

# FIRST SUPPLEMENT TO THE GIBRALTAR GAZETTE

No. 5290 GIBRALTAR Monday 23rd March 2026

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I ASSENT,

LIEUTENANT GENERAL  
SIR BEN BATHURST  
KCVO CBE

GOVERNOR.

23<sup>rd</sup> March 2026.



**GIBRALTAR**

**No. 5 of 2026**

**AN ACT** to amend the Animals Act.

**ENACTED** by the Legislature of Gibraltar.

**Title.**

1. This Act may be cited as the Animals (Amendment) Act 2025.

**Commencement.**

2. This Act comes into operation on the day of publication.

**Amendment of the Animals Act.**

3.(1) The Animals Act is amended in accordance with the provisions of this section.

(2) Before section 5 insert—

**“Duty of person responsible for animal to ensure welfare.**

4A.(1) A person commits an offence if he does not take such steps as are reasonable in all the circumstances to ensure that the needs of an animal for which he is responsible are met to the extent required by good practice.

(2) For the purposes of this Act, an animal's needs shall be taken to include—

- (a) its need for a suitable environment;
- (b) its need for a suitable diet;
- (c) its need to be able to exhibit normal behaviour patterns;
- (d) any need it has to be housed with, or apart from, other animals; and
- (e) its need to be protected from pain, suffering, injury and disease.

(3) The circumstances to which it is relevant to have regard when applying subsection (1) include, in particular—

- (a) any lawful purpose for which the animal is kept; and
- (b) any lawful activity undertaken in relation to the animal.

(4) Nothing in this section applies to the destruction of an animal in an appropriate and humane manner.

(5) A person guilty of an offence under this section shall be liable on summary conviction, to imprisonment for a term not exceeding 12 months or the maximum statutory fine, or both.

**Improvement notices.**

4B.(1) If an inspector or a police officer is of the opinion that a person is failing to comply with section 4A(1), he may serve on the person a notice which—

- (a) states that they are of that opinion;

- (b) specifies the respects in which they consider the person is failing to comply with that provision;
- (c) specifies the steps they consider need to be taken in order to comply with the provision;
- (d) specifies a period for the taking of those steps; and
- (e) explains the effect of subsections (2) and (3).

(2) Where a notice under subsection (1) (“an improvement notice”) is served, no proceedings for an offence under section 4A(1) may be instituted before the end of the period specified for the purposes of subsection (1)(d) (“the compliance period”) in respect of—

- (a) the non-compliance which gave rise to the notice; or
- (b) any continuation of that non-compliance.

(3) If the steps specified in an improvement notice are taken at any time before the end of the compliance period, no proceedings for an offence under section 4A(1) may be instituted in respect of—

- (a) the non-compliance which gave rise to the notice; or
- (b) any continuation of that non-compliance prior to the taking of the steps specified in the notice.

(4) An inspector or police officer may extend, or further extend, the compliance period specified in an improvement notice.”.

(3) After section 5 insert—

**“Taking of animal without lawful authority.**

5A.(1) A person commits an offence if, without lawful authority or reasonable excuse, the person takes or detains a dog or a cat in Gibraltar—

- (a) so as to remove it from the lawful control of any person; or
- (b) so as to keep it from the lawful control of a person who is entitled to have lawful control of it.

(2) No offence is committed if the person taking or detaining the dog or cat is connected with any of the following-

- (a) any person entitled to have lawful control of it;
- (b) where it is removed from the lawful control of a person, that person.

(3) In this section—

“connected person” means that a person is connected with another person if—

- (a) they are married to each other;
- (b) they are civil partners of each other;
- (c) one is the parent of the other; or
- (d) they are siblings (whether of the full blood or the half blood);

“detaining” means that a person detaining a dog or cat includes the person—

- (a) inducing the dog or cat to remain with the person or anyone else; or
- (b) causing the dog or cat to be detained;

“taking” means that a person taking a dog or cat includes the person—

- (a) causing or inducing the dog or cat to accompany the person or anyone else;  
or
- (b) causing the dog or cat to be taken.

