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No. 19 of 2010

**ANIMAL PROTECTION AND CONTROL ACT, 2010**

**AN ACT TO REPEAL AND REPLACE THE DOG LICENCE ACT; TO REPEAL CERTAIN PROVISIONS OF THE PENAL CODE IN CONNECTION WITH THE CONTROL AND REGULATIONS OF DOGS, CATTLE AND OTHER ANIMALS, POUNDS, INJURIES AND CRUELTY TO ANIMALS AND TO PROVIDE FOR CONNECTED MATTERS.**

[Date of Assent - 1<sup>st</sup> July, 2010]

24 of 2011

**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, 2010.

24 of 2011, s 1(2) (2) This Act shall come into operation on such date as the Minister may appoint by notice published in the Gazette, and different dates may be so appointed for the coming into force of different parts of this Act throughout The Bahamas.”

**2.**

neglect or refuse to provide adequate care or support of an animal by its owner or custodian; lot, or to

“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 11(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, bred, rented, hired or boarded for gain;
- "assistance dog"** means any dog that is individually trained to do work or perform tasks for the benefit of an individual with disabilities, including physical, sensory, psychiatric, intellectual, or other mental disabilities;
- "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;
- "boarding kennel"** means premises of any nature, including a dwelling, where any dogs, cats or other pet animals are boarded;
- "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 12;
- "certificate of inspection"** means a certificate granted under section 12 and section 32;
- "Competent Authority"** means, in respect of New Providence Island, the Board; and, in respect of any other island, the established authority for the protection and control of animals as prescribed by section 4;
- "court"** means the Supreme Court or a magistrate's court, as the context may require;
- "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 animal"** means an animal that —
- (a) without justification attacks a person or domestic animal causing physical injury or death;

- (b) behaves in a manner that a reasonable person would believe poses an unjustified imminent threat of serious injury or death to one or more persons or domestic animals;
- (c) is used for animal fighting or other illegal activity; or
- (d) escalates behaviour that caused it to be adjudicated as an at-risk animal;

**"dangerous dog"** refers to any attack-trained dog, a dog that has bitten, inflicted injury upon, assaulted or otherwise attacked a human being or domestic animal without provocation on 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;

**"Department"** means the ministerial department responsible for the regulation of animals;

**"Director"** means the Director of the Department;

**"dog"** means an animal of the species *canis familiaris* including any hybrid;

**"dog licence"** means a licence issued under section 7;

**"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;

**"guard dog facility"** means premises where guard dogs are trained, sold, housed, leased or loaned;

**"horse"** means any horse, pony, donkey or equine mule;

**"keeper"** in relation to an animal, means a person (whether or not he is the owner of the dog) who—

- (a) has possession of the animal; or
- (b) is responsible for the care of the animal;

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

**"microchip"** means a permanent radio-frequency identification chip;

**"Minister"** means Minister responsible for the control and protection of 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 person claiming

ownership 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 place**” means any place to which the public are entitled or permitted to have access;

“**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;

“**recognized society**” means the Bahamas Humane Society, the Grand Bahama Humane Society and any other organization which the Minister, from time to time, by notice in the Gazette declares to be a recognized society for the purposes of this Act;

“**roaming animal**” means an animal found in a public place, or on any premises other than the premises on which the animal is being kept or is for the time being allowed to remain but shall not include an animal that is accompanied by, and under the direct control of a person who is capable of exercising effective control over it;

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

“**the Board**” means the Animals Protection and Control Board established under section 3.

## **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 *First 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 the welfare and control of 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 the welfare and control of 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 Island of New Providence.
- (4) The Board may issue, and may from time to time revise, codes of practice for the purpose of providing practical guidance in respect of any provision made by or under this Act.
- (5) The Board shall publish the code, and any revision of it, in such manner as it considers appropriate.
- (6) A person's failure to comply with a provision of a code of practice issued under this section shall not of itself render him liable to proceedings of any kind.
- (7) In any proceedings against a person for an offence under this Act —
- (a) failure to comply with a relevant provision of a code of practice issued under this section may be relied upon as tending to establish liability; and
  - (b) compliance with a relevant provision of such a code of practice may be relied upon as tending to negative liability.

#### **4. Establishment of Competent Authority.**

- (1) 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.
- (2) Subject to paragraph (j) of section 3(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.
- (3) 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 —
  - (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. Ownership of dogs and dog licensing.**

- (1) Subject to this section, a person shall not own or keep a dog unless that person —
  - (a) is 18 years of age or older; and
  - (b) in accordance with section 7 has been issued a licence, in respect of the dog.
- (2) The owner of any dog above the age of three months shall take out a licence in respect of such dog.
- (3) Where any dog is transferred from one keeper to another, it is the duty of the transferor to notify the Director in writing within 28 days of the transfer giving the name and address of the new keeper and the identification number of the dog.
- (4) The owner of any dog shall notify the Department within 28 days after the date when —
  - (a) the dog dies; or
  - (b) the dog is moved permanently overseas by the owner or by a new owner overseas.
- (5) A person who imports a dog into The Bahamas need not hold a licence for the dog if —



- (a) before the dog is imported, the Director is satisfied that the dog will be exported from The Bahamas within the period of 28 days from the date of its importation; and
- (b) the dog is exported from The Bahamas within that period.
- (6) A dog licence is not required for a dog which is being kept by the Department or a recognized society.
- (7) A person who contravenes any provision of this section is guilty of an offence.

