

ANIMAL PROTECTION AND CONTROL BILL, 2009

Arrangement of Sections

Section

PART 1 – PRELIMINARY **3**

1. Short title and commencement.....3
2. Interpretation.....3

PART II – ESTABLISHMENT OF ANIMAL PROTECTION AND CONTROL BOARD AND COMPETENT AUTHORITY **5**

3. Establishment of Animal Protection and Control Board.....5
4. Establishment of Competent Authority.....6

PART III – ADMINISTRATION **7**

5. Appointment of animal control wardens.....7
6. Dog identification mandatory.....8
7. Animals prohibited from being at large.....8
8. Establishment of animal control units.....9
9. Certificates of inspection.....10
10. Appeal against refusal to grant or renew certificate of inspection.....10
11. Register, duplicates and production of certificate of inspection.....11
12. Gazetting of certificated persons.....11
13. Revocation of certificate of inspection.....11

PART IV – GUARD DOGS **12**

14. Requirement for certificate of inspection.....12
15. Application for certificate of inspection.....12
16. Grant of certificate of inspection.....12
17. Warning signs.....12
18. Records.....13
19. Control of guard dogs.....13

PART V – CONTROL OF DOGS AND OTHER ANIMALS	13
20. Control of dangerous dogs.....	13
21. Control of dogs in public places.....	15
22. Owning animals for fighting prohibited.....	15
23. Restrictions on animals presenting a serious danger.....	16
24. Destruction and forfeiture orders.....	16
PART V –ANIMAL HOLDING ESTABLISHMENTS	17
25. Requirement for a certificate of inspection.....	17
26. Grant or renewal of certificate of inspection.....	18
27. Records.....	18
PART VII – MISCELLANEOUS	19
28. Regulations.....	19
29. Offences of cruelty to animals.....	19
30. Other offences.....	21
31. Offender liable for costs, etc.....	22
32. Procedure for offences.....	22
33. Seizing and impounding dogs.....	22
34. Exemptions.....	22
35. Repeal of Chapter 242.....	22
36. Transitional Provision.....	22
OBJECTS AND REASONS	26
SCHEDULE	23
CONSTITUTION AND PROCEDURE OF THE BOARD	23
ENDNOTES	

ANIMAL PROTECTION AND CONTROL BILL, 2009

A BILL FOR AN ACT TO REPEAL AND REPLACE THE DOG LICENSING ACT AND TO PROVIDE FOR THE PROTECTION AND CONTROL OF ANIMALS AND FOR CONNECTED MATTERS

Enacted by the Parliament of The Bahamas

PART 1 – PRELIMINARY

1. Short title and commencement.

- (1) This Act may be cited as the Animal Protection and Control Act, 2009.
- (2) This Act shall come into force on such date as the Minister may appoint by notice published in the Gazette.

2. Interpretation.

In this Act —

“**abandon**” means to forsake an animal, whether permanently or not, or to neglect or refuse to provide adequate care or support of an animal by its owner or custodian;

“**abused animal**” means any animal which is mistreated, beaten tormented or cruelly teased, deprived of water or food or shelter, kept under unsanitary conditions, abandoned or trained for fighting other animals;

“**animal**” refers to any vertebrate of the kingdom *Animalia*, excluding *Homo Sapiens*, which is captive or domestic;

“**animal control unit**” means a place or vehicle established by the Competent Authority under section 8(1);

- “animal control warden”** means a person appointed by the Minister under section 5;
- “animal holding establishment”** means any premises of any nature, including a private dwelling, used as a pet shop, breeding kennel, boarding kennel or stable, where or from which animals are sold, rented, hired or boarded for gain;
- “at large”** refers to an animal not confined in the premises, vehicle or receptacle of the owner or keeper and not under the immediate, effective and continuous control of a responsible and competent person or, in the case of horses or dogs, not tethered by means of a leash, cord or chain;
- “Board”** means the Animals Protection and Control Board established under section 3;
- “boarding kennel”** means premises of any nature, including a dwelling, where any dogs, cats or other pet animals are boarded;
- “breeding dog”** means a dog that is used for the purpose of producing offspring for commercial purposes;
- “breeding kennel”** means any premises, including a dwelling, where three or more bitches which are capable of breeding are accommodated;
- “cat”** means an animal of the species *felis catus*;
- “certificated person (s)”** means any person or persons in possession of a valid certificate of inspection relating to their specific business issued pursuant to section-----;
- “certificate of inspection”** means a certificate granted under section 10 and section 26;
- “Competent Authority”** means, in respect of New Providence Island, the Board; and, in respect of any other island, the entity designated by the Minister pursuant to section –;
- “cruelty”** means an act of commission, or omission by which unnecessary or unjustifiable pain or suffering is caused, permitted, or allowed to continue when there is reasonable remedy or relief;
- “dangerous dog”** refers to any attack-trained dog, dog that has bitten, inflicted injury upon, assaulted or otherwise attacked a human being or domestic animal without provocation or private or public property, or a dog with a known propensity or disposition to attack or otherwise endanger the safety of human beings or domestic animals;
- “dog”** means an animal of the species *canis familiaris*;
- “enclosure”** means a yard, pen kennel, cage or corral, enclosed by a material of sufficient height and or appropriate strength, dimensions

and stability, to confine a specified animal or animals in a secure and humane manner and approved by the animal control warden;

“**guard dog**” means any type of dog primarily trained or used for the purpose of defending, patrolling or protecting property or persons;