(4) A person who commits an offence under subsection (1) is liable—

- (a) on summary conviction, to imprisonment for a term not exceeding 12 months or the maximum statutory fine, or both;
- (b) on conviction on indictment, to imprisonment for a term not exceeding 5 years.

**Power to extend section 5A.**

5B.(1) The Minister may by regulations amend section 5A so that it applies not only to dogs or cats but also to one or more other species of animal.

(2) The power under subsection (1) may be exercised in respect of a species only if the Minister considers—

- (a) that animals of that species are commonly kept as pets; and

- (b) that there is evidence that—
  - (i) animals of that species are capable of forming bonds with people who keep them; and
  - (ii) removing an animal of that species from a person with whom it has formed a bond may adversely affect its wellbeing.

(3) Before making regulations under this section the Minister shall consult such persons as the Minister considers appropriate.

**Offences relating to the attachment of an electronic, choke or pronged collar to a cat or a dog.**

5C.(1) A person commits an offence if—

- (a) the person is the owner of a cat or a dog; and
- (b) the person—
  - (i) attaches an electronic, choke or pronged collar to the cat or the dog in Gibraltar; or
  - (ii) causes an electronic, choke or pronged collar to be attached to the cat or the dog in Gibraltar.

(2) A person commits an offence if—

- (a) the person is the owner of a cat or a dog; and
- (b) at any time when the person is an owner of the cat or the dog—
  - (i) the cat or the dog is wearing an electronic, choke or pronged collar; and
  - (ii) in the case of an electronic collar, the person is in possession of a remote-control device in Gibraltar which is designed or adapted for activating and controlling the electronic collar remotely.

(3) In this section—

“collar” means a collar, harness or any item which may be worn by a cat or a dog;

“choke collar” means a collar that may be tightened as a noose;

“electronic collar” means a collar designed to administer an electric shock;

“pronged collar” means a collar, designed for use on animals, that consists of a series of links or segments with prongs, teeth or blunted open ends turned towards the animal’s neck so that, when the collar is tightened, it pinches the skin around the animal’s neck.

- (4) A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 5 on the standard scale.

**Mutilation.**

5D.(1) A person commits an offence if—

- (a) he carries out a prohibited procedure on an animal;
- (b) he causes such a procedure to be carried out on such an animal.

(2) A person commits an offence if —

- (a) he is the owner of an animal;
- (b) another person carries out a prohibited procedure on the animal; and
- (c) he permitted that to happen or failed to take such steps (whether by way of supervising the other person or otherwise) as were reasonable in all the circumstances to prevent that happening.

(3) References in this section to the carrying out of a prohibited procedure on an animal are to the carrying out of a procedure which involves interference with the sensitive tissues or bone structure of the animal, otherwise than for the purpose of its medical treatment.

(4) Subsections (1) and (2) do not apply in such circumstances as the Minister may specify in regulations.

(5) Nothing in this section applies to the removal of the whole or any part of a dog’s tail.

(6) A person who commits an offence under this section 5D is liable—

- (a) on summary conviction to imprisonment for a term not exceeding twelve months or the statutory maximum fine, or both;
- (b) on conviction on indictment to imprisonment for five years.

**Docking of dogs’ tails.**

- 5E.(1) A person commits an offence if—
- (a) he removes the whole or any part of a dog’s tail, otherwise than for the purpose of its medical treatment;
  - (b) he causes the whole or any part of a dog’s tail to be removed by another person, otherwise than for the purpose of its medical treatment.
- (2) A person commits an offence if —
- (a) he is the owner of a dog;
  - (b) another person removes the whole or any part of a dog’s tail, otherwise than for the purpose of its medical treatment; and
  - (c) he permitted that to happen or failed to take such steps (whether by way of supervising the other person or otherwise) as were reasonable in all the circumstances to prevent that from happening.
- (3) A person commits an offence if —
- (a) he shows a dog at an event to which members of the public are admitted on payment of a fee;
  - (b) the dog’s tail has been wholly or partly removed (whether in Gibraltar or elsewhere); and
  - (c) the removal took place after the commencement of this section.
- (4) A person commits an offence if he knowingly gives false information to a veterinary surgeon in connection with the giving of a certificate for the purposes of this section.
- (5) A person who commits an offence under this section 5E is liable—
- (a) on summary conviction to imprisonment for a term not exceeding twelve months or the statutory maximum fine, or both;
  - (b) on conviction on indictment to imprisonment for five years.
- (4) In section 13, after “section 5,” insert “5A, 5C, 5D or 5E.”
- (5) For sections 16 and 17 substitute —

