



[L.S.]

I Assent,

James B. Carlisle,
Governor-General.

19th September, 2006

ANTIGUA AND BARBUDA

No. 12 of 2006

AN ACT to make provision for the registration and control of dogs, and matters related thereto

*[Published in the Official Gazette Vol. XXVI No. 55
dated 28th September, 2006.]*

ENACTED by the Parliament of Antigua and Barbuda as follows:

PRELIMINARY

1. This Act may be cited as the Dogs Registration and Control Act 2006. Short title.

2. In this Act, unless the context otherwise requires- Interpretation.

“Agent” includes the Antigua and Barbuda Humane Society Inc;

“the Antigua and Barbuda Humane Society Inc.” means the body corporate registered under the Companies Act, No. 9 of 1995;

“animal shelter” means a facility or facilities operated by or on behalf of the Antigua and Barbuda Humane Society Inc. for the keeping and disposition of stray and admitted animals;

“assistance dog” means a dog that has been or is being trained as a Guide Dog, Hearing Dog, or Service Dog;

“Guide Dog” means a dog that has been or is specially trained to aid a particular blind or visually impaired person;

“Hearing Dog” means a dog that has been or is being specially trained to aid a particular deaf or hard of hearing person;

“Service Dog” means a dog that has been or is being specially trained to aid a particular physically disabled person with a physical disability other than sight or hearing;

“at large” means being found on any other property than that of the owner of the dog, and not under the control of the owner, except where the owner of the property permits the dog to be on his property;

“dangerous” means savage, vicious or likely to spread rabies, distemper or any kind of disease.

“dog” means a canine of the species *Canis familiaris*;

“Dog Control Officer” means any person appointed under section 29 of the Act;

“keep” means to have temporary or permanent control or possession of a dog and any grammatical variation and cognate expressions of that word shall have the corresponding meanings;

“kennel” means any premises where more than five dogs of licencing age are kept and maintained, and includes any establishment engaged in the business of boarding or selling dogs or where the breeding of dogs for sale is carried on;

“licensing age” means the age when a dog has attained the age of six months and over or upon eruption of the permanent canines, as the case may be;

“microchip” means an encoded identification device approved by the Antigua and Barbuda Humane Society Inc. which is implanted into a dog, containing a unique code that permits or facilitates access to owner information and which information is stored in a central database maintained by the Antigua and Barbuda Humane Society Inc;

“Minister” means the Minister of Agriculture;

“owner” means any person who possesses, harbours, controls or has custody of a dog and includes the person who occupies a dwelling house, building or other premises or any part thereof at which a dog is accustomed to stay or be kept unless that person furnishes satisfactory evidence to the contrary, and, where the owner is a minor, the person responsible for the custody or guardianship of that minor;

“Police service dog” means a dog trained for and actually engaged in law enforcement or search and rescue by any government agency;

“protective care” means the temporary keeping of a dog for a maximum of five days, as a result of an eviction, incarceration, medical or fire emergency or other disaster;

“public place” includes any street, road, open space, square sidewalk, alley, lane, court, path, wharf, pier, jetty, beach, bridge, shop, building or any other place or transport to which the public have access.

PART I

DOG REGISTRATION AND CONTROL AUTHORITY

3. There is hereby established a Dog Registration and Control Authority (hereinafter referred to as “the Authority”).

Establishment of the Authority.

4. The provisions of the First Schedule shall have effect as to constitution, members, procedure and meetings of the Authority.

Composition of Authority

5. (1) The primary function of the Authority is to exercise any power and functions assigned to it under this Act and any rules and regulations made hereunder.

Functions

(2) The Authority has the following general functions—

- (a) to administer the dog registration and control regime in Antigua and Barbuda;
- (b) to advise the Minister on all aspects pertaining to the control, registration and licensing and other related matters under the Act;

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- (c) to propose regulations for the consideration of the Minister;
- (d) to establish the system for the payment and collection of monies due under this Act;
- (e) to make recommendations on the appointment of Dog Control Officers.

Delegation. **6.** Without prejudice to its functions under the Act, the Authority may arrange for any of its duties to be carried out either by the Authority directly through its own officers, servants and employees, or through a designated Agent.

Agent. **7.** (1) The Antigua and Barbuda Humane Society Inc. shall be a designated Agent of the Authority.

