17. Liability for escape of class A dog
18. Notice
19. Injury or death by a class A dog
20. Inciting a dog to attack a person
21. Destruction and disqualification orders
22. Seizure and destruction
23. Issue of warrant
24. Exemption
25. Impounding or destruction of class A dog due to non-compliance with Act
26. Civil actions

27. Kennels

28. Regulations

29. Chap. 67:54 amended

30. Repeal Act No. 32 of 2000

SCHEDULE

BILL

AN ACT to provide for the control of dogs and to regulate the manner in which certain breeds of dogs are kept by their owners or keepers; to repeal the Dangerous Dogs Act, 2000 and for related matters

[Assented to , 2013]

WHEREAS it is provided that by subsection (1) of ^{Preamble} section 13 of the Constitution that an Act of Parliament to which that section applies may expressly declare that it shall have effect even though inconsistent with sections 4 and 5 of the Constitution and, if any such Act does so declare, it shall have effect accordingly:

And whereas it is provided by subsection (2) of the said section 13 that an Act of Parliament to which that section applies is one the Bill for which has been passed by both Houses of Parliament and at the final vote thereon in each House has been supported by the votes of not less than three-fifths of all the members of that House:

And whereas it is necessary and expedient that the provisions of this Act shall have effect even though inconsistent with sections 4 and 5 of the Constitution:

Enactment	ENACTED by the Parliament of Trinidad and Tobago as follows:
Short title	1. This Act may be cited as the Dog Control Act, 2013.
Commencement	2. This Act comes into operation on such day as is fixed by the President by Proclamation.
Act inconsistent with sections 4 and 5 of the Constitution	3. This Act shall have effect even though inconsistent with sections 4 and 5 of the Constitution.
Interpretation	4. (1) In this Act— <p style="margin-left: 40px;">“advertisement” includes any means of bringing a matter to the attention of the public;</p> <p style="margin-left: 40px;">“class A dog” means a dog of the type listed in the Schedule;</p> <p style="margin-left: 40px;">“class B dog” means a dog other than a class A dog;</p> <p style="margin-left: 40px;">“constable” includes any member of the Police Service and any member of a Municipal Police Service within the meaning of Part III of the Municipal Corporations Act <small>Chap. 25:04</small> or any officer of an agency of the State, lawfully vested with powers similar to those exercisable by a police officer appointed under the Police Service Act; <small>Chap. 15:01</small></p>

“Court” means the Magistrates’ Court;

“dog” includes a bitch;

“guide dog” means a dog that is specially trained to aid a particular blind or visually impaired person;

“insurer” has the same meaning ascribed to it in section 2 of the Insurance Act; Chap. 84:01

“keeper” means a person who is responsible for a class A dog or a class B dog;

“kennel” means any premises where more than five class A dogs are kept and maintained, and includes any establishment engaged in the business of boarding and selling dogs or where the breeding of dogs for sale is carried on;

“local authority” means the Council of a Municipal Corporation within the meaning of the Municipal Corporations Act, or the Tobago House of Assembly Act; Chap. 25:03

“microchip” means an encoded identification device approved by the Minister in accordance with section 7(6) of this Act which is implanted into a dog, containing a unique code that permits or facilitates access to owner information and which information is stored in a database established and maintained by the Ministry;

“Minister” means the Minister to whom responsibility for local government is assigned;

“owner” means a person who owns or is otherwise in possession of a class A dog or a class B dog;

“prescribed” means prescribed by Regulations;

“public place” means any street, road or other place (whether or not enclosed) to which the public has or is permitted to have access whether for payment or otherwise;

“veterinary surgeon” means a veterinary surgeon registered under the Veterinary Surgeons (Registration) Act.

Chap. 67:04

(2) In this Act, references to a person being responsible for a dog are to a person who is responsible for a dog whether on a permanent or temporary basis.

(3) In this Act, references to being responsible for a dog include being in charge of it.

(4) For the purposes of this Act, a person who owns a dog shall be regarded as being a person who is responsible for it.

(5) For the purposes of this Act, a person shall be treated as being responsible for any dog of which a person under the age of eighteen years in his care and control is in charge.