“**horse**” means any horse, pony, donkey or equine mule;

“**guard dog facility**” means premises where guard dogs are trained, sold, reside, leased or loaned;

“**keeper of the pound**” means the person responsible for the care and disposal of impounded animals;

“**owner**” includes a person on whose premises a dog is found, or on whose premises a dog is known to frequent, unless that person can show that the dog is not his dog and that the dog was on his premises without his consent, and, where the owner is a minor, the person responsible for the custody of the minor;

“**pound**” means any part of an animal control unit where animals are accommodated;

“**public nuisance**” with respect to the activities of any dog includes, but is not limited to, repeated instances of barking, howling, whining, yelping, chasing vehicles, persons or other animals, scattering of garbage or debris, defecating or urinating on public or private property or digging in public flowerbeds or gardens;

“**stables**” means any premises where horses used for hire or reward, are kept.

PART II – ESTABLISHMENT OF ANIMAL PROTECTION AND CONTROL BOARD AND COMPETENT AUTHORITY

3. Establishment of Animal Protection and Control Board.

- (1) There is established for the purposes of this Act a board to be called the Animal Protection and Control Board.
- (2) The Schedule shall have effect in relation to the constitution and proceedings of the Board.
- (3) The duties and functions of the Board are to —
 - (a) advise the Minister on matters relevant to the making of regulations under this Act;
 - (b) advise the Minister on matters relevant to the welfare and control of animals;

- (c) coordinate all matters relating to the welfare and control of animals under this Act;
- (d) coordinate conferences and conduct seminars and educational programmes relating to animals;
- (e) advise the Minister on the training of animal handlers and the minimum standards of competence for animal trainers and handlers;
- (f) gather, publish and disseminate information relating to animals;
- (g) ensure the welfare of animals impounded under this Act;
- (h) monitor and review the implementation of this Act in each island or local government district;
- (i) liaise with the Competent Authority of each local government district; and
- (j) be the Competent Authority for the local government district of the island of New Providence.

4. Establishment of Competent Authority.

- (3) There is established for the purposes of this Act for each local government district an authority for the protection and control of animals to be called the Competent Authority.
- (4) Subject to paragraph (j) of subsection (3), a Competent Authority shall be comprised of not less than five and not more than seven members who shall be appointed by the local government board.
- (4) The duties and functions of a Competent Authority are to —
 - (a) establish and administrate local animal control and welfare activities;
 - (b) grant certificates of inspection in respect of guard dog facilities and animal holding establishments;
 - (c) establish an animal control unit or units for its local government district;
 - (d) designate a keeper of the pound for each animal control unit established;
 - (e) supervise and monitor the local animal control warden (s);
 - (f) promote responsible animal ownership and care locally;
 - (g) liaise and cooperate with the Board;
 - (h) advise the Board on matters relevant to the making of regulations appertaining to its respective local government district.

PART III – ADMINISTRATION

5. Appointment of animal control wardens.

- (1) The Minister may appoint such public officers and private persons as he thinks fit to be animal control wardens for the purpose of carrying out the provisions of this Act.
- (2) Subject to subsections (3) and (4), an animal control warden may, for the purpose of exercising any of his powers, enter any land, vehicle or vessel, or any premises other than a dwelling house —
 - (a) on or in which he has reasonable cause to believe a breach of this Act is about to be, is being, or has been, committed.
 - (b) on which things required by this Act to be provided or done have not been provided or done; or
 - (c) in the course of carrying out his duties.
- (3) Subject to subsection (4), an animal control warden shall, before entering any land, premises, vehicle or vessel produce, if so requested, to the occupier or person in charge his badge or document showing he is an animal control warden.
- (4) An animal control warden shall have the power to do all, or any, of the following things for the purpose of the execution of this Act; that is to say —
 - (a) if he considers it necessary, take with him when entering any land, premises, vehicles or vessel, a police officer, veterinarian, public health officer or any member of a society or association specialising in animal welfare and control;
 - (b) require the production of, or seize, inspect and copy, registers, records or other documents kept for the purpose of, or required to be kept by, this Act;
 - (c) make inspections, investigations and inquires as may be necessary to ascertain whether this Act is being complied with;
 - (d) require any person whom he finds on such land, premises, vehicle or vessel to give information to the best of his knowledge as to the occupier or employer of workers employed to work on such land, premises, vehicle or vessel;
 - (e) seize and detain, and dispatch within 12 hours to an animal control unit, any animal he reasonably believes —
 - (i) is being kept in contravention of this Act;
 - (ii) by means of which or in relation to which an offence has been committed;

- (iii) to be an animal described or otherwise designated in a complaint made pursuant to this Act as creating a public nuisance or as being a dangerous dog;
 - (f) ensure, where necessary, that any animal seized and detained pursuant to paragraph (e) receives medical attention from a veterinarian at the owner's expense.
- (5) The animal control warden shall report and be responsible to the Competent Authority in the local government district to which he is assigned.

6. Dog identification mandatory.

- (1) The owner of a dog shall affix to a collar or harness worn by the dog an identity tag clearly stating the owner's name and telephone contact number.
- (2) Subsection (1) shall not apply to —
 - (a) dogs confined on the owner's premises;
 - (b) dogs being used by the Police, Prison Service and Customs Department;
 - (c) dogs while being exhibited at a dog show; and
 - (d) any dog upon the advice of a veterinarian.