(2) The Agent shall be responsible for carrying out and enforcing specified provisions of this Act and for the collection of registration, tag, licence and other fees excluding penalties or fines.

PART 2— CARE AND SAFETY OF DOGS

Responsibility for care of dogs. **8.** Every person who keeps a dog shall provide the dog or cause it to be provided with adequate and appropriate care, food, water, shelter, exercise, attention and veterinary care as may be required to meet the needs of the dog.

Enclosures for dogs kept outdoors. **9.** Where a dog is customarily kept out of doors, the person having custody or control of the dog shall provide a structurally sufficient, weather-proof enclosure of appropriate size and dimension for its use at all times.

Tethers. **10.** (1) No person shall keep any dog tethered on a chain, rope or similar restraining device of less than 3 metres in length.

(2) Every person who has tethered a dog shall ensure, at all times, that the dog has unrestricted movement within the range of the tether, and that the dog does not suffer injury resulting from the tethering.

(3) No person may cause a dog to be hitched, tied or fastened to a fixed object where a choke collar or chain forms part of the collar securing apparatus or where a chain or rope or cord is tied directly around the neck of the dog.

(4) No person may cause a dog to be hitched, tied or fastened to a fixed object as the primary means of confinement for an extended period of time.

(5) No person may cause a dog to be confined in an enclosed space, including a car, without adequate ventilation.

(6) No person may transport a dog in a vehicle outside the passenger compartment unless it is adequately confined or secured in a body harness or other manner of fastening which is adequate to prevent it from falling off the vehicle or otherwise injuring itself.

(7) Any person who fails to comply with this section commits an offence.

11. (1) No person shall keep a dog in an unsanitary condition. Unsanitary conditions.

(2) For the purposes of subsection (1), a dog is kept in an unsanitary condition where the keeping of the dog results in an accumulation of faecal matter, an odour, insect infestation or rodent attractants which endanger the health of the animal or any person, or which disturbs or is likely to disturb the enjoyment, comfort or convenience of any person within a reasonable range of the dog.

(3) Any person who fails to comply with this section commits an offence and is liable upon summary conviction to a fine not exceeding \$500, or to a term of imprisonment not exceeding one month, or both.

12. Every owner of a dog shall immediately remove excrement left by the dog on any property other than the premises of the owner of the dog including a public place. Removal of excrement.

13. (1) Where a dog is sheltered at an animal shelter approved by the Authority for protective care, a *per diem* sheltering fee shall be paid by the owner to the Agent in advance of redeeming the dog, in accordance with the amount specified in the Third Schedule. Animal shelter.

(2) Where a dog is not redeemed at the end of the protective care period, it shall be treated as an impounded dog.

PART 3-REGISTRATION AND LICENCE

Registration,
Licence

14. (1) An application for any licence under this Act shall be made to the Authority in such prescribed manner as approved by the Minister.

(2) Any licence issued under this Act shall be valid for a period of one year, or three years as the case may be, upon payment of the fee prescribed in the Second Schedule.

(3) The Agent shall be responsible for the recording, issuance and renewal of all licences.

(4) Within six months of the coming into force of this Act, every owner of a dog of licensing age shall—

- (a) present the dog to the Agent to be registered and microchipped;
- (b) pay the tag and licence fee in the amount specified in Second Schedule;
- (c) until ceasing to be the owner of the dog, obtain a new tag and licence for the dog prior to the expiration of each licence issued for the dog;
- (d) keep the tag securely fixed at all times on the dog for which the tag is issued;
- (e) pay a tag replacement fee specified in Second Schedule in the event the tag issued for the dog is lost, destroyed or in any way damaged.

Newly acquired
dogs.

15. (1) The owner of any newly acquired dog of licensing age or of any dog which attains licensing age, shall make application for the microchip, registration and licence tag for such dog within 10 working days after such acquisition or attainment of licensing age by the dog.

(2) The onus of proof of the age of any dog shall be upon the owner.

Imported dogs.

16. Any person who imports a dog of licensing age into Antigua and Barbuda shall make application for registration, microchip and licence tag for such dog within 10 working days of its arrival in the State.