**“Deprivation.**

- 16.(1) If the person convicted of an offence under any of sections 5, 5A, 5C, 5D, 5E or 6 is the owner of an animal in relation to which the offence was committed, the

court by or before which he is convicted may, instead of or in addition to dealing with him in any other way, make an order depriving him of ownership of the animal and for its disposal.

- (2) Where the owner of an animal is convicted of an offence under section 17 because ownership of the animal is in breach of a disqualification order made under section 17(2), the court by or before which he is convicted may, instead of or in addition to dealing with him in any other way, make an order depriving him of ownership of the animal and for its disposal.
- (3) Where the animal in respect of which an order under subsection (1) or (2) is made has any dependent offspring, the order may include provision depriving the person to whom it relates of ownership of the offspring and for its disposal.
- (4) Where a court makes an order under subsection (1) or (2), it may—
  - (a) appoint a person to carry out, or arrange for the carrying out of, the order;
  - (b) require any person who has possession of an animal to which the order applies to deliver it up to enable the order to be carried out;
  - (c) give directions with respect to the carrying out of the order;
  - (d) confer additional powers (including power to enter premises where an animal to which the order applies is being kept) for the purpose of, or in connection with, the carrying out of the order;
  - (e) order the offender to reimburse the expenses of carrying out the order, such sum to be recoverable as a civil debt.
- (5) Directions given under subsection (4)(c) may —
  - (a) specify the manner in which an animal is to be disposed of; or
  - (b) delegate the decision about the manner in which an animal is to be disposed of to a person appointed under subsection (4)(a).
- (6) Where a court decides not to make an order under subsection (1) or (2) in relation to an offender, it shall—
  - (a) give its reasons for the decision in open court; and
  - (b) if it is a magistrates' court, cause them to be entered in the register of its proceedings.
- (7) Subsection (6) does not apply where the court makes an order under section 17(1) in relation to the offender.



- (8) In subsection (1), the reference to an animal in relation to which an offence was committed includes, in the case of an offence under section 8, an animal which took part in an animal fight in relation to which the offence was committed.
- (9) In this section, references to disposing of an animal include destroying it.

**Disqualification.**

- 17.(1) If a person is convicted of an offence to which this section applies, the court by or before which he is convicted may, instead of or in addition to dealing with him in any other way, make an order disqualifying him under any one or more of subsections (2) to (4) for such period as it thinks fit.
- (2) Disqualification under this subsection disqualifies a person—
  - (a) from owning animals;
  - (b) from keeping animals;
  - (c) from participating in the keeping of animals; and
  - (d) from being party to an arrangement under which he is entitled to control or influence the way in which animals are kept.
- (3) Disqualification under this subsection disqualifies a person from dealing in animals.
- (4) Disqualification under this subsection disqualifies a person—
  - (a) from transporting animals; and
  - (b) from arranging for the transport of animals.
- (5) Disqualification under subsection (2), (3) or (4) may be imposed in relation to animals generally, or in relation to animals of one or more kinds.
- (6) The court by which an order under subsection (1) is made may specify a period during which the offender may not make an application under section 17H(1) for termination of the order.
- (7) The court by which an order under subsection (1) is made may—
  - (a) suspend the operation of the order pending an appeal; or
  - (b) where it appears to the court that the offender owns or keeps an animal to which the order applies, suspend the operation of the order, and of any order made under section 17A in connection with the disqualification, for

such period as it thinks necessary for enabling alternative arrangements to be made in respect of the animal.

- (8) Where a court decides not to make an order under subsection (1) in relation to an offender, it shall—
  - (a) give its reasons for the decision in open court; and
  - (b) if it is a magistrates' court, cause them to be entered in the register of its proceedings.
- (9) A person who breaches a disqualification imposed by an order under subsection (1) commits an offence.
- (10) This section applies to an offence under any of sections 5, 5A, 5C, 5D, 5E or 6.