(6) For the purposes of this Act, a class A dog shall be regarded as dangerously out of control if it is not being kept under control, by whatever means, by the owner or keeper, and—

(a) it injures any person without reasonable cause; or

(b) there are grounds for reasonable apprehension that it will injure any person without reasonable cause, whether or not it actually does so.

(7) For the purposes of this Act, “reasonable apprehension” means apprehension as to—

(a) the person’s own safety; or

(b) the safety of another person.

(8) In this Act, references to a class A dog or class B dog injuring a person or there being reasonable grounds for apprehension that it will do so, do not include references to a dog being used for a lawful purpose by a constable or a person in the service of the State.

(9) For the purposes of this Act, a class B dog shall be regarded as dangerously out of control on any occasion on which there are grounds for reasonable apprehension that it will injure any person whether or not it actually does so.

5. (1) No owner or keeper of a dog shall permit the Control of dogs dog to enter any—

- (a) restaurant;
- (b) place where food or beverages are sold or consumed by the public;
- (c) commercial mall; or
- (d) shop,

unless the dog is a guide dog.

(2) Subject to subsection (1), no owner or keeper of a class A dog shall permit the dog to enter a public place unless—

- (a) the dog is securely fitted with a muzzle sufficient to prevent it from biting any person;
- (b) the dog is securely held on a lead by a person who is not less than eighteen years old and who is capable of controlling the dog; and
- (c) the owner or keeper, with the dog, has attended and completed a course of training in the control of dogs that is recognized by the Minister by Order.

(3) No owner or keeper of a dog shall—

- (a) permit the dog to be dangerously out of control in a public place;
- (b) encourage the dog to be aggressive or to intimidate a person; or
- (c) permit the dog to attack a person without reasonable cause.

(4) For the purposes of this section, reasonable cause includes situations where—

- (a) the person attacked was committing an offence for which the penalty could be a term of imprisonment;
- (b) the person was in a place where he was not permitted to be which was enclosed by adequately maintained and substantial boundaries which—
 - (i) would reasonably be expected to be capable of restraining a dog; and
 - (ii) was clearly marked to warn persons against entering;
- (c) the dog is being used for a lawful purpose by a constable or a person in the service of the State;
- (d) the dog was provoked into an attack by a person other than the person responsible for it;
- (e) the dog was being attacked by another animal; or
- (f) the dog is being trained or is participating in an event in which it demonstrates its ability.

(5) A person who contravenes subsection (1) or (2), commits an offence and is liable on summary conviction to a fine of fifty thousand dollars.

(6) A person who contravenes subsection (3) commits an offence and is liable on summary conviction to imprisonment for one year.

6. (1) Within three months of the coming into force of this Act, every owner of a class A dog shall register the dog in the prescribed form with the local authority for the area where he resides.^{Registration of class A dogs}

(2) Every owner of a pup of a class A dog shall register the pup in accordance with this section where the pup is at least six months old or whose canines have descended.

(3) In order to ensure compliance with this Act, the Ministry may require a veterinary surgeon to certify promptly in writing, the type of a dog.

7. (1) No person shall own a class A dog unless that person, within three months of the coming into force of this Act, applies for and obtains a licence in the prescribed form from the local authority for the area where he resides.^{Licensing of class A dogs}

(2) A local authority shall maintain a register in the prescribed form of all licences issued under this section and shall include in the register the particulars of the policy of insurance required under section 11.

(3) The register mentioned in subsection (2) shall be open to the public for inspection during normal working hours.

(4) The Ministry shall establish and maintain a database of all class A dogs and that database shall contain such information as prescribed under section 28.

(5) A local authority shall not issue a licence to the owner of a class A dog unless the owner—

(a) presents to the local authority—

(i) a certificate in the prescribed form verifying that the premises on which the dog is to be kept have been inspected and approved in accordance with section 9; and

(ii) a policy of insurance issued in accordance with section 11;

(b) has paid the licence fee specified in subsection (7); and

(c) has caused a microchip to be implanted in the dog as a means of identifying the dog.

(6) The Minister may by Order specify the type of microchip to be implanted in a class A dog.