17. No person, except a Dog Control Officer in the performance of his duties, shall remove a licence tag from the collar of any dog without the consent of the owner, nor shall any person attach a licence tag to a dog for which it was not duly issued. Removal of tags

18. Any person who keeps more than five dogs shall be deemed to be operating a kennel and shall be subject to the rules and regulations pertaining to kennels. Kennels

19. Within six months of the coming into force of this Act, every kennel operator and every person deemed to be operating a kennel pursuant to this Act, shall— Kennel licence

- (a) register the kennel with the Agent; and
- (b) pay a licence fee in the amount specified in the Second Schedule.

20. The owner or operator of a kennel shall— Kennel operator

- (a) make adequate provision at all times for the health, safety, hygiene and comfort of the dogs housed therein;
- (b) ensure that all dogs in the kennel are under control and do not constitute a nuisance due to unreasonable barking, yelping, or howling;
- (c) keep the kennel at all times in good repair;
- (d) keep the kennel and the yard surrounding it at all times in a clean and sanitary condition and free of vermin and rodents;
- (e) collect all uneaten food from the kennel daily, and dispose of it in a sanitary manner;
- (f) dispose of all excreta, hair clippings or refuse and all liquid wastes from the kennel in a manner which meets the approval of the Central Board of Health or other authority designated for such purpose;
- (g) keep the kennel regularly cleaned and disinfected, and free of any offensive or disagreeable odours.

Inspection

21. (1) Prior to the issuance of a kennel licence, the Chief Veterinary Officer or his duly authorised representative shall satisfy himself upon inspection that the kennel is being operated in accordance with this Act and regulations made thereunder.

(2) No kennel licence shall be issued by the Agent unless the Chief Veterinary Officer is so satisfied and has directed the Agent to issue same.

(3) The Chief Veterinary Officer may, at any reasonable time, inspect any kennel in respect of which a licence has been issued for the purpose of satisfying himself that the kennel is being operated in accordance with this Act.

(4) Where the Chief Veterinary Officer is not so satisfied he shall issue a notice requiring that the operations of the kennel be rectified within a specified period.

(5) Failure to comply with the directions or conditions of the notice of the Chief Veterinary Officer may result—

(a) in a direction to the Agent to cancel the kennel licence;

(b) impounding of all dogs in the kennel.

(6) Nothing in this Part precludes the Chief Veterinary Officer from refusing to issue or cancel a kennel licence if in his opinion other laws pertaining to the welfare of dogs and public health are being contravened.

(7) Any person aggrieved by the cancellation of his licence may appeal in writing to the Minister within 14 days of such cancellation.

Payment of fees

22. (1) All licence, tag and other fees payable under the Second Schedule shall be paid to the Agent on behalf of the Authority.

(2) All fees collected by the agent on behalf of the Authority shall be used exclusively for the purpose of maintaining the Dog Registration and Control Programme.

PART 4
CONTROL OF DOGS

23. Any Magistrate may take cognizance of a complaint that a dog is dangerous or not kept under proper control, and, if it appears to the Magistrate that any do, the subject of any such complaint made to the Magistrate, is dangerous or not kept under proper control, may make an order in a summary way directing that the dog be kept under proper control by its owner, or, if dangerous, destroyed. Dangerous dogs.

24. If any dog, either at large or in charge of any person, shall attack, worry or put in fear any person or any animal, the owner of such dog shall be liable, on summary conviction, to a fine of five hundred dollars or to imprisonment for three months, and the convicting Magistrate may, if he thinks fit, make an order in a summary way directing that the dog be kept under proper control by its owner, or, in the case of a second or any subsequent complaint in respect of the same dog, destroyed. Furious dogs.

25. (1) No owner of a dog shall cause or permit the dog to run at large. Dogs at large.

(2) For the purposes of this section, a dog shall be deemed to be running at large when found in any place other than the premises of the owner of the dog and not under the control of any person.

(3) No person shall keep a dog outside of the premises of the owner other than on a leash or restraining device that shall not exceed two metres in length except where consent is given by the person who owns the property on which the dog is found.

26. Any dog running at large contrary to the provisions of this Act may be seized and impounded by a Dog Control Officer. Seizure.

27. Any unregistered dog or any dog not wearing a licence tag may be seized and impounded by a Dog Control Officer. Dog control officer.