7. Animals prohibited from being at large.

- (1) No person being the owner or person in charge of an animal shall permit such animal to be at large or to be a public nuisance.
- (2) Any animal at large may be seized, impounded, euthanased or otherwise disposed of by an animal control warden, police officer or such other authorized person.
- (3) An owner of an animal which has caused damage while being at large is liable, and shall fully reimburse the victim, in respect of such damage.
- (4) Any animal control warden, police officer or other authorized person shall, where a complaint is received that an animal is being a public nuisance, investigate the complaint and, if the complaint is justified, notify the owner of the animal of the complaint and request the owner to prevent the animal from doing those things that make it a public nuisance;
- (5) Subsection (1) shall not apply in respect of dogs being used by the Police, Prison Service and Customs Department;

8. Establishment of animal control units.

- (1) The Competent Authority shall establish at least one animal control unit to which animals seized or impounded in its local government district shall be transported within 12 hours of seizure.
- (2) Every animal control unit shall be registered with the Department of Agriculture and the premises or vehicle comprising such unit shall be built, maintained and operated in accordance with the prescribed regulations.
- (3) The Competent Authority governing each animal control unit shall designate a keeper of the pound for each unit who shall —
 - (a) manage and maintain the animal control unit in accordance with the prescribed regulations;
 - (b) restore possession of the animal to the owner where —
 - (i) the owner claims possession of the animal within four days, exclusive of holidays and weekends, after the date of seizure; and
 - (ii) the owner pays to the keeper of the pound the prescribed pound fees.
- (4) The owner, if known, of an animal impounded under this Act shall be liable for, and pay on demand, the prescribed pound fees whether the animal is claimed from the pound or not.
- (5) No dog shall be returned to its owner unless the dog has a dog identification tag in accordance with the provisions of this Act and any owner of a dog without a dog tag shall obtain a dog tag before delivery is made.
- (6) The keeper of the pound may, where any seized animal has been detained for at least four days subsequent to the day of seizure and the owner has not claimed the animal or paid the prescribed pound fees, dispose of the animal as directed by the Competent Authority and no damages shall be recovered on account of its euthanasia or disposal.
- (7) No seized animal may be disposed of to the pet trade or for research purposes.
- (8) Where a seized animal is injured, diseased or in such condition that it should be destroyed, or requires medical treatment for humane reasons or for safety to persons or animals, a peace officer or other authorized person may kill or cause the animal to be killed in a humane manner as soon as practical and no damages shall be recovered on account of its destruction and the owner shall pay for any medical treatment that may be required.
- (9) No animal that appears to be suffering from a contagious or communicable disease may be released from any animal control unit

unless such animal is under the care and treatment of a registered veterinarian.

- (10) The keeper of the pound shall maintain a register containing the prescribed particulars relating to seized animals together with known details of owners and shall provide a monthly report to the Competent Authority.

9. Certificates of inspection.

- (1) An application for a certificate of inspection to operate or maintain a guard dog facility or an animal holding establishment shall be made to the Competent Authority in the prescribed form accompanied by the prescribed fee together with any document or documents that may be prescribed.
- (2) A certificate of inspection shall be valid for a period of one year from the date of the grant and may be renewed annually.
- (2) An application under subsection (2) includes an application for renewal of a certificate of inspection.
- (3) An application for the renewal of a certificate of inspection shall be made a minimum of thirty days prior to the expiry of the certificate of inspection.
- (4) The Competent Authority shall, where it finds an applicant for renewal of a certificate of inspection is not complying with the prescribed standards, grant the applicant a provisional certificate of inspection.
- (5) A provisional certificate of inspection shall be valid for a period of ninety days during which period the applicant shall bring his business into compliance with the prescribed standards.
- (6) The Competent Authority shall where the applicant upon expiry of a provisional certificate of inspection is in compliance with the prescribed standards issue a certificate of inspection to him.
- (7) The Competent Authority shall not issue a provisional certificate of inspection more than once annually in respect of a guard dog facility or animal holding establishment.
- (8) A certificate of inspection shall not be transferable.

10. Appeal against refusal to grant or renew certificate of inspection.

- (1) Where the Competent Authority refuses to grant a certificate of inspection, or to renew a certificate of inspection upon the expiry of a provisional certificate of inspection, it shall, within thirty days of its decision, notify the applicant in writing of its decision and state the reasons for its refusal.

- (2) An applicant for the grant or renewal of a certificate of inspection who is aggrieved by the decision of the Competent Authority may, within thirty days of the decision being communicated to him, appeal to the Supreme Court against the decision and the Magistrates Act shall apply with the necessary modifications to such appeal as if the decision of the Competent Authority was that of a magistrate.

11. Register, duplicates and production of certificate of inspection.

- (1) The Competent Authority shall keep a register of all certificated persons in each local government district.
- (2) The Competent Authority may, on payment of the prescribed fee, grant a duplicate certificate of inspection to a certificated person whose certificate of inspection has been lost, defaced or mutilated.
- (3) A certificated person shall produce his certificate of inspection to an animal control warden, peace officer, or any other authorized person when requested to do so.

12. Gazetting of certificated persons.

- (1) The Minister shall cause the names of all certificated persons to be published in the Gazette at the commencement of each year.
- (2) Where the Competent Authority revokes a certificate of inspection the Minister shall cause the name of that certificated person to be published in the Gazette.

