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No. 1 of 2014

Fourth Session Tenth Parliament Republic of
Trinidad and Tobago

HOUSE OF REPRESENTATIVES

BILL

AN ACT to amend the Dog Control Act, 2013

THE DOG CONTROL (AMENDMENT) BILL, 2014

Explanatory Note

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

The Bill seeks to amend the Dog Control Act, 2013.

Clauses 1 to 3 would provide for preliminary matters.

Clause 4 would amend certain definitions in the Act, in particular the definition of a class A dog. The definition of a class A dog would be amended to mean a dog of the type listed in the Schedule or any dog which has the appearance and physical characteristics predominantly conforming to accepted breed standards of the Kennel Club, the American Kennel Club or the Canadian Kennel Club in respect of the listed class A dogs.

Clause 5 would amend section 5 of the Act to prohibit the entry of dogs in public places where there are prominently displayed notices prohibiting such entry. Assistance dogs and dogs used for security purposes would be exempted.

Clause 6 would amend section 7 of the Act to include the requirement that an owner of a class A dog must not have been convicted of a criminal offence that carries a term of imprisonment for one year or more. Subsection (13) would be amended to impose a duty on the owner of a class A dog to inform the local authority if the dog is lost. Subsection (18) would be repealed.

Clause 7 would amend section 8 of the Act to enable the local authority to give a seized class A dog to a person who is able to care for it or to an institution that receives stray dogs before exercising the option of destruction.

Clause 8 would amend section 9(3) of the Act.

Clause 9 would amend section 10 of the Act.

Clause 10 would amend section 11 of the Act to provide insurance coverage to livestock and other animals where there have been attacks by a class A dog.

Clause 11 would make certain amendments to section 12 of the Act including an amendment to subsection (5) to enable the local authority to give a class A dog to a person who is able to care for it

or to an institution that receives stray dogs before exercising the option of destruction.

Clause 12 would amend section 13 of the Act to enable a civil action to be brought by a guardian *ad litem* or on behalf of a person who is under a disability or is a minor.

Clause 13 would amend section 14 of the Act.

Clause 14 would amend section 18 of the Act to provide for the owner of a class B dog that has been dangerously out of control on at least one occasion, to have a notice on the premises indicating that such a dog is present there.

Clause 15 would amend section 19 of the Act.

Clause 16 would amend section 20 of the Act to provide a defence for a person charged under that section where the other person was committing an offence against the person charged or his spouse, child or other person under his care.

Clause 17 would amend section 21 of the Act.

Clause 18 would amend section 22 of the Act to empower a constable or an officer of a local authority to seize or impound a class A dog which is in a public place or a place where it is not permitted to be. Where the owner or keeper of the dog cannot be located, the dog would then be destroyed by a veterinary surgeon.

Clause 19 would amend section 24 to exempt veterinary surgeons from liability under the Act where a class A dog is being kept for the purposes of medical treatment or compliance with the Act.

Clause 20 would amend the Act by inserting a new section 25A that would impose a fine of two hundred thousand dollars on a body corporate that commits an offence under the Act.

Clause 21 would amend section 28 to allow for the Regulations to prescribe penalties not exceeding fifty thousand dollars.

Clause 22 would repeal and substitute the existing Schedule.

THE DOG CONTROL (AMENDMENT) BILL, 2014

Arrangement of Clauses

Clause

1. Short title
2. Commencement
3. Interpretation
4. Section 4 amended
5. Section 5 amended
6. Section 7 amended
7. Section 8 amended
8. Section 9 amended
9. Section 10 amended
10. Section 11 amended
11. Section 12 amended
12. Section 13 amended
13. Section 14 amended
14. Section 18 amended
15. Section 19 amended
16. Section 20 amended
17. Section 21 amended
18. Section 22 amended
19. Section 24 amended
20. New section 25A inserted
21. Section 28 amended
22. Schedule amended

BILL

AN ACT to amend the Dog Control Act, 2013

[, 2014]

ENACTED by the Parliament of Trinidad and Tobago as Enactment
follows:

1. This Act may be cited as the Dog Control Short title
(Amendment) Act, 2014.
2. This Act comes into operation on such date as is Commencement
fixed by the President by Proclamation.