**Seizure of animals in connection with disqualification.**

17A.(1) Where—

- (a) a court makes an order under section 17(1); and
- (b) it appears to the court that the person to whom the order applies owns or keeps any animal contrary to the disqualification imposed by the order,

it may order that all animals he owns or keeps contrary to the disqualification be taken into possession.

- (2) Where a person is convicted of an offence under section 17(9) because of owning or keeping an animal in breach of a disqualification order made under section 17(2), the court by or before which he is convicted may order that all animals he owns or keeps in breach of the disqualification order be taken into possession.
- (3) An order under subsection (1) or (2), so far as relating to any animal owned by the person subject to disqualification, shall have effect as an order for the disposal of the animal.
- (4) Any animal taken into possession in pursuance of an order under subsection (1) or (2) that is not owned by the person subject to disqualification shall be dealt with in such manner as the court which made the order under subsection (1) or (2), may order.
- (5) A court may not make an order for disposal under subsection (4) unless—
  - (a) it has given the owner of the animal an opportunity to be heard; or
  - (b) it is satisfied that it is not reasonably practicable to communicate with the owner.

- (6) Where a court makes an order under subsection (4) for the disposal of an animal, the owner may—
- (a) in the case of an order made by a magistrates' court, appeal against the order to the Supreme Court;
  - (b) in the case of an order made by the Supreme Court, appeal against the order to the Court of Appeal.
- (7) In this section, references to disposing of an animal include destroying it.

**Section 17A: supplementary.**

17B.(1) The court by which an order under section 17A is made may—

- (a) appoint a person to carry out, or arrange for the carrying out of, the order;
  - (b) require any person who has possession of an animal to which the order applies to deliver it up to enable the order to be carried out;
  - (c) give directions with respect to the carrying out of the order;
  - (d) confer additional powers (including power to enter premises where an animal to which the order applies is being kept) for the purpose of, or in connection with, the carrying out of the order;
  - (e) order the person subject to disqualification, or another person, to reimburse the expenses of carrying out the order.
- (2) Directions under subsection (1)(c) may—
- (a) specify the manner in which an animal is to be disposed of; or
  - (b) delegate the decision about the manner in which an animal is to be disposed of to a person appointed under subsection (1)(a).
- (3) In determining how to exercise its powers under section 17A and this section, the court shall have regard, amongst other things, to—
- (a) the desirability of protecting the value of any animal to which the order applies; and
  - (b) the desirability of avoiding increasing any expenses which a person may be ordered to reimburse.

- (4) In determining how to exercise a power delegated under subsection (2)(b), a person shall have regard, amongst other things, to the things mentioned in subsection (3)(a) and (b).
- (5) If the owner of an animal ordered to be disposed of under section 17A is subject to a liability by virtue of subsection (1)(e), any amount to which he is entitled as a result of sale of the animal may be reduced by an amount equal to that liability.

**Destruction in the interests of the animal.**

17C.(1) The court by or before which a person is convicted of an offence under any of sections 5, 5A, 5C, 5D, 5E and 6 may order the destruction of an animal in relation to which the offence was committed if it is satisfied, on the basis of evidence given by a veterinary surgeon, that it is appropriate to do so in the interests of the animal.

- (2) A court may not make an order under subsection (1) unless—
  - (a) it has given the owner of the animal an opportunity to be heard; or
  - (b) it is satisfied that it is not reasonably practicable to communicate with the owner.
- (3) Where a court makes an order under subsection (1), it may—
  - (a) appoint a person to carry out, or arrange for the carrying out of, the order;
  - (b) require a person who has possession of the animal to deliver it up to enable the order to be carried out;
  - (c) give directions with respect to the carrying out of the order (including directions about how the animal is to be dealt with until it is destroyed);
  - (d) confer additional powers (including power to enter premises where the animal is being kept) for the purpose of, or in connection with, the carrying out of the order;
  - (e) order the offender or another person to reimburse the expenses of carrying out the order.
- (4) Where a court makes an order under subsection (1), each of the offender and, if different, the owner of the animal may—
  - (a) in the case of an order made by a magistrates' court, appeal against the order to the Supreme Court;
  - (b) in the case of an order made by the Supreme Court, appeal against the order to the Court of Appeal.

