

SECOND SUPPLEMENT TO THE GIBRALTAR GAZETTE

No. 4613 of 16 September, 2019

LEGAL NOTICE NO.189 OF 2019.

ANIMALS ACT

ANIMALS (AMENDMENT NO.2) RULES 2019

In exercise of the powers conferred upon him under section 26 of the Animals 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 (Amendment No.2) Rules 2019.

Commencement.

2. These Rules come into operation on 1 January 2020.

Amendment to the Animals Rules 2004.

- 3.(1) The Animals Rules 2004 are amended in accordance with this rule.
- (2) Insert the following after rule 12A—

“Dog urination.

12B.(1) Every owner or keeper of a dog (other than a blind person) who, without reasonable excuse fails to wash down any urine deposited by the dog in any street or other public place with at least 250ml of water or any other liquid deemed appropriate by an authorised officer is guilty of an offence and is liable on summary conviction in the case of a first conviction under this rule to a fine at level 3 on the standard scale, and in the case of a second or subsequent conviction under this rule to a fine at up to level 4 on the standard scale or to imprisonment for three months, or both.

- (2) It shall not be a reasonable excuse—

- (a) that, at the time of the offence, the dog was in the 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 with which to wash down the urine.

Fixed penalty notice for offence under rule 12B.

12C.(1) Where an authorised officer has reason to believe that an offence under rule 12B 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 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 subrules (1) and (2)—

“proceedings” means any criminal proceedings in respect of the Animals 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—

- (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.”.

Dated 16th of September, 2019

Prof. J CORTES,
Minister with responsibility for the Environment.

EXPLANATORY MEMORANDUM

These Rules amend the Animals Rules 2004 requiring the owner or keeper of a dog to wash down any urine deposited by the dog in any street or other public place.