(7) Subject to subsection (8), the licence fee required to be paid to a local authority is—

(a) one thousand dollars per dog where an owner owns one or two class A dogs; or

(b) fifteen hundred dollars per dog where an owner owns more than two class A dogs,

except that the licence fee shall be five hundred dollars per dog where each class A dog has been spayed or neutered.

(8) The Minister may by Order vary the licence fees mentioned in subsection (7).

(9) Every licence issued in accordance with this section is valid for a period not exceeding two years from the date of its issue.

(10) Notwithstanding any other written law, all monies received in respect of licences granted under this Act shall be retained by the local authority for the purposes of administering this Act.

(11) Upon the granting of a licence under this Act, there shall be issued and delivered to the licensee or his agent, a metal label or other badge bearing a registration number in such form as may be prescribed.

(12) A person who owns a class A dog shall ensure that—

(a) the dog wears a collar at all times; and

(b) the metal label or badge referred to in subsection (11) is at all times securely affixed to the collar worn by the dog.

(13) An owner of a class A dog shall inform the local authority of the death of his dog at the earliest opportunity.

(14) A microchip shall be implanted by a person who is approved by the local authority to carry out such an implant.

(15) A local authority shall publish annually in the *Gazette* and two daily newspapers of general circulation in Trinidad and Tobago a list of approved persons referred to in subsection (14).

(16) A person who—

(a) contravenes this section; or

(b) removes or defaces the metal label, badge, microchip or such other form of identification referred to in subsection (11),

commits an offence and is liable on summary conviction to a fine of fifty thousand dollars and to imprisonment for one year.

8. (1) An owner or keeper of a class A dog who is unable to fulfil the requirements of this Act shall notify the Ministry of that fact and transfer possession of the dog to the Ministry. Ministry to take charge of class A dogs

(2) Where the Ministry has taken possession of a class A dog under subsection (1), that dog shall be destroyed in a manner to cause as little pain as possible, by a veterinary surgeon.

Obligation to secure premises

9. (1) A person who owns or keeps a class A dog shall ensure that the premises on which that dog is kept are secured by a fence or wall of the prescribed dimensions and that such fence or wall is so constructed and maintained as to prevent the escape of the dog.

(2) For the purposes of this section, “fence or wall” includes a gate.

(3) An authorized officer of a local authority may, upon producing if so required, a duly authenticated document in the prescribed form showing his authority, enter any premises upon which a class A dog is kept at all reasonable hours to inspect those premises for the purpose of ensuring compliance with subsection (1).

(4) Upon being so satisfied, the authorized officer shall issue a certificate of compliance in the prescribed form.

(5) Where the authorized officer is not so satisfied, he shall draw to the attention of the occupier of the premises the areas of non-compliance and issue to the occupier a notice directing him to comply with subsection (1) within a fixed time.

(6) A person who—

(a) contravenes this section; or

(b) fails to comply with a notice under subsection (5) within the fixed time,

commits an offence and is liable on summary conviction to a fine of fifty thousand dollars and to imprisonment for one year.

(7) Where a person is charged with an offence under this section, the onus of proof shall lie on that person to show that he complied with the requirements of subsection (1).

Keeping an unlicensed class A dog

10. A person who keeps a class A dog which is not licensed in accordance with this Act, commits an offence and is liable on summary conviction to a fine of fifty thousand dollars and to imprisonment for one year.

11. (1) A person who owns a class A dog shall have in force in relation to each dog, a policy of insurance that provides coverage in respect of each claim for injury or death caused by that dog in the sum of not less than two hundred and fifty thousand dollars or such higher sum as the Minister may prescribe by Order.

Obligation on owner
of class A dog to hold
policy of insurance

(2) A person shall not keep a class A dog unless there is in force in respect of that dog, a policy of insurance of the type referred to in subsection (1).

(3) A person who contravenes this section commits an offence and is liable on summary conviction to a fine of seventy-five thousand dollars and to imprisonment for three years.

(4) A policy of insurance shall be a policy which—

(a) is issued by a person who is an insurer; and

(b) insures the owner and any authorized keeper specified in the policy against any liability which may be incurred by him in respect of the death of, or injury to a person caused by a dog in relation to which the policy of insurance under this section, is in force.