13. Revocation of certificate of inspection.

- (1) The Competent Authority may revoke or refuse to renew a certificate of inspection if —
 - (a) any part of the information given to the Competent Authority by the certificated person for the purpose of obtaining the grant of that certificate of inspection was, at the time the information was given, false in a material particular;
 - (b) the certificated person fails to comply with a term or condition of the certificate of inspection; or
 - (c) the certificated person is convicted of an offence involving cruelty or abuse towards an animal.

PART IV – GUARD DOGS

14. Requirement for certificate of inspection.

- (1) No person shall, after the expiration of six months from the date on which this Act comes into effect, own, operate or maintain a guard dog facility without the grant of a certificate of inspection.
- (2) A person who fails to comply with subsection (1) commits an offence and shall be liable upon summary conviction to a fine of one thousand dollars.

15. Application for certificate of inspection.

A person who wishes to own, operate or maintain a guard dog facility shall apply to the Competent Authority under section 9 for the grant of a certificate of inspection.

16. Grant of certificate of inspection.

Where an application is made to the Competent Authority under section 9, the Competent Authority may grant and cause to be issued to the applicant a certificate of inspection if the applicant satisfies the Competent Authority that —

- (a) the kennels in which the dogs are to be housed meet the prescribed standards and have been inspected by —
 - (i) an animal control warden; or
 - (ii) any other person authorised by the Competent Authority who provides a written recommendation to the Competent Authority;
- (b) he has obtained a public liability insurance in the prescribed minimum amount purchased from an insurance office approved in The Bahamas and has deposited a copy of such certificate of insurance with the Competent Authority;
- (c) all dogs in his kennels are vaccinated and are on a health maintenance programme under the supervision of a veterinarian in accordance with the prescribed regulations;
- (d) all dog handlers employed by him are trained in accordance with the prescribed standards; and
- (e) the applicant has not been convicted of cruelty or abuse toward an animal.

17. Warning signs.

The owner or operator of a guard dog facility shall display a clear and legible warning sign at each entrance to any premises where his dogs are kept.

18. Records.

- (1) A certificated person in respect of a guard dog facility shall keep accurate records of each dog relating to the following —
 - (a) birth,
 - (b) death,
 - (c) medical history,
 - (d) microchips,
 - (e) date of acquisition,
 - (f) date and method of disposal,
 - (g) purchase and sale,
 - (h) distinctive physical characteristics or markings, tattoos or scars, and
 - (i) photo identification.
- (2) A certificated person shall make the records of a dog in a guard dog facility available to an animal control warden, peace officer, or any other authorized person when requested to do so.

19. Control of guard dogs.

- (1) An owner or operator of a guard dog facility shall not permit the use of a guard dog at any premises that the owner or operator is contracted to guard unless —
 - (a) either the dog is, at all times, under the control of a competent dog handler; or
 - (b) there is displayed, where a guard dog is left to run loose on any premises, a clear and legible warning sign at each entrance to the premises and the premises are securely enclosed and locked to prevent the dog leaving the premises.
- (2) An owner or operator of a guard dog facility shall ensure the facility is maintained according to the prescribed standards.

PART V – CONTROL OF DOGS AND OTHER ANIMALS

20. Control of dangerous dogs.

- (1) The owner of a dog that is dangerous shall keep the dog under control and take all measures necessary to protect innocent persons or animals from injury by the dog.
- (2) Subject to subsection (3), a dog shall be regarded as dangerous or dangerously out of control on any occasion on which there are grounds for

reasonable apprehension that it will injure any person or animal, whether or not it actually does so, but references to a dog injuring a person or animal, or there being grounds for reasonable apprehension that it will do so, do not include references to any case in which the dog was being used for a lawful purpose by a peace officer.

- (3) For the purposes of this section and of section 21, no dog shall be regarded as dangerous or dangerously out of control by reason only of its —
- (a) inflicting injury or damage on a person —
 - (i) committing a wilful trespass or tort upon the premises occupied by the owner of the dog;
 - (ii) teasing, tormenting, abusing or assaulting the dog;
 - (iii) committing, or attempting to commit, a crime;
 - (b) inflicting injury or damage on a domestic animal that was allowed to tease, torment, abuse or assault the dog;
 - (c) taking action to defend or protect the owner or other person from an attack or assault by another person or animal; or
 - (d) protecting or defending, erroneously or otherwise, its young or other animal.
- (4) The owner of a dog shall be knowledgeable of the character traits of the dog and, in particular, the propensity of the dog for aggressive or defensive behaviour and shall take all necessary precautions to ensure the safety of persons or animals.
- (5) If a police officer or animal control warden has reasonable grounds to believe that a dog is dangerous, either through personal observation, or after an investigation initiated by a complaint, the police officer or animal control warden shall —
- (a) notify the owner of the dog in writing that the dog has been determined to be a dangerous dog; and
 - (b) require the owner to comply with any or all of the following requirements —
 - (i) to display signs warning people there is a dangerous dog on the premises;
 - (ii) to have the enclosure in which the animal is kept inspected and approved by the animal control warden;
 - (iii) to ensure the dog is adequately muzzled so as to ensure it cannot bite while it is away from the owner's premises;
 - (iv) to obtain a public liability insurance in the minimum amount prescribed, purchased from an insurance office approved in

The Bahamas, and to deposit a copy of such certificate of insurance with the Competent Authority.

