

DOGS ACT 1990

as amended by Dogs (Amendment) Bill 2005 draft 2005-06-15

PART I

DOG LICENCES

5 1 Duties and licences

(1) Subject to the provisions of this Part, there shall be charged in respect of every dog kept in the Island a duty, which shall be paid annually on a licence (in this Act called a "dog licence") to be taken out by the keeper of the dog.

10 (2) The duty in respect of a dog shall be chargeable at the rate for the time being specified by order of the ~~Treasury~~ *Department*

(3) An order under subsection (2) shall provide that —

(a) the duty in respect of a dog which has been neutered; and

15 (b) the duty in respect of a dog which is kept by a person aged 60 years or over,

shall be at a lower rate or rates than the rate ordinarily chargeable under the order.

(4) Schedule 1 shall have effect with respect to the payment and collection of duty under this section, the issue of dog licences and the issue of tokens signifying that dog licences have been issued.

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2 Exemptions

No duty shall be chargeable under section 1 in respect of an exempt dog, that is to say —

25 (a) a dog under the age of 6 months, unless its keeper is a person other than the person by whom it was kept immediately after its birth;

(b) a dog kept and used solely by a blind person for his guidance;

30 (c) a dog kept and used solely for ~~police purposes~~ *law enforcement purposes or search and rescue purposes by such authorities as may be prescribed;*

~~(ca) a dog kept and used solely for purposes of agriculture by a person solely or mainly engaged in agriculture;~~

(ca) *a dog kept and solely used for -*

35 (i) *sporting purposes; or*

(ii) *catching or destroying vermin; or*

(iii) *driving or tending cattle or sheep.*

(d) a dog brought to and remaining in the Island for a period of not more than 28 days in any one year; or

- (e) a dog kept by such a person as may be prescribed-

3 Penalty for failure to license

5 (1) If a person keeps a dog for which a dog licence is not in force, not being an exempt dog, he shall be guilty of an offence and liable on summary conviction to a fine not exceeding £1,000.

(2) In proceedings for an offence under this section it shall be for the defendant to prove that a dog is an exempt dog.

10 4 Dog collars

(1) The keeper of every dog shall cause it, except when in a dwelling-house or the curtilage thereof, to wear a collar bearing the name and address of the owner and (except in the case of an exempt dog) having attached thereto a current token.

15 (2) Any person who without reasonable excuse fails to comply with the requirements of subsection (1) shall be guilty of an offence and liable on summary conviction to a fine not exceeding £1,000.

20 (3) Any dog found outside the curtilage of a dwelling-house without a collar, bearing the name and address of the owner and (except in the case of an exempt dog) having attached thereto a current token, may be seized, and Part III shall apply as if it were a stray dog.

(4) This section does not apply to —

(a) a pack of hounds; or

(b) a dog while it is being used for —

25 (i) sporting purposes; or

(ii) catching or destroying vermin; or

(iii) driving or tending cattle or sheep; or

(c) a dog which is taking part in a show, test, trial or other competition.

30 (5) *Regulations may provide that this section shall not apply, or shall apply subject to prescribed modifications, to a dog which is implanted with an electronic transponder as an alternative to a dog collar, by means of which, with the use of an appropriate device, the dog may be identified by reference to a prescribed register.*

35 (6) *The Department may by regulations provide for alternative means of identification of dogs after consultation with such persons as it considers appropriate.*

5 Production of licences

40 (1) If the keeper of a dog on request by a constable, dog warden or authorised officer fails to produce a current dog licence for the dog for

inspection by the constable, dog warden *or authorised officer* he shall be guilty of an offence and liable on summary conviction to a fine not exceeding £500.

5 (2) In proceedings for an offence under subsection (1) it shall be a defence for the accused to prove that, within 7 days after the request for production of a current dog licence was made, it was produced at such police station as he may have specified at the time the request was made.

PART II

10 GUARD DOGS

Guard dog kennels

6 Control of guard dog kennels

(1) A person shall not keep guard dog kennels unless he is registered under section 7 in respect of the kennels.

15 (2) A person shall not use or permit the use at any place of a guard dog if he knows or has reasonable cause to suspect that the dog (when not being used as a guard dog) is normally kept at guard dog kennels in respect of which a person is not registered under section 7.

20 (3) Any person who contravenes subsection (1) or (2) shall be guilty of an offence and liable on summary conviction to a fine not exceeding £2,500.

7 Registration of guard dog kennels

25 (1) The Department shall keep a register of guard dog kennels, which shall be in such form and contain such particulars as the Department may determine.

(2) An application for registration shall be —

(a) made in writing to the Department in a form provided by the Department;

30 (b) signed by the applicant or his agent; and

(c) accompanied by the prescribed fee.

(3) Subject to subsections (5) and (6), the Department shall register an applicant in respect of the guard dog kennels named in an application and issue to him a certificate of registration.