(5) Where payment is made by an insurer under a policy issued under this Act, or by the owner or keeper of a class A dog in respect of the death of, or injury to a person and the person who has died or suffered injury has, to the knowledge of the insurer or owner, received treatment in a medical institution in respect of the fatal or other injury, there shall also be paid by the insurer to the owner of the institution, the expenses reasonably incurred in the treatment of that injury.

12. (1) Where a policy of insurance required under section 11 is no longer in force, the owner of the class A dog in respect of which the policy is issued shall, within twenty-four hours, excluding Saturdays, Sundays and public holidays, inform the local authority.

Cancellation or lapse
of policy

(2) Where it comes to the attention of the local authority that a policy of insurance required under

section 11 is no longer in force, the authority shall revoke the licence issued in accordance with section 7.

(3) The owner of a class A dog who fails to comply with subsection (1) commits an offence and is liable on summary conviction to a fine of fifty thousand dollars and to imprisonment for one year.

(4) Where the owner of a class A dog is convicted under subsection (3), the Court shall—

(a) in addition, make an order that the owner take out a policy of insurance required under this Act in respect of the class A dog within one month of the date of the conviction or such reasonable time as the Court thinks fit; and

(b) impound the class A dog during that period and the owner shall be liable for any expenses incurred in the impounding of the dog.

(5) Where the owner fails to comply with the order made under subsection (4), the relevant local authority shall have the dog destroyed by a veterinary surgeon in a manner to cause as little pain as possible, and the owner is liable for any expenses incurred in the destruction of the dog.

Joinder of insurer as
co-defendant

13. (1) Where a claimant brings a civil action for damages against any person who is required by this Act to have in force a policy of insurance, then even though—

(a) liability as between the claimant and the insured has not yet been determined; or

(b) the insurer may be entitled to avoid or cancel or may have avoided or cancelled the policy,

the claimant may, subject to this section, join the insurer as a co-defendant in the action.

(2) Where an insurer is joined as a co-defendant under subsection (1), the insurer may raise any defence

that he may be entitled to under the policy of insurance or otherwise.

(3) Where the insurer is joined as a co-defendant or is required to make a payment to any person entitled under section 11(4), he shall be liable to satisfy the judgment that may be obtained against the insured, in addition to all costs and interest payable in respect of such judgment and any other costs for which the insured may be made liable.

(4) A person who desires to institute proceedings under this section may require the insured to provide, within fourteen days, the name and address of the insurer, the date of the policy, and such other particulars as may be required to enable him to institute such proceedings.

(5) Upon receipt of the particulars referred to in subsection (4), or where the person has obtained those particulars in any other manner, whichever is earlier, the person shall give to the insurer twenty-eight days notice of his intention to institute proceedings under this section.

(6) Where the insured refuses or neglects to provide the particulars required under subsection (4), he commits an offence and is liable on summary conviction to a fine of fifteen thousand dollars.

(7) This section also applies where a claimant brings an action in his capacity as the personal representative of a person who suffered fatal injuries.

14. (1) A person who owns or keeps a class A dog shall keep that dog under control in his private premises. Prohibition from certain places

(2) A person shall not keep a class A dog on premises, whether indoors or outdoors, that accommodate more than one household.

(3) A person who contravenes subsection (1) or (2) commits an offence and is liable on summary conviction to a fine of fifty thousand dollars and to imprisonment for one year.

(4) If the owner or keeper of a class A dog allows it to enter private premises where it is not permitted to be, and—

- (a) there are reasonable grounds for apprehension that it will injure any person, the owner or keeper commits an offence and is liable on summary conviction to a fine of fifty thousand dollars and to imprisonment for one year; or
- (b) the dog injures any person, the owner or keeper commits an offence and is liable on summary conviction to a fine of one hundred thousand dollars and to imprisonment for five years.

(5) Except for the purpose of complying with this Act and where it becomes necessary for a class A dog to receive veterinary attention, such attention shall be administered in the private premises of the owner of the dog, unless a veterinary surgeon certifies in writing that the attention cannot be administered other than at the office of a veterinary surgeon.

(6) Where a class A dog enters onto private premises, the owner or occupier of those premises may destroy the dog.