21. Control of dogs in public places.

- (1) No owner or person for the time being in charge of a dog shall allow it to be dangerously out of control in a public place.
- (2) The owner or the person for the time being in charge of a dog that is dangerously out of control in a public place commits an offence.
- (3) The owner or the person for the time being in charge of a dog that injures any person or animal while being dangerously out of control in a public place commits an aggravated offence.
- (4) No owner or person for the time being in charge of a dog shall allow it to enter a place which is not a public place without the permission of the owner or occupier of the premises.
- (5) The owner or the person for the time being in charge of a dog which is allowed to enter a place which is not a public place without the permission of the owner or occupier —
 - (a) commits an offence if there are grounds for reasonable apprehension that the dog will injure any person or animal; and
 - (b) commits an aggravated offence if the dog injures any person or animal.
- (6) A person who commits an offence under subsection (2) or paragraph (a) of subsection (5) shall be liable on summary conviction to a fine not exceeding three thousand dollars.
- (7) Subject to section 24, a person who commits an aggravated offence shall be liable on summary conviction —
 - (a) to a fine not exceeding five thousand dollars or imprisonment for a term not exceeding six months or to both fine and imprisonment; and
 - (b) for any subsequent offence to a fine not exceeding ten thousand dollars or imprisonment for a term not exceeding twelve months or to both fine and imprisonment.

22. Owning animals for fighting prohibited.

- (1) No person shall own any animal for the purpose of fighting, or train, torment, badger, bait or use any animal for the purpose of causing or encouraging that animal to engage in any unprovoked attack upon any human being or animal, nor shall any person participate in, promote or allow property the person owns or rents to be used for animal fighting.

- (2) Subject to section 24, a person who contravenes any provision of subsection (1) commits an offence and shall be liable on summary conviction to —
 - (a) a minimum fine of one thousand dollars and a maximum fine of twenty thousand dollars or imprisonment for a term not exceeding six months; or
 - (b) both fine and imprisonment.

23. Restrictions on animals presenting a serious danger.

- (1) If it appears to the Minister that any dog or other animal presents a serious danger to the public he may, by order, impose in relation to that dog or animal any type of restrictions as he thinks appropriate.
- (2) An order under this section may provide for restrictions to be conditional upon compliance with such requirements as are specified in the order.
- (3) In determining whether to make an order under this section in relation to any dangerous dog or animal, the Minister shall consult the Board.

24. Destruction and forfeiture orders.

- (1) Where a person is convicted of an offence under section 22 or an aggravated offence under section 21, the court before which the person is convicted may, in addition to imposing any penalty, order —
 - (a) the destruction and disposal of any dog in respect of which the offence was committed;
 - (b) the confiscation and forfeiture of any dog owned by the offender;
 - (c) the offender to be disqualified for such period as the court thinks fit, from having custody of a dog;
 - (d) the confiscation and forfeiture of any equipment used to train any animal involved in fights or in preparation for fights.
- (2) The owner may, where a court makes an order pursuant to paragraph (a) of subsection (1) for the destruction of a dog owned by a person other than the offender, appeal to the Supreme Court against the order.
- (3) A dog shall not be destroyed pursuant to an order under subsection (1) —
 - (a) until the end of the period for giving notice of appeal against the conviction or sentence and where no notice has been given; or,
 - (b) where notice has been given within the prescribed time, until the appeal is determined or withdrawn.
- (4) Where a court makes an order under paragraph (a) of subsection (1) it may —

- (a) appoint a person to undertake the destruction of the dog and require any person having custody of the dog to deliver it up for that purpose; and
 - (b) order the offender to pay such sum as the court may determine to be the reasonable expenses to destroy the dog and maintain it pending its destruction.
- (5) Any sum ordered to be paid under paragraph (b) of subsection (4) shall be treated for the purposes of enforcement as if it were a fine imposed on condition.
- (6) Any person who is disqualified from having custody of a dog by virtue of an order under paragraph (c) of subsection (1) may, at any time after the end of the period of one year beginning with the date of the order, apply to the court that made the order for a direction terminating the disqualification.
- (7) The court, upon an application made under subsection (6) and having regard to the applicant's character, his conduct since the disqualification was imposed and any other circumstances of the case, may —
 - (a) grant or refuse the application; and
 - (b) order the applicant to pay all or any part of the costs of the application.
- (8) Where the court refuses an application made under subsection (6) for a direction terminating a disqualification, no further application shall be entertained if made before the end of a period of one year beginning with the date of the refusal.
- (9) Any person who has custody of a dog in contravention of an order under paragraph (b) of subsection (1) or fails to comply with the requirement imposed on him under paragraph (a) of subsection (4) commits an additional offence for which he shall be liable on summary conviction to a fine not exceeding five thousand dollars.
- (10) Where a person is convicted of an additional offence under subsection (9), the court, in addition to the fine, may authorize a police officer, animal control warden or other person, to enter any land or premises to seize and dispose of the dog as the court sees fit.

PART V –ANIMAL HOLDING ESTABLISHMENTS

25. Requirement for a certificate of inspection.

- (1) After the expiration of six months from the date on which this Act comes into force, no person shall own, operate or maintain an animal holding

establishment without a certificate of inspection issued by the Competent Authority.

- (2) A person who fails to comply with subsection (1) commits an offence and shall be liable upon summary conviction to a fine of one thousand dollars.
- (3) A person who wishes to own, operate or maintain an animal holding establishment shall make application under section 9 to the Competent Authority for the grant of a certificate of inspection.