35 (4) Registration shall be for such period as may be specified in the certificate of registration.

(5) A person who is disqualified for having custody of a dog by virtue of an order under section 1 of the Cruelty to Animals Act 1955 shall not be registered in respect of guard dog kennels.

40 (6) Where —

(a) a person is convicted of any offence under this Act or an offence of cruelty to any animal under the Cruelty to Animals Act 1925; or

5 (b) the kennels named in an application for registration or in respect of which a person is registered do not comply with regulations under subsection (7)(a);

the Department may refuse the application for registration or as the case may be, cancel the registration of that person in respect of the guard dog kennels.

(7) Regulations may make provision as to —

10 (a) the construction and operation of guard dog kennels; and

(b) the information to be supplied on any application for registration under this section.

15 (8) A certificate of registration issued in respect of guard dog kennels shall be kept affixed in a conspicuous place in the kennels, and if default is made in complying with this subsection, the person keeping the kennels shall be guilty of an offence and liable on summary conviction to a fine not exceeding £500.

(9) The register kept under subsection (1) may at all reasonable hours be inspected and copies of the entries in the register taken —

20 (a) without payment, by any constable or by any person authorised by the Department or the Department of Agriculture, Fisheries and Forestry;

(b) on payment of such sum as may be prescribed, by any other person.

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8 Appeals in respect of guard dog kennels

30 (1) Not less than 14 days before refusing an application for registration, or cancelling any registration, in respect of guard dog kennels under section 7(6), the Department shall serve notice of its intention to refuse the application on the applicant or, as the case may be, notice of its intention to cancel the registration on the person registered.

35 (2) Every such notice shall state the grounds on which the Department intends to refuse the application or cancel the registration and shall contain an intimation that if, within 14 days after the service of the notice, the applicant or, as the case may be, the person registered informs the Department in writing of his desire to show cause, in person or by a representative, why the application should not be refused or the registration not cancelled, the Department shall, before refusing the application or cancelling the registration, afford him an opportunity to do so.

40 (3) If the Department, after giving the applicant or, as the case may be, the person registered an opportunity of being heard by it, decides to refuse the application for registration, or to cancel the registration, it shall serve notice of the decision on the applicant or, as the case may be, the person

registered, and such notice shall inform him of his right to appeal under subsection (4) and of the time within which the appeal may be brought.

5 (4) A person aggrieved by a decision refusing or cancelling any registration may, within 21 days of service on him of the notice under subsection (3), appeal to the High Bailiff, and the cancellation under section 7(6) shall not take effect until the expiration of that period or, where such an appeal is brought, before the determination of the appeal.

10 (5) The decision of the High Bailiff on an appeal brought under subsection (4) shall be final, and the Department shall give effect to that decision.

9 Inspection of guard dog kennels

15 Sections 2 and 3(2) (inspection of premises) of the Breeding of Dogs and Cats Act 1981 apply, with any necessary modifications, to guard dog kennels as they apply to breeding establishments within the meaning of that Act.

Guard dogs

10 Notice of guard dogs

20 (1) A person shall not use or permit the use of a guard dog at any place unless a notice containing a warning that a guard dog is present is clearly exhibited at each entrance to that place.

(2) A person who contravenes subsection (1) shall be guilty of an offence and liable on summary conviction to a fine not exceeding £2,500.

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11 Control of guard dogs

(1) Regulations shall —

(a) prohibit the use of a guard dog at any place unless a person who is capable of controlling the dog is present at that place;

30 (b) make provision as to the control to be exercised over a guard dog while it is being used as a guard dog.

(2) Regulations under this section may provide that any person contravening the same shall be guilty of an offence and liable on summary conviction to a fine not exceeding £1,000.

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PART III

STRAY DOGS

12 Seizure of stray dogs

40 (1) If a constable or a dog warden has reasonable cause to believe that a dog found in a highway or place to which the public have access is a stray dog, he may seize it, and may detain it or cause it to be detained by some

other person until it is disposed of or delivered in accordance with section 14 or 15.

- 5 (2) A constable or a dog warden, in attempting to seize a dog under subsection (1), may enter on any land for that purpose, but may not, without the consent of the occupier, enter any building which is occupied.

13 Notice to be given to police

10 (1) A constable or a dog warden who seizes a dog under section 12, and any other person who seizes a stray dog, shall, unless the dog has been restored to its owner, within 24 hours give particulars of —

- (a) the description of the dog;
(b) the name and address of its owner (if known);
(c) any token attached to its collar;
(d) when and where it was found; and
15 (e) its whereabouts;

to a police station in the locality.

(2) The constable in charge of the station shall cause such particulars to be entered in a register kept for the purpose, and the register shall be open to inspection by any person free of charge.