28. This Part shall not apply to police service dogs or dogs used in law enforcement. Exceptions.

29. (1) The Minister may, on the recommendation of the Authority, appoint Dog Control Officers for the purposes of carrying out or enforcing the provisions of this Act. Appointment of dog control officer.

(2) A Dog Control Officer is authorized to enter onto private property and impound the dog whilst in pursuit of the dog upon receiving the permission of the owner of the private property.

Euthanasia.

30. (1) Where in the opinion of a registered veterinarian a dog seized under the preceding section is injured or ill and should be euthanised without delay for humane reasons or safety to persons, or other animal the dog may be euthanised without permitting any person to reclaim the dog.

(2) Where a dog is euthanised pursuant to sub-section (1), the owner is liable to the Agent for the costs incurred in euthanising the dog and for all costs, legal or otherwise, of any action that may be necessary to recover such costs.

Impounding.

31. (1) Any dog seized by a Dog Control Officer shall be taken to an animal shelter approved by the Authority and impounded for a minimum period of two working days, exclusive of the day on which the dog was impounded and days on which the animal shelter is closed, during which time the owner shall be entitled to redeem the dog.

(2) As soon as possible after impoundment, *a bona fide* effort shall be made to notify the owner of the impoundment and the time period for redeeming the dog.

(3) Where a dog is not redeemed within the time period specified, the dog shall become the property of the Agent and may:

(a) be adopted for a fee in an amount specified by the Agent; or

(b) be euthanised.

(4) Where a dog is seized and impounded by the Agent:

(a) a *per diem* impoundment fee shall be paid by the owner to the Agent in advance of redeeming the dog, in the amount specified in the Third Schedule;

(b) if the licence for the dog is not up-to-date, the owner shall pay the licence renewal fee in the amount specified in the Second Schedule before the dog is released from impoundment;

- (c) if the dog has not been registered previously, the dog shall be microchipped, and the owner shall pay the fee for the registration, tag and licence in the amount specified in the Second Schedule before the dog is released from impoundment.
- (5) (a) Where a dog seized and impounded under this section is injured or ill and receives veterinary care necessary for the well-being of the dog, the Agent, in addition to any amount charged pursuant to this section, shall be entitled to recover charges for cost of veterinary care from the person claiming the dog.
- (b) If the owner considers the cost of veterinary care unreasonable the owner may appeal to the Authority against such charges and the Authority shall consider and determine such appeal within one calendar month of the receipt of such appeal

PART 5

MISCELLANEOUS

32. The Agent and any Dog Control Officer appointed under this Act shall not be accountable to the owner of any dog lawfully captured, impounded, adopted or euthanised under this Act and shall not be liable to be sued by such owner in respect of such capture, impoundment, adoption or euthanasia. Liability.

PART 6

OFFENCES & PENALTIES

- 33.** (1) Any person who— Offences and penalties.
- (a) interferes with, attempts to obstruct, assaults or intimidates a Dog Control Officer or any authorised person in the legal execution of his duties under this Act;
- (b) unlocks, unlatches or otherwise opens any cage or vehicle in which any dog seized for impoundment has been placed so as to allow or attempt to allow any dog to escape there from; or

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- (c) attempts to remove any dog from the possession of a Dog Control Officer or from any person responsible for the operation of the animal shelter.

commits an offence and is liable upon summary conviction to a fine of \$2500.

(2) A person who contravenes or violates any of the provisions of this Act for which no penalty is prescribed, shall be guilty of an offence and liable upon summary conviction—

- (a) for the first offence, to a fine of not less than \$300;
- (b) for any subsequent offence, to a fine of not less than \$1000 or in default, to a term of imprisonment not exceeding three months, or both.

Consolidated Fund

34. Every sum paid by way of penalty or fine under this Act shall be paid into the Consolidated Fund.

Special Fund

35. (1) There shall be established a Special Fund known as the Dogs Registration and Control Fund.

(2) The Authority shall be responsible to the Accountant General for the administration of the Dogs Registration and Control Fund.

(3) The monies of the Dogs Registration and Control Fund shall be kept in a separate account at a bank identified by the Minister.

(4) All monies collected in respect of fees other than penalties or fines shall be paid into the Dogs Registration and Control Fund and applied exclusively for the purpose of dog registration and control matters.

PART 7

GENERAL PROVISIONS

Regulations

36. (1) The Minister may make regulations generally for the effective carrying out of the provisions of this Act and specifically for prescribing anything required or permitted to be prescribed by this Act.