26. Grant or renewal of certificate of inspection.

Where an application is made under section 9 the Competent Authority may grant or renew and cause to be issued to the applicant a certificate of inspection if the Competent Authority is satisfied that —

- (a) the animal holding establishment in which the animals are to be housed meets the prescribed standards;
- (b) the animal holding establishment has been inspected by an animal control warden or any other person authorized by the Competent Authority;
- (c) all animals are vaccinated and are on a health maintenance programme under the supervision of a veterinarian in accordance with the prescribed regulations;
- (d) the applicant has not been convicted of cruelty or abuse to animals.

27. Records.

A certificated person shall keep at his animal holding establishment and make available to an animal control warden, peace officer, or any other authorised person accurate records relating to —

- (a) in the case of a breeding kennel, the purchase, sale, medical treatment, stud records, birth, and death of each dog;
- (b) in the case of boarding kennels, the names and addresses of all clients, any medical treatment administered to boarders and the dates of arrival, departure, name and breed of each animal;
- (c) in the case of pet shops, the origin of each animal and stocktaking details including birth and death records and medical treatment administered to animals;
- (d) in the case of stables, the origin of each horse, the name and address of the owner of any horse not owned by the certificated person, and medical treatment administered to each horse;
- (e) microchips embedded in or attached to any animal and methods of disposal of all animals.

PART VII – MISCELLANEOUS

28. Regulations.

The Minister may make regulations for carrying into effect the provisions of this Act and, in particular, without prejudice to the generality of this provision, may make regulations —

- (a) controlling the method of transportation of any animal in any road vehicle, water-craft or aircraft;
- (b) establishing minimum standards for the housing and care of animals kept in guard dog facilities and animal holding establishments;
- (c) establishing standards for housing and care of animals kept in any other place;
- (d) prescribing the procedure for the granting of certificates of inspection and setting of fees;
- (e) prescribing the form of certificate of inspection in respect of guard dog facilities and animal holding establishments;
- (f) establishing standards for the training of dog handlers employed by a guard dog facility;
- (g) establishing terms and conditions for the certification of guard dogs facilities and animal holding establishments;
- (h) establishing terms and conditions for the protection and control of any other animals;
- (i) prescribing the special requirements for animal control in regards to farming and conservation of wildlife;
- (j) prescribing requirements for control and management of dangerous animals;
- (k) for the creation and regulation of special areas for animals; and
- (l) providing for such matters as may be contemplated by or necessary for giving full effect to this Act and for its administration.

29. Offences of cruelty to animals.

- (1) Any person who —
 - (a) cruelly beats, kicks, ill-treats, torments, tortures, injures, overloads, overworks, abuses, infuriates, mutilates, terrifies, or causes an animal to be so treated;
 - (b) inhumanely kills or sexually assaults an animal;
 - (c) deprives any animal of such sustenance or drink that it requires;
 - (d) procures or permits any animal to be cruelly beaten, kicked, ill-treated, tormented, tortured, injured, overloaded, overworked,

abused, infuriated, mutilated, terrified, inhumanely killed or sexually assaulted, deprived of such sustenance or drink that it requires;

- (e) commits or omits any act which results in an animal being caused unnecessary suffering,

commits an offence and shall be liable on summary conviction for a first offence to a fine not exceeding five thousand dollars or imprisonment for a term not exceeding six months or both fine and imprisonment, and, for a subsequent offence to a fine not exceeding twenty thousand dollars or imprisonment for a term not exceeding twelve months or both fine and imprisonment.

- (2) Any person who —

- (a) impounds or confines any animal in any place and fails to supply the animal during such confinement with a sufficient quantity of good and wholesome food and water;
- (b) keeps any animal in any enclosure without sufficient exercise, adequate protection from the environment and change of air; or
- (c) being the owner or possessor in charge or custody of any animal, abandons such animal,

commits an offence and shall be liable on summary conviction to a fine not exceeding five thousand dollars or imprisonment for a term not exceeding six months or both fine and imprisonment;

- (3) Subject to subsection (4), where a person is convicted of an offence under subsection (1) or (2), the convicting magistrate may in addition to any other penalty that may be imposed order that the animal by means of or in relation to which the offence was committed be forfeited to the Crown and disposed of in such manner and at such time and place as the Minister may direct.
- (4) No animal shall be disposed of pending an appeal against the conviction or before the time within which such appeal may be taken has expired.
- (5) Where a person convicted under this section operates or maintains a guard dog facility or animal holding establishment, the court before which the person was convicted may, in addition to imposing any other penalty, revoke the certificate of inspection of that person.
- (6) A Magistrate may in addition to imposing any penalties provided in relation to an offence order a person convicted of an offence involving cruelty to or neglect of an animal to be disqualified for such period as he thinks fit from having custody of any animal or any animal of a kind specified in the order.
- (7) An order made under subsection (6) shall not come into force until the end of the period for giving notice of appeal against the conviction or

sentence, or where notice of appeal is given within that period, until the appeal is determined or withdrawn.