20 (3) The said constable shall, if the name and address of the person who is the owner of the dog, or to whom a dog licence in respect of the dog has been issued, is known or can reasonably be ascertained, serve on such person a notice in writing stating —

- (a) that the dog has been seized;
25 (b) its whereabouts; and
(c) that it may be disposed of or destroyed if it is not claimed within ~~14~~ 7 days of the service of the notice.

30 (4) Any person who seizes a dog and fails without reasonable excuse to comply with the requirements of subsection (1) shall be guilty of an offence and liable on summary conviction to a fine not exceeding £200.

14 Disposal of strays

(1) The Chief Constable or the Department may, if a dog detained under section 12 —

- 35 (a) is sick, injured or dangerous; or
(b) has not been claimed within ~~14~~ 7 days of the day it was seized or, where a notice is served under section 13(3), within ~~14~~ 7 days of the service of the notice,

cause it to be destroyed.

(2) Before causing a dog falling within subsection (1)(a) to be destroyed, the Chief Constable or the Department shall if practicable consult a veterinary surgeon.

5 (3) The Chief Constable or the Department may, if a dog detained under section 12 has not been claimed within the period mentioned in subsection (1)(b), cause it to be sold or given away, but no such dog shall be sold or given away for the purpose of animal experimentation.

(4) On the sale or gift of a dog under subsection (3), the property in it shall be transferred to the buyer or donee.

10 (5) The Chief Constable or the Department may recover from the person who was the keeper of the dog at the time it strayed or was seized the expenses incurred in feeding and caring for it.

15 Release of dog

15 The person by whom a dog is detained under section 12 —

(a) on being satisfied —

(i) that a person claiming a dog kept there is entitled to possession of the dog, or is authorised to claim it by the person so entitled; and

20 (ii) except in the case of an exempt dog, that a current dog licence is in force in respect of the dog; and

(b) on payment of the expenses incurred in feeding and caring for the dog;

shall deliver the dog to the person claiming it.

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16 Rescue

Any person who, without the consent of the person by whom a dog is detained under section 12, removes the dog from the custody of such person shall be guilty of an offence and liable on summary conviction to a fine not exceeding £500.

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PART IV

MISCELLANEOUS

17 Dogs worrying livestock

35 (1) Where any dog —

(a) is found straying, or not under control, on agricultural land; and

(b) is or has been worrying livestock on that land,

its keeper and, if it is in the charge of a person other than its keeper, that person also, shall be guilty of an offence, and liable on summary conviction to a fine not exceeding £2,500.

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(2) The keeper of a dog shall not be convicted of an offence under subsection (1) if he proves that at the relevant time the dog was in the charge of some other person whom he reasonably believed to be a fit and proper person to be in charge of it.

5 (3) Proceedings for an offence under subsection (1) may not be brought except by —

- (a) a constable or the Department; or
- (b) the owner or occupier of the land in question; or
- (c) the owner of any of the livestock in question.

10 (4) Where —

- (a) a constable or a dog warden has reasonable cause to believe that a dog found on any land is one to which subsection (1) applies; and
- (b) no person present admits to being the keeper of the dog or in

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charge of it;

the constable or dog warden may seize the dog, and Part III shall apply as if the dog were a stray dog.

18 Defence to action for killing or injuring dog

20 (1) It is a defence to an action for damages for killing or injuring a dog for the defendant to prove —

- (a) that he acted for the protection of livestock which was —
 - (i) owned by him or in his possession, or on land occupied by him, or
 - 25 (ii) owned by or in the possession of, or on land occupied by, a person by whom he was employed or expressly or impliedly authorised to act; and
- (b) that the circumstances were not such that liability for killing or injuring the livestock would have been excluded by section

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21(2)(c); and

- (c) that within 48 hours he reported the killing or injury to a police station in the locality.

(2) A person shall be deemed to have acted for the protection of livestock if, and only if, —

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- (a) the dog was worrying or about to worry livestock, and there was no other reasonable way of stopping or preventing the worrying; or
- (b) the dog had been worrying livestock, had not left the vicinity and was not under anyone's control, and there was no

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practicable way of ascertaining to whom it belonged; or

- (c) he reasonably believed that either of the above conditions was satisfied.

19 Dogs causing danger, nuisance etc

5 (1) Any person may make a complaint to a court of summary jurisdiction that a dog —

- (a) is not kept under proper control; or
- (b) causes a nuisance or annoyance to the inhabitants of the neighbourhood in which it is kept; or
- 10 (c) is dangerous; or
- (d) has caused injury, or has given just cause for alarm or annoyance, to any person in a highway or other place to which the public has access; or
- (e) has worried livestock.

15 (2) On a complaint under subsection (1) the court may make an order directing that the dog —

- (a) in any case, be kept under proper control;
- (b) in a case falling within subsection (1)(b), be removed from the neighbourhood within a time specified in the order; or
- 20 (c) in a case falling within subsection (1)(c), (d) or (e), be destroyed within a time so specified.

