

SECOND SUPPLEMENT TO THE GIBRALTAR GAZETTE

No. 4468 of 24 May, 2018

LEGAL NOTICE NO.123 OF 2018.

ANIMALS AND BIRDS ACT

ANIMALS AND BIRDS (AMENDMENT) RULES 2018

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.

1. These Rules may be cited as the Animals and Birds (Amendment) Rules 2018.

Commencement.

2. These Rules come into operation on the day of publication.

Amendment to the Animals and Birds Rules 2004.

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

(2) In rule 12A for every instance in which “section” appears substitute “rule”.

(3) For rule 23A substitute the following—

“23A.(1) Where an authorised officer has reason to believe that an offence has been committed under—

(a) section 10(2), for keeping a dog in contravention of section 10(1)(a) or (b) of the Act;

(b) section 10(9) of the Act; or

(c) rule 11(2) for contravening or failing to comply with rule 11(1)(c) of these Rules,

he may issue a notice to the person in control of the dog offering him or the owner of the dog 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 rule 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 sub-rules (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 rule shall give—

- (a) reasonably detailed particulars of the circumstances alleged to constitute the offence;
- (b) the period during which, by virtue of sub-rule (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.”.

Dated 24th May, 2018.

DR J CORTES,
Minister with responsibility for the environment.

EXPLANATORY MEMORANDUM

These Rules amend the Animals and Birds Rules 2004 in order to expand the offences for which a fixed penalty notice can be issued under rule 23A.