30. Other offences.

- (1) Any person who, in contravention of section 5 —
 - (a) provides false information, either written or verbally, to an animal control warden;
 - (b) impedes, obstructs or physically attacks any animal control warden or inflicts any damage to, or interferes with, any equipment used or operated by the animal control warden; or
 - (c) attempts to do (a) or (b),commits an offence and shall be liable on summary conviction to a fine not exceeding one thousand dollars or to imprisonment for a term not exceeding three months or to both fine and imprisonment.
- (2) Any owner who contravenes any provision of section 6 commits an offence and is liable on summary conviction to —
 - (a) a minimum fine of one hundred and a maximum of five hundred dollars;
 - (b) confiscation and disposition, as the court deems appropriate, of the dog;
 - (c) imprisonment for a term not exceeding six months; or
 - (d) any combination of (a), (b) and (c) as the court deems appropriate.
- (3) An owner or person in charge of an animal who permits the animal to be at large commits an offence and, upon summary conviction, shall be liable to a fine not exceeding five hundred dollars.
- (4) An owner who, after receiving a notification pursuant to subsection (4) of section 7 , fails to prevent his animal or animals from being a public nuisance commits an offence and, upon summary conviction, shall be liable to a fine not exceeding five hundred dollars.
- (5) The owner of a dog who contravenes subsection (1) and subsection (4) of section 20 commits an offence and shall be liable on summary conviction to a fine of five not exceeding five thousand dollars or to imprisonment for a term not exceeding one year or to both fine and imprisonment.
- (6) The owner of a dog who fails to meet a requirement referred to in subsection (5) of section 20 commits an offence and, upon summary conviction, shall be liable to a fine not exceeding five hundred dollars.
- (7) A person who contravenes a provision of this Act by doing something which he is prohibited from doing, or by failing to do something which he is required to do or by doing something in a manner different from that in

which he is required or permitted to do it, is guilty of an offence and shall be liable upon summary conviction, unless otherwise stated in this Act, to a fine not exceeding two thousand five hundred dollars or to imprisonment for a term not exceeding thirty days or to both fine and imprisonment.

31. Offender liable for costs, etc.

The levying and payment of any fine or the imprisonment for any term provided for in this Act shall not relieve a person from the necessity of paying any fees, charges or costs for which he is liable under the provisions of this Act.

32. Procedure for offences.

When an animal control warden, peace officer or any other person reasonably believes that a person has contravened any provisions of this Act, he shall lay an information with the Police who may issue a summons to the person accused of contravening the Act ordering that person to appear before a Magistrate.

33. Seizing and impounding dogs.

(1) Where an animal control warden or police officer has reasonable cause to believe that an offence under this Act has been committed, he may seize and impound any dog which is believed to be involved in the offence.

(2) Where the owner or a person who has the custody and control of a dog seized under subsection (1) makes an application for the return of the dog, he shall, whether or not the application is granted, pay all the expenses incurred by the animal control warden in the impounding, feeding, and caring for the dog.

34. Exemptions

Nothing in this Act shall create an offence regarding animals used in agriculture, or while under the care of a veterinarian, or any dog used by the Police, Prison Service or Customs Department while such dog is housed by them.

35. Repeal of Chapter 242.

The Dog Licence Act (*Ch. 242*)(hereinafter referred to as the repealed Act) is hereby repealed.

36. Transitional Provision.

(1) In so far as anything was done under a written law repealed by this Act that could have been done under a corresponding provision of this Act, it shall not be invalidated by the repeal but shall have effect as if done under that provision of this Act.

- (2) Where a document refers expressly, or by implication, to the repealed Act, the reference shall, except where the context otherwise requires, be construed as reference to the corresponding provision of this Act.

SCHEDULE

CONSTITUTION AND PROCEDURE OF THE BOARD

1. Constitution of Board.

The Board shall consist of twelve members appointed by the Minister of whom

—

- (a) one shall be the Director of Agriculture or his nominee;
- (b) two shall be veterinarians and shall include the senior veterinary officer of the Department of Agriculture and a non government veterinarian;
- (c) two shall be persons representing a society or association concerned with animal welfare;
- (d) one shall be a person representing The Bahamas Humane Society;
- (e) one shall be a person from the private sector who, in the Minister's opinion, possesses knowledge and skills relevant to the work of the Board;
- (f) one shall be a representative of the Royal Bahamas Police Force;
- (g) one shall be a public officer from the Minister of Agriculture who shall be Technical Secretary to the Board with such duties as may be assigned to him by the Board;
- (h) one shall be a representative from the Department of Environmental Health Services;
- (i) one shall be a person with expert knowledge in the area of animal protection and control;
- (j) one shall be a representative from the Ministry of Education.

2. Tenure of office.

A member of the Board, other than the Director of Agriculture, shall hold office for a period not exceeding three years and shall be eligible for reappointment.

3. Chairman.

The Minister shall appoint one of the members of the Board to be the Chairman.

4. Resignation.

- (1) A member of the Board, other than the Chairman, may at any time resign his office by instrument in writing, addressed to the Minister and transmitted through the chairman, and from the date of receipt by the Minister of such instruction such member shall cease to be a member of the Board.
- (2) The Chairman may, at any time, resign his office by instrument in writing addressed to the Minister and such resignation shall take effect as from the date of receipt by the Minister of such instrument.

5. Revocation.

The Minister may, at any time, revoke the appointment of a member of the Board.

6. Vacancy and action appointment.

- (1) If any vacancy occurs in the membership of the Board, that vacancy shall be filled by the appointment of another member who shall hold office for the remainder of the period for which the previous member was appointed so, however, that such appointment shall be made in the same manner and from the same category of persons, if any, as the appointment of the previous member.
- (2) If the Minister is satisfied that the Chairman, or any other member of the Board, is unable to act the Minister shall appoint any person to act in his place.