(3) Where the court makes an order under subsection (2)(c), it may also —

- (a) appoint a person to undertake the destruction of the dog and order its keeper, or any other person in whose possession it is, to deliver it up for that purpose; and
- (b) if it thinks fit, make an order disqualifying any person named in the order, being a person who is or has been the keeper of the dog, for having custody of a dog for such period as is specified in the order.

30 (4) If the keeper of a dog in respect of which an order is made under subsection (2) or (3)(a) or section 21(4) fails without reasonable excuse to comply with the order, he shall be guilty of an offence and liable on summary conviction to a fine not exceeding £1,000, and the court may in addition make an order disqualifying him for having custody of a dog for such period as is specified in the order.

(5) Any person who fails without reasonable excuse to comply with an order under subsection (3)(a) shall be guilty of an offence and liable on summary conviction to a fine not exceeding £1,000.

40 (6) Sections 1(2) and (3) and 2 of the Cruelty to Animals Act 1955 apply to an order under subsection (3)(b) or (4) as they apply to an order under section 1(1) of that Act.

(7) The keeper of a dangerous dog which is at large without being muzzled shall be guilty of an offence and liable on summary conviction to a fine not exceeding £1,000.

- 5 — (8) A constable or a dog warden having reasonable cause to believe
- (a) that an order under subsection (2) or (3)(a) or section 21(4) relating to a dog has not been complied with; or
 - (b) that a dog at large without being muzzled is dangerous;

10 may seize the dog, and the Chief Constable or the Department may cause it to be destroyed.

(9) The powers conferred on a court of summary jurisdiction by subsection (2) or (3)(a) may be exercised by a single justice of the peace.

20 Setting on or urging dog to attack

- 15 (1) Any person who —
- (a) sets any dog on any person or livestock, or
 - (b) urges any dog to attack any person or to worry livestock,

20 in any road or other public place or in any place to which the public have or are permitted to have access shall be guilty of an offence and liable on summary conviction to a fine not exceeding £2,500.

(2) Subsection (1) does not apply to a dog while it is being used for the purpose of the lawful arrest or apprehension of any person.

21 Civil liability

25 (1) Subject to subsection (2) the keeper of a dog shall be liable for any damage caused by the dog.

- (2) The keeper of a dog shall not be liable —
- (a) in any case, for damage due wholly to the fault of the plaintiff;
 - (b) in the case of damage other than the killing or injuring of livestock —
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- (i) if the plaintiff voluntarily accepted the risk of the damage (except where he was employed by the keeper and the risk was incidental to his employment); or
 - (ii) for damage caused to a trespasser on premises, if it is proved that the dog was not kept there for the protection of persons or property or, if it was, that keeping it there for that purpose was not unreasonable; or
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(c) in the case of the killing or injuring of livestock, if the livestock was killed or injured on land on to which it had strayed, and either the dog belonged to the occupier of that land or its presence there was authorised by the occupier.

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(3) In proceedings under subsection (1), the plaintiff shall not be required to prove —

- (a) a previous mischievous propensity in the dog; or
- (b) the keeper's knowledge of such propensity; or
- 5 (c) that the injury was due to the keeper's fault.

(4) In proceedings under subsection (1), the court may order that the dog be destroyed.

(5) In proceedings under subsection (1) relating to the killing or injuring of livestock, the plaintiff may require that a trespass jury inquire into and assess the alleged damage.

(6) For the purposes of the Law Reform (Contributory Negligence) Act 1946, the Fatal Accidents Act 1981 and the Limitation Act 1984, any damage for which a person is liable under this section shall be treated as due to his fault or breach of duty.

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22 **Burying Disposal of carcases**

Any person who without reasonable excuse permits the carcase of any livestock belonging to him or under his care to remain ~~unburied~~ in a field or other place to which dogs can gain access shall be guilty of an offence and liable on summary conviction to a fine not exceeding £1,000.

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23 **Control of dogs on roads**

~~(1) If a dog is at large on a road, the keeper of the dog shall be guilty of an offence and liable on summary conviction to a fine not exceeding £1,000.~~

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~~(2) In this section "road" means any highway and any other road to which the public have access.~~

(1) *If a dog –*

- (a) *is on a highway which consists of or comprises a carriageway and*
- 30 (b) *is not under effective control,*

the keeper of the dog shall be guilty of an offence and liable on summary conviction to a fine not exceeding £1,000.