- (5) Subsection (4) does not apply if the court by which the order is made directs that it is appropriate in the interests of the animal that the carrying out of the order should not be delayed.
- (6) In subsection (1), the reference to an animal in relation to which an offence was committed includes, in the case of an offence under section 5(1)(c), an animal which took part in an animal fight in relation to which the offence was committed.

**Destruction of animals involved in fighting offences.**

- 17D.(1) The court by or before which a person is convicted of an offence under section 5(1)(c) may order the destruction of an animal in relation to which the offence was committed on grounds other than the interests of the animal.
- (2) A court may not make an order under subsection (1) unless—
    - (a) it has given the owner of the animal an opportunity to be heard; or
    - (b) it is satisfied that it is not reasonably practicable to communicate with the owner.
  - (3) Where a court makes an order under subsection (1), it may—
    - (a) appoint a person to carry out, or arrange for the carrying out of, the order;
    - (b) require a person who has possession of the animal to deliver it up to enable the order to be carried out;
    - (c) give directions with respect to the carrying out of the order (including directions about how the animal is to be dealt with until it is destroyed);
    - (d) confer additional powers (including power to enter premises where the animal is being kept) for the purpose of, or in connection with, the carrying out of the order;
    - (e) order the offender or another person to reimburse the expenses of carrying out the order.
  - (4) Where the Supreme Court makes an order under subsection (1) in relation to an animal which is owned by a person other than the offender, that person may appeal against the order to the Court of Appeal.
  - (5) In subsection (1), the reference to an animal in relation to which the offence was committed includes an animal which took part in an animal fight in relation to which the offence was committed.

**Forfeiture of equipment used in offences.**

17E.(1) Where a person is convicted of an offence under any of sections 5, 5C, 5D or 5E, the court by or before which he is convicted may order any qualifying item which is shown to the satisfaction of the court to relate to the offence to be —

- (a) forfeited; and
- (b) destroyed or dealt with in such manner as may be specified in the order.

(2) The reference in subsection (1) to any qualifying item is —

- (a) in the case of a conviction for an offence in section 5(1)(a), 5(1)(b), 5(1)(e) 5(1)(f), 5(1)(g), 5(1)(h), or 5(1)(i) to anything designed or adapted for causing cruelty to an animal;
- (b) in the case of a conviction for an offence under section 5D, to anything designed or adapted for carrying out a prohibited procedure on an animal;
- (c) in the case of a conviction for an offence under section 5E, to anything designed or adapted for removing the whole or any part of a dog's tail;
- (d) in the case of a conviction for an offence under section 5(1)(d), to anything designed or adapted for administering any drug or substance to an animal;
- (e) in the case of a conviction for an offence under section 5(1)(c), to anything designed or adapted for use in connection with an animal fight;
- (f) in the case of a conviction for an offence under section 5C, to any electric, choke or pronged collar.

(3) The court shall not order anything to be forfeited under subsection (1) if a person claiming to be the owner of it or otherwise interested in it applies to be heard by the court, unless he has been given an opportunity to show cause why the order should not be made.

(4) An expression used in any of paragraphs (a) to (f) of subsection (2) has the same meaning as in the provision referred to in that paragraph.

**Orders under sections 16, 17A, 17C or 17D or 17E: pending appeals.**

17F.(1) Nothing may be done under an order under section 16, 17A, or 17C with respect to an animal or an order under section 17D or section 17E unless —

- (a) the period for giving notice of appeal against the order has expired;