Interpretation
Act No. 11 of 2013

3. In this Act, “the Act” means the Dog Control Act, 2013.

Section 4 amended

4. Section 4 of the Act is amended—

(a) in subsection (1)—

(i) by deleting the definition of “class A dog” and substituting the following definition:

“ “class A dog” means—

(a) a dog of the type listed in the Schedule or any dog bred therefrom; or

(b) any dog which has the appearance and physical characteristics predominantly conforming to the standards of any of the types listed in the Schedule, as established by the Kennel Club, Canadian Kennel Club or the American Kennel Club as certified by a veterinary surgeon;”;

(ii) in the definition of “local authority” by deleting the word “Act” in the second place it appears; and

(iii) in the definition of “Minister” by inserting after the word “assigned”, the words “and “Ministry” shall be construed accordingly”; and

(b) in subsection (6), by deleting the words “without reasonable cause” wherever they occur.

Section 5 amended

5. Section 5 of the Act is amended—

(a) by repealing subsection (1) and substituting the following subsection:

“ (1) No owner or keeper of a dog shall permit the dog to enter any public place at which notices are

prominently displayed prohibiting entry to dogs, unless the dog—

- (a) is an assistance dog;
 - (b) is being used for the purpose of securing the location; or
 - (c) is being used for a lawful purpose by a constable or a person in the service of the State.”;
- (b) in subsection (2)(c), by inserting after the word “Order” the words “documentary proof of such training shall be presented on request to any authorized representative of the owner or manager of the public place”; and
- (c) in subsection (3)(c), by deleting the word “incite” and substituting the word “cause”.

6. Section 7 of the Act is amended—

Section 7 amended

- (a) by repealing subsection (1) and substituting the following subsection:
- “ (1) A person who owns a class A dog shall, within six months of the coming into force of this Act, apply for and obtain a licence in the prescribed form from the local authority for the area where he resides and the dog is kept.”;
- (b) in subsection (2), by deleting the words “and shall include in the register the particulars of the policy of insurance required under section 11”;
- (c) in subsection (5)(a)(iii), by inserting after the word “application” the words “and he has not been convicted of a criminal offence for which the penalty is a term of imprisonment of one year or more”;

(d) by repealing subsection (13) and substituting the following subsection:

“ (13) An owner of a class A dog shall inform the local authority of the loss or death of his dog at the earliest opportunity.”; and

(e) by repealing subsection (18).

Section 8 amended

7. Section 8 of the Act is amended by repealing subsection (2) and substituting the following subsections:

“ (2) Where the Ministry has taken possession of a class A dog under subsection (1), it may—

(a) give the dog to a person who is able to care properly for the dog; or

(b) give the dog to an establishment for the reception of stray dogs.

(3) Where the class A dog has not been given to a person or an establishment under subsection (2) within seven days, the dog shall be destroyed in a manner to cause as little pain as possible by a veterinary surgeon.”.

Section 9 amended

8. Section 9(3) of the Act is amended—

(a) by inserting after the words “local authority” the words “or a constable”; and

(b) by deleting the words “if so required”.

Section 10 amended

9. Section 10 of the Act is amended by inserting after the words “a person who” the word “knowingly”.

Section 11 amended

10. Section 11 of the Act is amended—

(a) in subsection (1), by deleting the words “in force in relation to each dog,”;

(b) in subsection (2), by deleting the words “in respect of that dog”; and

(c) in subsection (4)(b), by inserting after the words “or injury to a person,” the words “livestock or other animal”.

11. Section 12 of the Act is amended—

Section 12 amended

- (a) in subsection (1), by deleting the words “twenty-four hours” and substituting the words “forty-eight hours”;
- (b) in subsection (4)—
 - (i) in paragraph (a), by inserting after the words “in addition” the words “to any order made pursuant to subsection (3)”; and
 - (ii) in paragraph (b), by deleting the words “during that period” and substituting the words “until a policy of insurance, as required by section 11 is obtained”;
- (c) by repealing subsection (5) and substituting the following subsections:
 - “ (5) Where the owner fails to comply with the order made under subsection (4), the relevant local authority may—
 - (a) give the dog to a person who will care properly for the dog; or
 - (b) give the dog to an establishment for the reception of stray dogs.
 - (6) Where the class A dog has not been given to a person or an establishment under subsection (5) within seven days, the dog shall be destroyed by a veterinary surgeon in a manner to cause as little pain as possible.”.