(2) *A person shall not be convicted of an offence under subsection (1) if the keeper satisfies the court that he took all reasonable steps to keep the dog under effective control.*

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24 **Byelaws**

~~(1) The Department may make byelaws for providing that, where any dog —~~

- 40 (a) ~~fouls any footway or pavement in a specified area or place; or~~

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(b) ~~is at large in a specified open space; or~~

(c) ~~fouls, or is at large on, a specified beach at a specified time; or~~

(d) ~~is permitted to enter or remain in a specified open space,~~

5 ~~the keeper of the dog shall, subject to subsection (2), be guilty of an offence and liable on summary conviction to a fine not exceeding £1,000.~~

10 ~~(2) A person shall not be convicted of an offence under byelaws under subsection (1) if he satisfies the court that he took all reasonable steps to prevent the dog from fouling the footway, pavement or beach, or being at large in the open space or on the beach, or entering or remaining in the open space, as the case may be.~~

~~(3) A dog at large in an open space or on a beach in contravention of byelaws under subsection (1) may be seized by a constable or a dog warden, and Part III shall apply as if it were a stray dog.~~

15 ~~(4) The Department may make byelaws providing that, where the keeper of a dog fails to remove any faeces deposited by the dog on any footway or pavement in a specified area or place, or on a specified open space, he shall be guilty of an offence and liable on summary conviction to a fine not exceeding £1,000.~~

20 ~~(5) Byelaws shall not be made under this section as respects an open space which is not vested in or under the management or control of the Department or a local authority, except with the consent of the owner of the open space; but in any proceedings for an offence under the byelaws, it shall be presumed that such consent was given unless the contrary is shown.~~

25 ~~(6) In this section —~~
~~"open space" includes any land laid out for sport, play or recreation (whether public or not) or as public walks or pleasure grounds, and any part of any such land, but does not include any land to which the public have access by virtue of section 9 of the Forestry Act 1984;~~

30 ~~"specified", in relation to any matter, means specified in the byelaws in question.~~

35 ~~(7) Sections 30(3) to (8) and 55(3) of the Local Government Act 1985 apply to byelaws under this section as they apply to byelaws made by a local authority with the substitution, for references to the local authority and to an officer of the authority, of references to the Department and to a dog warden respectively.~~

~~(8) This section is without prejudice to any other power of the Department to make byelaws as respects any land.~~

40 ~~(9) Notice of the effect of any byelaw under this section shall be given by signs placed in conspicuous positions in, at or near the specified area, place, open space or beach.~~

(1) A local authority may make byelaws having effect within its district providing that, where any dog, during a specified period of time or throughout the year —

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- (a) *is found to be at large in a specified open space or on a specified beach at any time of day; or*
- (b) *is permitted to have access to a specified open space or specified beach at any time of day,*

5 *the keeper of the dog shall, subject to subsection (2), be guilty of an offence and liable on summary conviction to a fine not exceeding £1,000.*

(2) *A person shall not be convicted of an offence under byelaws under subsection (1) if he satisfies the court that he took all reasonable steps to prevent the dog from being at large in the open space or on the beach, or*
10 *entering or remaining in the open space, or going or remaining on the beach, as the case may be.*

(3) *A dog at large in an open space or on a beach in contravention of byelaws under subsection (1) may be seized —*

- (a) *by a constable or a dog warden, or*
- 15 (b) *by a person authorised in writing for the purpose by the local authority by whom the byelaws were made;*

and Part III shall apply as if it were a stray dog.

(4) *A local authority may make byelaws having effect within its district providing that, where the keeper of a dog fails to remove any faeces deposited by the dog on —*
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- (a) *any highway which consists of or comprises a carriageway,*
- (b) *a specified open space, or*
- (c) *a specified beach,*

25 *he shall be guilty of an offence and liable on summary conviction to a fine not exceeding £1,000.*

(5) *Byelaws shall not be made under this section as respects an open space which is not vested in or under the management or control of the local authority, except with the consent of the owner of the open space; but in any proceedings for an offence under the byelaws, it shall be presumed that*
30 *such consent was given unless the contrary is shown.*

(6) *Notice of the effect of any byelaw under subsection (1) or subsection (4)(b) or (c) shall be given by signs placed in conspicuous positions in, at or near the specified open space or beach.*

(7) *In this section —*

35 *"open space" includes any land laid out for sport, play or recreation (whether public or not) or as public walks or pleasure grounds, and any part of any such land, but does not include any land vested in or managed or controlled by the Department of Agriculture, Fisheries and Forestry to which the public have access;*

40 *"specified", in relation to any matter, means specified in the byelaws in question.*

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(8) *Section 30(8) of the Local Government Act 1985 applies to byelaws under this section with the modification that the reference to an officer of the authority shall be construed as including a reference to a dog warden.*

5 (9) *This section is without prejudice to any other power of a local authority to make byelaws as respects any land.*

(10) *Byelaws made under this section shall not have effect unless approved by the Department and shall expire ten years after the date they are made.*

10 (11) *Where the Department has withheld its approval under subsection (10), the applicants for the byelaws may present a petition to Tynwald praying that such byelaws be approved; and Tynwald, if it considers that such byelaws should be approved, may by resolution direct that the Department approve such byelaws.*