Obligation not to abandon class A dog

15. (1) An owner or keeper of a class A dog shall not abandon the dog.

(2) A person who contravenes this section commits an offence and is liable on summary conviction to a fine of fifty thousand dollars and to imprisonment for one year.

Obligation to train class A dog

16. (1) An owner or keeper of a class A dog shall cause that dog to be trained by a certified dog trainer.

(2) An owner or keeper of a class B dog shall cause that dog to be trained by a certified dog trainer where it has come to the attention of a constable or an authorized officer or a local authority that the dog has been dangerously out of control on at least one occasion.

(3) A certified dog trainer is a person who is recognized by the Minister by Order, as being approved to conduct such training.

(4) A person who contravenes this section commits an offence and is liable on summary conviction to a fine of fifty thousand dollars and to imprisonment for one year.

17. Where a class A dog escapes from any premises, the owner or keeper of that dog shall be liable in civil proceedings for any death, injury or damage caused by that dog. Liability for escape of class A dog

18. (1) A person who owns a class A dog or keeps a class A dog on his premises shall cause to be displayed in a prominent place on the premises, a notice indicating that there is a class A dog on the premises. Notice

(2) A person who contravenes this section commits an offence and is liable on summary conviction to a fine of ten thousand dollars.

19. (1) Where a class A dog injures a person, the owner or keeper of the dog commits an offence and is liable on summary conviction to a fine of one hundred thousand dollars and to imprisonment for five years. Injury or death by a class A dog

(2) Where a class A dog kills a person or causes the death of a person, the owner or keeper of the dog commits an offence and is liable on summary conviction to a fine of two hundred thousand dollars and to imprisonment for ten years.

(3) Where a class A dog kills a person or causes the death of a person on or outside private premises where—

(a) the dog was unprovoked; or

(b) an offence was not being committed,

the Court may order the seizure and destruction of that dog.

20. (1) A person who, without reasonable cause, incites a dog to attack another person commits an offence and is liable, in addition to any other penalties he may incur Inciting a dog to attack a person

under this Act, on summary conviction to a fine of twenty-five thousand dollars and to imprisonment for six months.

(2) It shall be a defence for a person charged with an offence under this section to establish that the other person was committing or had an intention of committing a criminal offence.

(3) This section does not apply to the training of dogs.

Destruction and
disqualification
orders

21. (1) Where a person is convicted of an offence under this Act, the Court may—

- (a) order that the dog be sold or given to a person who will, in the opinion of the Court, care properly for the dog;
- (b) order that the dog be sold or given to an establishment for the reception of stray dogs;
- (c) order the destruction of the class A dog in a manner to cause as little pain as possible by a veterinary surgeon; and
- (d) order the offender to be disqualified, for such period as the Court thinks fit, from owning or keeping a class A dog.

(2) Where a Court makes an order under subsection (1)(a) or (b), the dog shall not be sold or given for the purposes of vivisection.

(3) Where a Court makes an order under subsection (1)(c), in respect of a class A dog owned by a person other than the offender, the owner may appeal against the order.

(4) A class A dog shall not be destroyed pursuant to an order under subsection (1)(c)—

- (a) before the end of the period for giving notice of appeal against the order; and
- (b) if the notice of appeal is given within that period before the appeal is determined or withdrawn.

(5) Where a Court makes an order under subsection (1)(c), it may order the offender to pay such sum as the Court may determine to be the reasonable expenses incurred in destroying the class A dog and in keeping it, pending its destruction.

(6) Any sum ordered to be paid under subsection (5) shall, for the purposes of enforcement, be treated as if it were a fine imposed on conviction.

(7) A person who owns or keeps a class A dog in contravention of an order under subsection (1)(d) commits an offence and is liable on summary conviction to a fine of fifty thousand dollars and to imprisonment for one year.

(8) Where an owner or keeper has contravened any provision of this Act on more than one occasion, the Court may order that the dog be taken away from its owner or keeper.

22. (1) A constable or an officer of a local authority ^{Seizure and} _{destruction} duly authorized to exercise the powers conferred by this section may seize a class A dog or a dog which appears to him to be a class A dog which is in a public place or in a place where it is not permitted to be.