12. Section 13 of the Act is amended—

Section 13 amended

- (a) in subsection (3), by inserting after the words “he shall be liable” the words “subject to subsection (2),”;

- (b) by repealing subsection (6) and renumbering subsection (7) as subsection (6); and
- (c) in subsection (6) as renumbered, by inserting after the words “fatal injuries” the words “or as a guardian *ad litem* or on behalf of a person who is under a disability or is a minor”.

Section 14 amended **13.** Section 14 of the Act is amended—

- (a) in subsection (1), by deleting the word “private” and substituting the word “enclosed”; and
- (b) in subsection (5), by inserting after the words “the dog” the words “while it is on those premises”.

Section 18 amended **14.** Section 18(1) of the Act is amended—

- (a) by inserting after the words “keeps a class A dog on his premises” the words “or owns a class B dog that has been dangerously out of control on at least one occasion”; and
- (b) by inserting after the words “there is a class A dog” the words “or a dangerous class B dog”.

Section 19 amended **15.** Section 19 of the Act is amended by repealing subsection (3) and substituting the following subsection:

“ (3) Where a class A dog injures or kills a person or animal or causes the death of a person or animal while on, or outside private premises, the Court may order the seizure and destruction of that dog where the attack was unprovoked or was encouraged or incited by another person to attack the person or animal injured or killed thereby.”.

Section 20 amended **16.** Section 20 of the Act is amended by repealing subsection (2) and substituting the following subsection:

“ (2) It shall be a defence for a person charged with an offence under this section to establish that—

- (a) the other person was committing a criminal offence against the person charged;
- (b) the other person was committing a criminal offence against the spouse, the child or any other person under the care of the person charged; or
- (c) the person charged had reasonable cause to fear an attack on himself, his spouse, his child or any other person in his care.”.

17. Section 21 of the Act is amended—

Section 21 amended

- (a) in subsection (1), by repealing paragraphs (c) and (d) and substituting the following paragraph:

“(c) where the dog is a class A dog—

- (i) order the destruction of that dog by a veterinary surgeon, in a manner to cause as little pain as possible; and
- (ii) order the offender to be disqualified from owning or keeping a class A dog for such period as the Court thinks fit.”; and

- (b) in subsection (8), by inserting after the word “keeper” at the end of the subsection, the words “and make such other order as is provided for in section 21(1)(a) or (b)”.

18. The Act is amended by repealing section 22 and substituting the following section:

Section 22 amended

“Seizure and
destruction

22.(1) A constable or officer of a local authority has the power to seize and cause to be impounded a class A dog, which is in a public place or in a place where it is not permitted to be.

(2) Where the local authority is unable to locate the owner or keeper of the dog which has been seized, the dog shall be destroyed by a veterinary surgeon in a manner to cause as little pain as possible.”.

Section 24 amended **19.** The Act is amended by repealing section 24 and substituting the following section:

“Exemption 24. Where a veterinary surgeon keeps a class A dog in a professional capacity for the purposes of—

(a) administering medical treatment to the dog; or

(b) compliance with this Act,

he shall not be liable for any damage caused by that dog.”.

New section 25A inserted **20.** The Act is amended by inserting after section 25 the following section:

“Offences by a body corporate 25A. Where a body corporate commits an offence under this Act, it is liable to a fine of two hundred thousand dollars.”.

Section 28 amended **21.** Section 28 of the Act is amended by inserting after subsection (3) the following subsection:

“ (4) Regulations made pursuant to this Act may prescribe penalties not exceeding fifty thousand dollars for offences committed thereunder.”.

Schedule amended **22.** The Act is amended by repealing the Schedule and substituting the following Schedule:

“SCHEDULE

(Section 4)

Class A Dogs

1. American Pit bull terrier
2. American Staffordshire terrier
3. Staffordshire bull terrier
4. Alano Español

Passed in the Senate this day of , 2014.

Clerk of the Senate

I confirm the above.

President of the Senate

No. 1 of 2014

FOURTH SESSION
TENTH PARLIAMENT
REPUBLIC OF
TRINIDAD AND TOBAGO

BILL

AN ACT to amend the Dog Control Act,
2013

Received and read the

First time

Second time

Third time