15 (2) *Any byelaws applying within the district of a local authority and made by the Department under the said section 24 as it had effect before the commencement of this section shall –*

20 (i) *for a period of twelve months from the date of such commencement have effect as if they had been made by the local authority under the said section 24 as substituted by subsection (1), and may be amended or repealed accordingly; and*

25 (ii) *upon the expiry of the period of twelve months from the date of such commencement, be revoked.*

30 (3) *Without prejudice to the power to amend or repeal any such byelaws conferred by subsection (2)(i), the Department may by regulations make such modifications of any byelaws referred to in subsection (2) as appear to it to be necessary or expedient in consequence of subsections (1) and (2). –*

35 **25 Duty to give name and address**

If any person is found offending against section 4(2), 16, 17(1), 19(4) or (7), 20(1) or 23(1), or byelaws under section 24, ~~a constable or a dog warden~~ *a constable, dog warden or authorised officer* may require him to give his name and address, and if after being so required such a person refuses or fails to give his name and address, a constable may arrest him.

26 Obstruction

45 Any person who obstructs ~~a constable or a dog warden~~ *a constable, dog warden or authorised officer* in the performance of any of his functions under this Act shall be guilty of an offence and liable on summary conviction to a fine not exceeding £1,000.

PART V
SUPPLEMENTAL

27 Financial provision

5 (1) Any expenses incurred by the Department ~~or the Treasury~~ in the exercise of its functions under this Act shall be defrayed out of monies provided by Tynwald.

(2) All sums received by the Department ~~or the Treasury~~ under this Act shall be paid into the general revenue of the Island, *or with the agreement of the Department and the Treasury, any duly appointed agent of the*
10 *Department.*

27A Fixed penalties

(1) *Where a constable, dog warden or authorised officer has reasonable cause to believe that a person has committed or is committing an*
15 *offence under section 4(2), 5(1) or 23 or under byelaws under section 24, he may give that person a notice in writing in the prescribed form offering the opportunity of discharging any liability to be convicted of that offence by payment of a fixed penalty under this section.*

(2) *A person to whom a notice is given under this section in respect of an offence shall not be liable to be convicted of that offence if the fixed*
20 *penalty is paid in accordance with this section before the expiration of 14 days following the date of the notice or such longer period (if any) as may be specified in the notice.*

(3) *Where a person is given a notice under this section in respect of an offence, criminal proceedings shall not be taken against any person for the act constituting that offence before the expiration of 14 days following the*
25 *date of notice, or such longer period (if any) as may be specified in the notice.*

(4) *The amount of a fixed penalty under this section shall be £50 .*

(5) *The Department may by order substitute a different amount for the amount for the time being specified in subsection (4).*
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(6) *Payment of a fixed penalty under this section shall be made to –*

(a) *the Chief Registrar in the case of notices issued by a constable, dog warden or authorised officer of the Department of Agriculture, Fisheries and Forestry, or*
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(b) *the local authority authorised to enforce any byelaws under section 24, within the district of the authority for the benefit of that authority ("the relevant authority") in the case of notices issued by its authorised officers*
40

and may be recovered as a civil debt.

(7) *In any proceedings a certificate purporting to be signed by or on behalf of the Chief Registrar in the case of payment under subsection (6)(a)*

and by an authorised officer on behalf of the relevant authority that payment of a fixed penalty under this section was or was not made in accordance with subsection (6) by a date specified in the certificate shall be evidence of the fact stated.

5 (8) In this section “prescribed” means prescribed by regulations made by the Department.”

27B. Payment of fines to local authorities

10 Fines adjudged to be paid by a conviction under sections 4(2),5(1), 23 and 24 shall in the case of prosecutions brought by a local authority be paid to the Chief Registrar for the benefit of the prosecuting local authority.”

28 Orders and regulations

15 (1) The Department may by regulations prescribe any thing which by this Act (~~except Schedule 1~~) may be prescribed, and such regulations shall be laid before Tynwald.

~~(2) The Treasury may by regulations prescribe anything which by Schedule 1 may be prescribed.~~

20 (3) Orders ~~and regulations~~ under this Act (except an order under section 32(2)) shall not have effect unless they are approved by Tynwald.

(4) Byelaws approved by the Department and made under this Act shall be laid before Tynwald.

29 Meaning of "keeper"

25 (1) Subject to the following provisions of this section, for the purposes of this Act a person is the keeper of a dog if he owns the dog or has it in his possession, or he is the head of a household of which a member under the age of 16 owns the dog or has it in his possession.

30 (2) If at any time a dog ceases to be owned by or in the possession of a person, any person who immediately before that time was a keeper of it by virtue of subsection (1) continues to be a keeper of it until another person becomes keeper of it by virtue of subsection (1).