7. Gazetting of appointments and documents.

- (1) The names of all the members of the Board as first constituted, and every change in the membership thereof, shall be published in the Gazette.
- (2) All documents made by, and all decisions of, the Board may be signified under the hands of the Chairman, or any other member authorised to act on his behalf, and the Technical Secretary.

8. Procedure and meetings.

- (1) The Board shall meet at least once every three months and at such times as may be necessary or expedient for the transaction of its business and such meetings shall be held at such places and times and on such days as the Board may determine.
- (2) The Chairman shall preside at all meetings of the Board at which he is present and, in the case of the Chairman's absence from a meeting, the

members present and constituting a quorum shall elect a Chairman from among their number to preside at that meeting.

- (3) A quorum of the Board shall be five.
- (4) The decisions of the Board shall be by a majority of votes and, in addition to an original vote, the Chairman or other person presiding at the meeting shall have a casting vote in any case in which the voting is equal.
- (5) Minutes in proper form of each meeting of the Board shall be kept by the Technical Secretary of the Board and a copy of the minutes of every meeting shall be submitted to the Minister and members of the Board within two weeks of the meeting.

9. Annual report.

The Board shall submit to the Minister an annual report on the work of the Board.

10. Board may invite persons to meetings.

- (1) The Board may invite any person who, in the opinion of the Board, has expert knowledge concerning the work of the Board which is likely to be of assistance to the Board to attend any meeting of the Board and to take part in the proceedings.
- (2) Any person attending a meeting under subsection (1) may, if invited, take part in any discussion at the meeting but shall not have any voting rights.

11. Technical Committee and other Committees.

- (1) The Board may appoint a technical committee and may appoint, from time to time, such other committees as it considers necessary.
- (2) The Technical Secretary to the Board shall be the secretary to the technical committee appointed under subsection (1).

12. Remuneration of members.

There may be paid to the Chairman and each member of the board, not being a public officer, such remuneration, whether by way of honorarium, salary or fees, and such allowances, as the Minister may determine.

13. Funds of the Board.

The funds of the Board shall consist of moneys as may, from time to time, be placed at its disposal for the purposes of this Act by Parliament and such other moneys as may be paid to the Board.

14. Liability of Board members.

No member of the Board shall be personally liable for any act or default of the Board done or omitted to be done in good faith in the course of the operations of the Board.

OBJECTS AND REASONS

This Bill seeks to repeal and replace the Dog Licence Act to provide for the protection and regulation of animals in general and enhanced regulation and protection of dogs in particular.

Clause 1 provides for the Minister to appoint a date for the Act to come into force.

Clause 2 seeks to define key words and phrases in the Bill.

Clauses 3 and 4 provide for the establishment and functions of the Board and Competent Authorities.

Clause 5 empowers the Minister to appoint animal control wardens.

Clause 6 seeks to make it mandatory for dogs to wear ID tags.

Clause 7 prohibits animals from being at large.

Clause 8 provides for the establishment of animal control units.

Clause 9 provides for the requirements of applications for certificates of inspection and provisional certificates of inspection.

Clause 10 provides for appeal against the refusal of the Competent Authority to grant or renew a certificate of inspection.

Clause 11 provides for the Competent Authority to keep a register and issue duplicates of certificates of inspection and for certificated persons to produce certificates upon the request of authorized persons.

Clause 12 provides for the Minister to Gazette the names of certificated persons and the revocation of certificates of inspection.

Clause 13 empowers the Competent Authority to revoke certificates of inspection.

Clauses 14 through 16 make it mandatory for the owner or operator of a guard dog facility to apply for and obtain a certificate of inspection and provides for conditions for the grant of certificates by the Competent Authority.

Clause 17 provides for warning signs to be displayed at all entrances to a guard dog facility.

Clause 18 requires a certificated person in respect of a guard dog facility to keep accurate records of each dog and make them available upon request to authorized persons.

Clause 19 requires an owner or operator of a guard dog facility to control guard dogs and maintain the facility in accordance with prescribed standards.

Clauses 20 and 21 provide for the control of dangerous dogs and other animals and for the control of dogs in public places.

Clause 22 prohibits the ownership of animals for purposes of fighting.

Clause 23 empowers the Minister to make restriction orders in respect of animals presenting a serious danger to the public.

Clause 24 provides for the court to make destruction and forfeiture orders in respect of dogs where a person is convicted of certain offences under sections 21 and 22.

Clauses 25 and 26 make it mandatory for the owner or operator of an animal holding establishment to apply for and obtain a certificate of inspection and provides for conditions for the grant or renewal of certificates by the Competent Authority.

Clause 27 provides for the owner or operator of an animal holding establishment to keep accurate records and produce them upon request by an authorized person.

Clause 28 generally and specifically empowers the Minister to make regulations.

Clauses 29 and 30 provide for offences of cruelty to animals and other offences.

Clause 31 provides for offenders to be liable for fees, charges and costs provided for in the Bill.

Clause 32 provides for the laying of information in respect of contraventions of the Bill.

Clause 33 provides for the seizing and impounding of dogs believed to be involved in an offence under the Bill.

Clause 34 provides for exemptions from the commission of offences by animals used in agriculture or by dogs used by the Police, Prison Service or Customs Department.

Clause 35 repeals the Dog Licence Act.

Clause 36 provides for transitional effects from the repealed Act to the new Act.