- (b) the period for giving notice of appeal against the conviction on which the order was made has expired; and
  - (c) if the order or conviction is the subject of an appeal, the appeal has been determined or withdrawn.
- (2) Subsection (1) does not apply to an order under section 17C if the order is the subject of a direction under subsection (5) of that section.
- (3) Where the effect of an order is suspended under subsection (1)—
- (a) no requirement imposed or directions given in connection with the order shall have effect; but
  - (b) the court may give directions about how any animal to which the order applies is to be dealt with during the suspension.
- (4) Directions under subsection (3)(b) may, in particular—
- (a) authorise the animal to be taken into possession;
  - (b) authorise the removal of the animal to a place of safety;
  - (c) authorise the animal to be cared for either on the premises where it was being kept when it was taken into possession or at some other place;
  - (d) appoint a person to carry out, or arrange for the carrying out, of the directions;
  - (e) require any person who has possession of the animal to deliver it up for the purposes of the directions;
  - (f) confer additional powers (including power to enter premises where the animal is being kept) for the purpose of, or in connection with, the carrying out of the directions;
  - (g) provide for the recovery of any expenses in relation to removal or care of the animal which are incurred in carrying out the directions.
- (5) Any expenses a person is directed to pay under subsection (4)(g) shall be recoverable summarily as a civil debt.
- (6) Where the effect of an order under section 16 is suspended under subsection (1) the person to whom the order relates may not sell or part with any animal to which the order applies.

(7) Failure to comply with subsection (6) is an offence.

**Orders with respect to licences.**

17G.(1) If a person is convicted of an offence under any of sections 5, 5A, 5C, 5D, 5E or 6, the court by or before which he is convicted may, instead of or in addition to dealing with him in any other way—

- (a) make an order cancelling any licence held by him;
- (b) make an order disqualifying him, for such period as it thinks fit, from holding a licence.

(2) Disqualification under subsection (1)(b) may be imposed in relation to licences generally or in relation to licences of one or more kinds.

(3) The court by which an order under subsection (1)(b) is made may specify a period during which the offender may not make an application under section 17H(1) for termination of the order.

(4) The court by which an order under subsection (1) is made may suspend the operation of the order pending an appeal.

**Termination of disqualification under section 17 or 17G.**

17H.(1) A person who is disqualified by virtue of an order under section 17 or 17G may apply to the court which made the order, for the termination of the order.

(2) No application under subsection (1) may be made—

- (a) before the end of the period of one year beginning with the date on which the order is made;
- (b) where a previous application under that subsection has been made in relation to the same order, before the end of the period of one year beginning with the date on which the previous application was determined; or
- (c) before the end of any period specified under section 17(6), 17G(3) or subsection (5) below in relation to the order.

(3) On an application under subsection (1), the court may—

- (a) terminate the disqualification;
- (b) vary the disqualification so as to make it less onerous; or



- (c) refuse the application.
  - (4) When determining an application under subsection (1), the court shall have regard to the character of the applicant, his conduct since the imposition of the disqualification and any other circumstances of the case.
  - (5) Where the court refuses an application under subsection (1), it may specify a period during which the applicant may not make a further application under that subsection in relation to the order concerned.
  - (6) The court may order an applicant under subsection (1) to pay all or part of the costs of the application.”.
- (6) After Part VA insert-

**“PART VB  
ANIMAL SENTIENCE**

Interpretation of Part.

21D.(1) In this Part, unless the context otherwise requires-

“animal” means—

- (a) any vertebrate other than homo sapiens;
- (b) any cephalopod mollusc; and
- (c) any decapod crustacean;

“invertebrate” means any animal not of the Sub-phylum Vertebrata of the Phylum Chordata;

“Minister” means the Minister with responsibility for the environment;

“vertebrate” means any animal of the Sub-phylum Vertebrata of the Phylum Chordata.

- (2) The Minister may by regulations amend this section so as to bring invertebrates of any description within the meaning of “animal” for the purposes of this Part, where they are not already within that meaning.

Animal Sentience.

21E. This section expressly acknowledges that animals are sentient beings and that animals have an intrinsic value of their own, regardless of the benefit that they bring to human life.”.

**Transitional provisions.**

4. A person who, immediately before this Act comes into force, is disqualified by virtue of an order under section 17 of the Animals Act is to be treated as disqualified by virtue of an order under section 17 of the Animals Act as amended by section 3 of this Act.

Passed by the Gibraltar Parliament on the 18<sup>th</sup> day of March 2026.

P A Borge McCarthy,  
Clerk to the Parliament.