35 (3) If a person takes a dog into and keeps it in his possession for the purpose only of preventing it from causing damage, restoring it to its owner or delivering it to a constable or dog warden, he shall not be taken to be a keeper of the dog by virtue only of that possession.

(4) Unless the contrary is shown, a person shall be presumed for the purpose of any proceedings to have been a keeper of a dog if at the material time —

40 (a) the dog was in his custody, charge or possession, or
(b) the dog was kept, or allowed to live or remain, in any premises occupied by him.

(5) Subject to subsection (6), a person shall be presumed for the purpose of any proceedings to have been a keeper of a dog if at the material

time his name was entered in the register kept under paragraph 3(2) of Schedule 1 as the keeper of the dog.

5 (6) In any proceedings it shall be a defence to a charge or claim arising by virtue only of subsection (5) for the person concerned to show that at the material time some other person was a keeper of the dog; but a person shall not be entitled to raise that defence unless —

- (a) in the case of criminal proceedings, before the beginning of the period of 7 days ending with the date when the hearing of the charge is begun; or
- 10 (b) in the case of civil proceedings, within such time as is prescribed by rules of court,

he serves on the prosecutor or other party a notice identifying that other person and the grounds on which he claims that the other person was a keeper of the dog.

15 (7) In this section "proceedings" means any proceedings (whether criminal or civil) relating to a dog.

30 Interpretation

In this Act —

20 "agricultural land" means land used as arable, meadow or grazing land or for the purpose of poultry farming, pig farming, market gardens, allotments, nursery grounds or orchards;

"at large", in relation to a dog, means not on a lead or under the effective control of a person aged 10 years or over;

25 "*authorised officer*" means an officer of a local authority authorised to enforce this Act, or any byelaws under section 24, within the district of the authority and includes, on land vested in or managed or controlled by the Department of Agriculture, Fisheries and Forestry to which the public have access, an officer authorised by that Department;

30 "*carriageway*" means a way (other than a cycle track) over which the public have a right of way for the passage of vehicles.

"collar" includes any restraining harness;

"current token", in relation to any dog, means the token issued for that dog for the current year;

35 "dangerous" includes ferocious or vicious;

"the Department" means the Department of Local Government and the Environment;

"dog licence" means a licence under section 1;

40 "dog warden" means a person authorised in writing by the Department to exercise the functions of a dog warden under this Act;

"exempt dog" means a dog exempted from duty under section 2;

"guard dog" means a dog which is being used to protect —

- (a) any place (other than a dwelling house occupied by the keeper of the dog, or the curtilage thereof);
- (b) goods kept at any such place; or
- (c) a person guarding any such place or goods;

"guard dog kennels" means any premises where a person in the course of a business keeps a dog which is used as a guard dog elsewhere (whether or not it is also used for other purposes), other than a dog which is used as a guard dog only at a place belonging to or occupied by its keeper;

"highway" includes a footpath over which the public have a right of way on foot only;

"the keeper", in relation to a dog, means any person who is for the time being a keeper of it in accordance with section 29, and "keep" has a corresponding meaning;

"livestock" means cattle (including bulls, cows, bullocks, heifers or calves), sheep, goats, pigs, horses, asses, mules, hinnies, deer not in the wild state, poultry (including turkeys, geese, ducks, guinea-fowl, pigeons, peacocks or quails) and, while in captivity, pheasants, partridges and grouse;

"muzzled", in relation to a dog, means wearing a muzzle which effectively prevents it biting;

"neutered", in relation to a bitch, means spayed;

"prescribed" means prescribed by regulations;

"regulations" means regulations made ~~(in the case of anything to be prescribed under Schedule 1) by the Treasury or (in any other case) by the Department;~~

"relevant authority" has the meaning given to it in section 27A(6);

"token" means a token issued under paragraph 5 or 8 of Schedule 1;

"worrying livestock" means causing, or behaving in a way likely to cause, injury or suffering to livestock or, in the case of females, abortion or loss or diminution of their produce;

"year" means a year ending on the 31st March-

31 Transitional provisions, amendments, repeals and revocations

~~(1) The transitional provisions in Schedule 2 shall have effect.~~

(2) The enactments specified in Schedule 3 are amended in accordance with that Schedule.

~~(3) The enactments specified in Schedule 4 are repealed or, as the case may be, revoked to the extent specified in column 3 of that Schedule.~~

32 Short title and commencement

(1) This Act may be cited as the Dogs Act 1990.

(2) This Act shall come into operation on such day as the Department and the Treasury may jointly by order appoint.

5

**Schedule 1
Collection of Duty And Issue of Dog Licences**

General

10

1. (1) The duties chargeable under section 1 shall be levied by the ~~Treasury-Department~~.

(2) Every dog licence shall, except in such cases as may be prescribed, expire on the 31st March following the date on which it is taken out.

