

**DANGEROUS DOGS ACT 2003**

**Principal Act**

<b>Act. No. 2003-03</b>	<i>Commencement</i>	8.5.2003
	<i>Assent</i>	7.5.2003

Amending enactments	Relevant current provisions	Commencement date
Act. 2006-45	ss. 3(2), 6, 9(1) & (7)	21.12.2006

**English sources:**

None cited

**ARRANGEMENT OF SECTIONS**

Section

1. Title, commencement and relevant date.
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3. Export or destruction of dangerous dogs.
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**SCHEDULE**

## AN ACT TO PROVIDE FOR THE PROHIBITION AND CONTROL OF DANGEROUS DOGS IN GIBRALTAR.

### **Title, commencement and relevant date.**

1.(1) This Act may be cited as the Dangerous Dogs Act 2003.

(2) This Act comes into operation on the day it is published in the Gazette.

(3) In this Act, the relevant date means the day 5 months after this Act comes into operation.

### **Prohibition of dangerous dogs.**

2.(1) Dogs of the type known as the Pit Bull Terrier, American Staffordshire, Japanese Tosa, Dogo Argentino or Fila Brasileiro and dogs appearing to be a cross breed of or substantially of one of those types, shall not be imported into Gibraltar, or, from the relevant date, kept in Gibraltar, and, from the coming into operation of this section, no person shall sell, buy or otherwise deal with such dogs.

(2) The prohibition in sub-section (1) may be applied by order published in the Gazette to a particular dog or to any other type of dog bred for fighting or which is dangerous to persons or property; the order may specify a time by which the dog must be exported if it is not to be destroyed under section 3.

### **Export or destruction of dangerous dogs.**

3.(1) By the relevant date (or such date as is specified in any order under section 2(2)) if the owner or person in control of any dog as described in section 2 has not exported it, he shall arrange for its destruction.

(2) Until the relevant date (or from the date of publication of an order in the Gazette under section 2(2)) the person in control of any dog as described in section 2 shall keep it muzzled and on a lead while it is in a public place or any place to which the public have access.

### **Offences.**

4.(1) A person who imports or, from the relevant date (or such date as may be specified in any order under section 2(2)), keeps in Gibraltar a dog as described in section 2 is guilty of an offence and liable on summary conviction to a fine up to level 5 on the standard scale.

(2) An owner or person in control of a dog as described in section 2 who fails to arrange for its destruction under section 3(1) or who fails to keep it

muzzled and on a lead under section 3(2) is guilty of an offence and liable on summary conviction to a fine up to level 5 on the standard scale.

(3) On conviction of an offence under subsection (1) or (2), the court shall order the destruction of the dog in respect of which the proceedings were taken, and may make an order disqualifying the person convicted of the offence from owning or keeping any dog.

**Stray dangerous dogs.**

5. A dog as described in section 2 which is seized as a stray under section 24(6) of the Animals and Birds Act shall be destroyed under arrangements made by the Commissioner of Police and subsections (2) to (4) of section 24 shall not apply to that dog.

**Entry and seizure.**

6. If, from the relevant date, (or from the date of publication of an order in the Gazette under section 2(2), a Justice of the Peace is satisfied by information on oath that a dog as described in section 2 which is not a dog in respect of which a certificate of exemption has been issued under section 9 is being kept in any premises in Gibraltar, he may issue a warrant authorising a police officer to enter those premises and seize the dog concerned; that dog shall be destroyed under arrangements made by the Commissioner of Police.

**Compensation.**

7. The Minister with responsibility for the Environment may grant compensation of up to £200 to the owner of a dog destroyed in accordance with section 3(1).

**General Exemptions.**

8. This Act does not apply to any police officer, veterinary surgeon or other person having custody of the dog under arrangements made by the Commissioner of Police pending its destruction under sections 3, 4, 5 and 6.

**Exemption for individuals.**

9.(1) The custodian of a dog as described in section 2 which is registered and licensed in Gibraltar may apply within two months of the coming into operation of this Act, or publication of an order in the Gazette under section 2(2), to the Environmental Agency for exemption from sections 2 to 4 in respect of a particular dog, on the grounds that the dog concerned does not and will not foreseeably represent a danger to the public or property.

(2) The Commissioner of Police may authorise the Environmental Agency to issue a certificate of exemption in respect of a particular dog on application under subsection (1) on advice from the committee provided for in the Schedule, in accordance with the system set out in the Schedule.

(3) No dog shall be exempted unless—

- (a) the dog concerned is covered by insurance in respect of damage or injury caused by the dog to a third party;
- (b) the dog has an identification microchip inserted; and
- (c) the dog is neutered.

(4) If a certificate of exemption is issued under subsection 2, it must be carried by the person in control of the dog concerned at all times the dog is in a public place or a place to which the public have access, and the person in control of the dog must keep it muzzled and on a lead in all such places, no person under the age of 18 may have control of the dog concerned.

(5) The Commissioner of Police may direct the Environmental Agency to revoke a certificate of exemption if he considers that the dog concerned has or is likely to become a danger to the public or property.

(6) On revocation of a certificate of exemption under subsection (5), sections 2 to 4 shall apply to the dog concerned and any owner or person in control of it as if 7 days after the revocation of the certificate were substituted for the relevant date in all three sections.

(7) A person in control of a dog in respect of which a certificate of exemption has been issued who fails to keep it muzzled or on a lead under subsection (4) or who fails to produce the certificate or a valid certificate of insurance in respect of the dog on request by a police or customs officer is guilty of an offence and liable on summary conviction to a fine up to level 2 on the standard scale.

(8) If a person in control of a dog in respect of which a certificate of exemption has been issued fails to produce it on request by a police or customs officer, the dog concerned shall be seized and, unless the certificate is produced to the Commissioner of Police within 7 days of the seizure, destroyed under arrangements made by the Commissioner of Police.

(9) Lost or damaged certificates of exemption may be replaced or renewed on application to the Environmental Agency.

(10) The Environmental Agency may charge a fee of £50 for the first issue of a certificate of exemption.

(11) The Environmental Agency may charge a fee of £25 for the replacement or renewal of a certificate of exemption.

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## SCHEDULE

1. In deciding whether to authorise the Environmental Agency to grant an exemption certificate under section 9, the Commissioner of Police shall be advised by a committee consisting of—

- (a) a senior police officer appointed by the Commissioner acting as chairman;
- (b) a veterinary surgeon appointed by the Minister with responsibility for the Environment;
- (c) a representative of the Gibraltar Society for the Prevention of Cruelty to Animals, nominated by the Society; and
- (d) a representative of the Kennel Club of Gibraltar, nominated by the Club; and
- (e) an officer of the Environmental Agency, acting as Secretary.

2. With his application, the applicant shall present evidence of his suitability as the custodian of such a dog, and the dog's nature, and any other evidence the committee may require. After examining such evidence, the committee shall advise the Commissioner whether to authorise the Environmental Agency to grant an exemption certificate.

3. The Environmental Agency shall grant the certificate on the authorisation by the Commissioner of Police and proof to the satisfaction of the Environmental Agency that—

- (a) the dog concerned is covered by insurance in respect of damage or injury caused by the dog to a third party;
- (b) the dog has had an identification microchip inserted; and
- (c) the dog has been neutered.

4. An exemption certificate shall be valid for 1 year from the date of issue and may be renewed by authorisation of the Commissioner of Police in accordance with paragraphs 1 to 3.