

SECOND SUPPLEMENT TO THE GIBRALTAR GAZETTE

No. 4320 of 1 December, 2016

LEGAL NOTICE NO. 240 OF 2016.

ANIMALS AND BIRDS ACT

ANIMALS AND BIRDS (AMENDMENT) RULES 2016

In exercise of the powers conferred upon him under section 26 of the Animals and Birds Act, and all other enabling powers, the Minister with responsibility for the environment has made the following Rules—

Title and commencement.

1. These Rules may be cited as the Animals and Birds (Amendment) Rules 2016 and come into operation on the day of publication.

Amendment to the Animals and Birds Rules 2004.

2.(1) The Animals and Birds Rules 2004 are amended in accordance with this rule.

(2) In rule 2—

(a) in the definition of ““authorised officer””-

(i) insert “, wildlife warden” after “the Environmental Agency”; and

(ii) for “this Act” substitute “these Rules”; and

(b) in the definition of ““dog register”” for “register of dogs” substitute “database of dogs registered and licensed under the Act”.

(3) After rule 4 insert the following rule-

“Pet passports.

4A. The Government may charge a fee for the provision of the model passport set out in Schedule 5 to a qualified veterinary practitioner who is entitled to practice in Gibraltar.”.

(4) In rule 11-

(a) in subrule (1)(c) insert “and registration badge” after “licence disc”; and

(b) in subrule (2)-

(i) for “level 1” substitute “level 2”; and

(ii) for “up to level 2” substitute “up to level 3”.

(5) In rule 12-

(a) for “level 1” substitute “level 3”; and

(b) for “level 2” substitute “level 4”.

(6) After rule 12 insert the following rule-

“Fixed penalty notice for offence under rule 12.

12A.(1) Where an authorised officer has reason to believe that an offence under rule 12 has been committed he may issue a notice to the owner or keeper of the dog offering him the opportunity of discharging any liability to conviction for that offence by payment of a fixed penalty of £250.

(2) Where a person has been issued with a notice under this section in respect of an offence—

(a) no proceedings shall be instituted for that offence before the expiration of fourteen days following the date of the service of that notice; and

(b) he shall not be proceeded further against for that offence if he pays the fixed penalty before the expiration of that period.

- (3) In subrules (1) and (2)–

“proceedings” means any criminal proceedings in respect of the act or omission constituting the offence specified in the notice under sub-rule (1), and

“conviction” shall be construed in like manner.

- (4) A notice under this section shall–

- (a) give reasonably detailed particulars of the circumstances alleged to constitute the offence;
- (b) the period during which, by virtue of subrule (2), proceedings are not to be taken for the offence;
- (c) the amount of the fixed penalty; and
- (d) the address of the Clerk of the Magistrates’ Court to whom the fixed penalty shall be paid.

- (5) Without prejudice to payment by any other method, payment of the fixed penalty may be made by pre-paying and posting a letter containing the amount of the penalty (in cash or otherwise) to the Clerk of the Magistrates’ Court at the address.

- (6) A notice may be issued to a person under this rule by–

- (a) handing it to him; or
- (b) addressing it to him and leaving it at his last known address; or
- (c) sending it by registered post to him at his last known address.

- (7) In any proceedings, a certificate which–

- (a) purports to be signed by or on behalf of the Clerk of the Magistrates’ Court; and

- (b) states that payment of a fixed penalty was or was not received by a date specified in the certificate, shall be conclusive evidence of the facts stated.”.

(7) In rule 13-

(a) in subrule (1)-

- (i) delete paragraph (e);
- (ii) replace the full stop at the end of paragraph (f) with a semi-colon and insert the following paragraphs after paragraph (f)-
 - “(g) a photo of the dog;
 - (h) its microchip number; and
 - (i) its DNA profile.”

(b) delete subrule (2).

(8) For rule 15 substitute the following-

“15. Upon registering a dog to which section 10 of the Act applies the Licensing Officer shall assign to it an identification number and shall issue to the person by whom the dog is kept-

- (a) a registration badge; and
- (b) a certificate of registration bearing the name of the person by whom the dog is kept, the identification number, the date of issue and any other information which the Licencing Officer considers necessary.”.

(9) Delete rule 21.

(10) In rule 23A-

- (a) for “£25” substitute “£250”; and
- (b) for “copy of the register” substitute “certificate of registration”.

(11) Delete Schedule 1.

(12) In Schedule 2 in Part A and in Part B delete “Tattoo Number: (Insert the above if the dog has been microchipped or tattooed with an identification number)”.

Transitional provisions.

3. In respect of a dog registered and licensed prior to the coming into force of these Rules, rule 16 of the Animals and Birds Rules 2004 shall have effect as if the current licence was valid until 1 March 2017.

Dated 1st December, 2016.

DR J CORTES,
Minister with responsibility for the environment.

EXPLANATORY MEMORANDUM

These Rules amend the Animals and Birds Rules 2004 in order to increase the level of fines, to allow for a fixed penalty notice to be issued in respect of an offence under rule 12 and to make further provision in respect of the registration and licensing of dogs.