(2) A dog that has been seized and is required to be destroyed in accordance with this Act, shall be destroyed in a manner to cause as little pain as possible by a veterinary surgeon.

23. (1) A Magistrate who is satisfied by information on ^{Issue of warrant} oath, that there are reasonable grounds for believing—

- (a) that an offence under this Act is being or has been committed; or
- (b) that evidence of the commission of any such offence is to be found on any premises,

may issue a warrant authorizing a constable to enter and search those premises and to seize any class A dog or other thing found there, which is evidence of the commission of such an offence.

(2) Where, in any proceedings, it is alleged by the prosecution, that a dog is a class A dog, the onus is on the accused to prove that the dog is not a class A dog.

Exemption

24. (1) Any reference in this Act to a keeper of a class A dog shall not include a veterinary surgeon who keeps a class A dog in a professional capacity for the purposes of compliance with this Act.

(2) Notwithstanding subsection (1), a veterinary surgeon shall be liable for any damage caused by a class A dog in his charge.

Impounding or destruction of class A dog due to non-compliance with Act

25. (1) Where an owner or keeper of a class A dog has not fulfilled a requirement under this Act, the local authority shall issue a notice directing the owner or keeper to fulfil the requirement within seven days and impound the dog until the requirement is fulfilled.

(2) Where an owner or keeper of a class A dog fails to comply with a notice under subsection (1), the local authority shall inform the owner or keeper of that fact.

(3) Where an owner or keeper of a class A dog has not fulfilled the requirements three days after receiving notice under subsection (2), the local authority shall cause the class A dog to be destroyed in a manner to cause as little pain as possible by a veterinary surgeon.

Civil actions

26. (1) Nothing in this Act prevents a person from bringing an action under any other law in respect of any death, injury or damage caused by a class A dog.

(2) The common law principle of *scienter* does not apply where an action is brought in respect of a class A dog under any other law.

Kennels

27. Any person who keeps more than five class A dogs shall be deemed to be operating a kennel and shall be subject to the Regulations pertaining to kennels.

Regulations

28. (1) The Minister may make Regulations for carrying into effect this Act.

(2) Without limiting the generality of the foregoing, the Minister may make Regulations for—

(a) the fees to be charged under this Act;

- (b) the form, recording and insertion of the microchip;
- (c) the form of registration;
- (d) the form, issuance and renewal of licences;
- (e) the dimensions of the fence or wall of the premises as required under section 9;
- (f) the conditions relating to the seizure, detention and destruction of dogs under this Act; and
- (g) the operation of kennels.

(3) Regulations made under this section shall be subject to negative resolution of Parliament.

29. Sections 15, 16 and 17 of the Dogs Act are repealed.

Chap. 67:54
amended
Repeal
Act No. 32 of 2000

30. The Dangerous Dogs Act, 2000 is repealed.

SCHEDULE

(Section 4)

CLASS A DOGS

1. Pitbull Terrier or any dog bred from the Pitbull Terrier.
2. Fila Brasileiro or any dog bred from the Fila Brasileiro.
3. Japanese Tosa or any dog bred from the Japanese Tosa.

Passed in the House of Representatives this day
of , 2013.

Clerk of the House

IT IS HEREBY CERTIFIED that this Act is one the Bill for which has been passed by the House of Representatives and at the final vote thereon in the House has been supported by the votes of not less than three-fifths of all the members of the House, that is to say by the votes of members of the House.

Clerk of the House

I confirm the above.

Speaker

Passed in the Senate this day of ,
2013.

Clerk of the Senate

IT IS HEREBY CERTIFIED that this Act is one the Bill for which has been passed by the Senate and at the final vote thereon in the Senate has been supported by the votes of not less than three-fifths of all the members of the Senate, that is to say by the votes of Senators.

Clerk of the Senate

I confirm the above.

President of the Senate

No. 10 of 2013

THIRD SESSION
TENTH PARLIAMENT
REPUBLIC OF
TRINIDAD AND TOBAGO

BILL

AN ACT to provide for the control of dogs and to regulate the manner in which certain breeds of dogs are kept by their owners or keepers; to repeal the Dangerous Dogs Act, 2000 and for related matters

Received and read the

First time

Second time

Third time