

SECOND SUPPLEMENT TO THE GIBRALTAR GAZETTE

No. 2,394 of 31st DECEMBER, 1987.

LEGAL NOTICE No. 174 OF 1987

ANIMALS AND BIRDS ACT.

ANIMALS AND BIRDS (AMENDMENT) RULES, 1987.

In exercise of the powers conferred on him by section 26 of the Animals and Birds Act, and of all other enabling powers, the Governor has made the following rules:

Title and commencement.

1. These rules may be cited as the Animals and Birds (Amendment) Rules, 1987, and shall come into operation on 1st March, 1988.

Revocation and replacement of rule 6.

2. Rule 6 of the Animals and Birds Rules (hereinafter called "the principal rules") is revoked and the following rule is substituted therefor-

“Control of dogs.

- 6.(1) Every owner and every other person having of dogs charge of a dog shall at all times cause the dog while in or on any street or other public place-
 - (a) to be kept under proper control and effectively restrained from causing annoyance to any person;
 - (b) to be held by means of an effective lead;
 - (c) to have its registration badge and licence disc affixed to its collar.
- (2) A person who contravenes or fails to comply with the provisions of sub-rule (1) is guilty of an offence and liable on summary conviction in the case of first conviction to a fine of 000, and in the case of a second or subsequent conviction under this rule to a fine of £200 and to imprisonment for three months."

New rule.

3. The principal rules are amended by inserting after rule 6 the following new rule-

"Fouling of streets etc.

6A.(1) Every owner of a dog (other than a blind person) who, without reasonable excuse, fails to remove any faeces deposited by the dog in any street or other public place, is guilty of an offence and is liable on summary conviction in the case of a first conviction under this rule to a fine of £100, and in the case of a second or subsequent conviction under this rule to a fine of £200 and to imprisonment for three months.

(2) It shall not be a reasonable excuse-

(a) that, at the time of the offence, the dog was in charge of some person other than the owner, or

(b) that the person in charge of the dog did not have with him any means of the removal of the faeces."

Amendment of rule 8.

4. Rule 8 of the principal rules is amended by omitting the words "police officer, revenue officer or environmental health" and substituting therefor the word "authorised".

Amendment of rule 10.

5. Rule 10 of the principal rules is amended-

(a) in sub-rule (1) by revoking paragraph (b) and by substituting therefor the following new paragraph-

"(b) if the animal or bird is so detained elsewhere-

(i) for veterinary observation as directed by a Government veterinary surgeon, a sum of £2 for each day or part thereof;

(ii) by reason of it being impounded as a stray animal under section 24 of the Act, a sum of £25 for the first day and £5 for each day, or part thereof, thereafter, while the animal is so detained;"

- (b) in sub-rule (3) by omitting the words "Commissioner of Police" and substituting therefor the words "the licensing officer".

Amendment of rule 11.

6. The principal rules are amended by revoking rule 11, and substituting therefor the following new rule-

"11. A person who commits a breach of any of the provisions of this Part for which no other penalty is provided is liable on summary conviction to imprisonment for six months and to a fine of £200."

Revocation of rule 15A.

7. Rule 15A of the principal rules is revoked.

Miscellaneous Amendment.

8. The principal rules are further amended-

- (a) in rule 3(3) by substituting "£500" for "£200";
- (b) in rule 14(2) by substituting "£25" for "£5";
- (c) in rule 15(2) by substituting "£12" for "£3";
- (d) in rule 15(4) by substituting "£5" for "£1";
- (e) in rule 17 by substituting "£5" for "£1";
- (f) in rule 18(1) by substituting "£5" for "£1";
- (g) in rule 18(2) by substituting "£2" for "75 pence";

(h) in rule 19(1) by substituting "£1" for "50 pence";

(i) in rule 19(2) by substituting "£2" for "£1";

(j) in rule 21 by substituting "£100" for "£5".

Dated this 31st day of December, 1987

By Command,
B. TRAYNOR
Acting Deputy Governor