(2) Without limiting the generality of the foregoing, the Minister may make regulations for—

- (a) the fees to be charged under the Act;
- (b) rules relating to the operation of kennels;
- (c) the keeping of the register of kennels;
- (d) prescribing the conditions for an animal shelter;
- (e) providing for the form, recording and insertion of the micro-chip;
- (f) prescribing the conditions for the care and control of dogs;
- (g) prescribing the conditions relating to the seizure, detention and euthanasia of dogs under this Act;
- (h) prescribing the powers and duties of Dog Control Officers; and
- (i) regulating the form, issuance and renewal of licences;

37. The Minister may by Order published in the *Gazette* amend or vary the Schedules from time to time. Schedules.

38. The Dogs Act is hereby repealed. Repeal of Cap 140.

FIRST SCHEDULE

Section 3

Composition, Procedure etc. of the Authority

1. The Authority shall consist of

- (a) the Chief Veterinary Officer;
- (b) the Chief Health Inspector;
- (c) the Chief Environmental Officer;

- (d) the Executive Director of the Antigua and Barbuda Humane Society Inc; and
- (e) one member who is representative of civil society, nominated by the Minister.

2. The members of the Authority shall be appointed by the Minister by instrument in writing and subject to the provisions of this Schedule.

3. Members shall hold office for a period not exceeding two years and shall be eligible for re-appointment.

4. The Minister shall appoint a Chairman from among the members of the Authority.

5. The Chairman shall preside at all meetings of the Authority at which he is present, and in his absence, the members present and constituting a quorum shall elect a chairman from among their numbers to preside at that meeting.

6. The members of the Authority shall meet 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 Authority may determine.

7. The names of the members of the Authority as first constituted and every change thereafter shall be published in the Gazette.

8. The quorum of the Authority shall be three.

9. The decisions of the Authority shall be by a majority of votes and in addition to an original vote, the person presiding at a meeting shall have a casting vote in any case in which the voting is equal.

10. Minutes in proper form of each meeting of the Authority shall be kept.

11. The validity of the proceedings of the Authority shall not be affected by any vacancy amongst the members thereof.

12. If any member of the Authority is by reason of illness or any other cause temporarily unable to perform his functions, the Minister may appoint any person from the respective sector to act in his stead during the period of such illness or inability.

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

14. There shall be paid to the Chairman and other members of the Authority such remuneration whether by way of honorarium, salary or fees, and such allowances as the Minister may determine.

15. Subject to the foregoing provisions of this Schedule, the Authority may regulate its own proceedings.

SECOND SCHEDULE

Sections 14 and 22

FEES

	1 Year	3 Years
Dog registration and licence		
Unaltered dog	\$50.00	\$150.00
*Dog that is spayed or neutered	\$20.00	\$ 45.00
*Dog that is spayed or neutered where owner is age 65 years or older	\$10.00	\$ 25.00
**Assistance dog (registration required)	no fee	
*** Police service dog (registration required)	no fee	
Replacement licence tag	\$5.00 per tag	
Kennel licence	\$100.00 per annum	

* A Certificate from a qualified veterinarian is required as proof that a dog has been spayed or neutered.

** A Certificate from the owner's physician is required as proof that an assistance dog is indicated.

*** A Certificate from the Police Commissioner is required as proof that the dog is an active police service dog.

THIRD SCHEDULE

Sections 13 and 31

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AND *Act, 2006.*
BARBUDA

PURPOSE

FEES

Protective Care

First 24 hours or part thereof	\$40.00
Subsequent per diem rate	\$20.00

Impoundment

First 24 hours or part thereof	\$40.00
Subsequent per diem rate	\$20.00

Passed the House of Representatives this
2nd day of August, 2006.

Passed the Senate this 23rd day
of August, 2006.

D. Giselle Isaac-Arrindell,
Speaker.

Hazlyn M. Francis,
President.

Yvonne Henry,
Clerk to the House of Representatives.

Yvonne Henry,
Clerk to the Senate.

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*The Dogs Registration and Control
Act, 2006.*

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ANTIGUA
AND
BARBUDA

ANTIGUA AND BARBUDA

THE DOG REGISTRATION AND CONTROL ACT, 2006

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