15

(3) Regulations may provide that, where a dog licence is taken out otherwise than at the beginning of a year, the duty chargeable on that dog licence shall be, instead of the amount for the time being specified by an order under section 1(2), such lesser amount as may be prescribed.

20

(4) The amount prescribed under sub-paragraph (3) shall be such as to bear to the amount for the time being specified by an order under section 1 (2) no less proportion than the period from the time when the licence is taken out to the end of the year bears to a year.

25

(5) *The Department may by order modify the provisions of this paragraph to enable a dog licence to be taken out for a period of 12 months runnin from the beginning of the month in which the licence has effect and may make such transitional arrangements as may be necessary.*

Places for issue of dog licences

30

2. Dog licences shall be issued at such convenient places in the Island as the ~~Treasury-Department~~ may appoint, and the ~~Treasury Department~~ may make arrangements with any person for the collection of duties and the issue of dog licences at such places.

35

Application and registration

3. (1) A person applying for a dog licence shall deliver to an authorised person particulars in writing in the prescribed form of-

40

(a) the full name and address of the keeper of the dog;

(b) the description of the dog; and

(c) such other matters as may be prescribed.

(2) The authorised person shall enter the said particulars in a register kept for the purpose.

45

(3) Where the applicant claims that the duty on the licence is payable at a lower rate by virtue of section 1(3), he shall produce to the authorised person such evidence as may be prescribed.

(4) A register kept by an authorised person under sub-paragraph (2) shall, unless the contrary is proved, be evidence of the matters therein stated,

and that no licence other than those entered therein has been issued by that person.

- 5 (5) Any person who, in giving any particulars under sub-paragraph (1), knowingly makes any mis-statement in respect thereof shall be guilty of an offence and liable on summary conviction to a fine not exceeding £1,000.

Issue of licences

10 4. (1) Subject to sub-paragraph (2), on receipt of the particulars mentioned in paragraph 3(1) and payment of the duty chargeable, the authorised person shall issue a dog licence in the prescribed form.

(2) The following persons shall be disqualified for taking out or holding a dog licence-

- 15 (a) a person under the age of 16; or
(b) a person for the time being disqualified for having custody of a dog by virtue of an order under section 1 of the Cruelty to Animals Act 1955 or under section 19(3)(b) or (4).

20 (3) A dog licence taken out by a person disqualified under sub-paragraph (2) shall be void.

Issue of tokens

25 5. (1) On the issue of a dog licence, the authorised person shall deliver to the applicant a token-

- (a) made of metal or some other durable material;
(b) bearing a serial number, which shall be entered on the licence and in the register kept under paragraph 3(2); and
(c) of the prescribed colour.

30 (2) Different colours shall be prescribed for tokens issued in different years.

Forgery and misuse of licences and tokens

35 6. Any person who forges or fraudulently alters or uses a dog licence or token, or fraudulently allows a dog licence or token to be used by any other person, shall be guilty of an offence and liable on summary conviction to a fine not exceeding £2,500.

Provision of particulars of licences etc.

40 7. (1) An authorised person shall give to any constable or dog warden on request any particulars contained in any register kept by him under paragraph 3(2).

45 (2) An authorised person (other than the ~~Treasury~~ *Department* shall-
(a) at such intervals as the ~~Treasury~~ *Department* may direct, deliver to the *Department* the registers kept by him under paragraph 3(2); and
(b) at such intervals and in such manner as the ~~Treasury~~ *Department* may direct, account to the ~~Treasury~~ *Department* for all duties received by him under paragraph 4(1).

New or duplicate tokens

8. (1) The ~~Treasury~~Department may, on production of a current dog
licence for a dog and on being satisfied that the current token for that dog has
5 been lost or destroyed, issue a new or duplicate token, and may charge for it
the ~~prescribed fee~~. *such duty as may be prescribed by order*

(2) If a new token issued under this paragraph bears a different serial
number from that borne by the token that was lost or destroyed, the ~~Treasury~~
Department shall cause the new number to be entered on the relevant dog
10 licence and in the relevant register kept under paragraph 3(2).

Interpretation

9. In this Schedule 'authorised person' means the ~~Treasury~~ Department or
15 a person authorised by the ~~Treasury~~Department to collect duties and issue
licences under Part I.

**Schedule 2
Transitional Provisions**

Licence duty

1. *Existing licences etc.*

2.

Byelaws

3.

**Schedule 3
Amendment of Enactments**

[Sch 3 amends the following Acts-
Local Government Consolidation Act 1916 q.v.
Petty Sessions and Summary Jurisdiction Act 1927 q.v.]

**Schedule 4
Enactments Repealed or Revoked**

Note:

Dogs Act 1990

Schedules, 2 and 4 are repealed by the Bill (see clauses 5(7) and the Schedule).

Schedule 3 made consequential amendments and is omitted.

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