**7. Issue of licences.**

- (1) The Director shall, subject to such conditions as the Director thinks fit and on payment of the appropriate fee, issue a dog licence and identification tag to a person ("the applicant") who applies for them if the Director is satisfied that —
  - (a) the applicant is a suitable person to hold a licence; and
  - (b) the premises where the dog is to be kept is suitable for that purpose.
- (2) A dog licence shall be valid for a period of one year, or such period as the Director may determine, from the date on which the licence is issued or from such other date as may be specified in the licence.
- (3) A dog licence is valid only for the dog in respect of which it is issued.
- (4) An application for a dog licence shall be in such form as the Director may determine and shall contain the name and address of the owner of the dog, and if the dog will not be kept by the owner, the name of the person keeping the dog and the address at which the dog will be kept.
- (5) A dog licence shall be in such form as the Director may determine and shall be numbered and accompanied by an identification tag which shall —
  - (a) bear a number identifying the dog; and
  - (b) be suitable for attachment to the dog's collar.
- (6) The Director, on issuing a licence, shall give the person to whom it is issued —
  - (a) a receipt for the licence fee showing the licence number; and
  - (b) except on the renewal of an existing licence, an identification tag which shall bear the licence number.
- (7) Where the owner of a dog seeks to re-licence a dog, the Director may, before issuing the dog licence, require the owner of the dog to pay the licence fee for each year or part of a year that the dog has not been licensed, up to a maximum of three years.
- (8) The Director shall keep such registers and records of dogs, dog owners, dog keepers and dog licences as the Minister may direct.

- (9) The Director may require production of the identification tag or proof of the expired licence of a dog before issuing a dog licence in respect of any dog that has been previously licensed.
- (10) License fees are waived for any dog —
  - (a) used primarily as an assistance dog when the owner or keeper establishes the assistance dog's function as an assistance dog for persons with disabilities;
  - (b) in training an assistance dog, when the owner or keeper establishes the assistance dog's function as an assistance dog for persons with disabilities; or
  - (c) used by a public agency or private organization under contract to a public agency as a police dog, tracking dog, search and rescue dog, arson or drug sniffing dog, or for any other job that furthers the mission of the agency to protect and serve the public interest.

**8. Dog identification collars mandatory.**

- (1) The owner or keeper of a dog shall cause the dog to wear at all times, while in a public place, a collar to which is attached the identification tag issued with its licence.
- (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.
- (3) If the Director is satisfied that a dog's identification tag has been lost, he may, on production of the dog licence receipt and payment of the appropriate fee, issue a duplicate identification tag bearing the dog's licence number. The Director shall record the note "duplicate tag issued" on the dog licence and date the note.
- (4) Notwithstanding subsection (1), the Director may permit specified dogs or classes of dogs to be without a collar or an identification tag in a place and at a time to be designated by the Director.
- (5) A person who contravenes subsection (1), unless the person has a permit given under subsection (4), commits an offence.

**9. Female dogs in heat.**

- (1) No person shall keep or leave a female dog in heat in any place which will permit a male dog to approach it, and no keeper of a female dog shall

allow a male dog to approach it, unless the keeper of both dogs desire the approach for the purpose of breeding.

- (2) Any person who contravenes subsection (1) commits an offence.

#### **10. 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 or injury while being at large is liable, and shall fully reimburse the victim, in respect of such damage or injury.
- (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.

#### **11. 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 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 animal impounded 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) Every animal impounded under this Act shall be supplied by the keeper with suitable food, water, shelter and movement.
- (6) No dog shall be returned to its owner unless the dog is licensed and has a dog identification tag in accordance with the provisions of this Act and any owner of a dog without a dog licence or a dog tag shall obtain a dog licence and a dog tag before delivery is made.
- (7) 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.
- (8) Any person aggrieved by any charge or demand made for food supplied to any animal impounded under this Act may appeal to a magistrate who shall adjudicate thereon in his civil jurisdiction and whose decision shall be final.
- (9) On the hearing of every such appeal prescribed in subsection (8), the magistrate may surcharge the account and may reduce the amount charged to such an amount as he may consider reasonable in view of all the circumstances of the case and may order the repayment of any excess already paid by the person aggrieved.
- (10) No seized animal may be disposed of to the pet trade or for research purposes.
- (11) 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.
- (12) 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.
- (13) 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.
- (14) Whoever releases or attempts to release any animal lawfully seized from the pound or place where the same is impounded, or on the way to or from

any such pound or place, or pulls down, damages or destroys the same or any part thereof, or any lock or bolt or fastener belonging thereto, or with which the same is fastened, shall be liable to a fine of one hundred dollars in addition to paying compensation to the party aggrieved for any damage so done to the pound.

## **12. 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 —
  - (a) state the name of the person to whom it is issued;
  - (b) identify the premises to which it relates;
  - (c) state the activity for which it is issued; and
  - (d) state the terms and conditions applicable to such certificate.
- (3) A certificate of inspection shall be valid for a period of one year from the date of the grant and may be renewed annually.
- (4) An application under subsection (1) includes an application for renewal of a certificate of inspection.
- (5) 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.
- (6) 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.
- (7) 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.
- (8) 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.
- (9) 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.
- (10) A certificate of inspection shall not be transferable.

**13. 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 (*Ch. 54*) shall apply *mutatis mutandis* to such appeal as if the decision of the Competent Authority were that of a magistrate.

**14. 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.

**15. Publication of certificated persons.**

- (1) The Minister shall cause the names of all certificated persons to be published on the Official Website of the Government of The Commonwealth of The Bahamas and on the notice board outside the office of each Family Island Administrator.
- (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*.

**16. 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**

### **17. 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.

### **18. 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 12 for the grant of a certificate of inspection.

### **19. Grant of certificate of inspection.**

Where an application for a certificate of inspection is made to the Competent Authority under section 12, 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 dogs in his kennels and every dog owned, maintained and used by the guard dog facility is permanently identified by having a microchip implanted beneath its skin by a veterinarian;

- (e) all dog handlers employed by him are trained in accordance with the prescribed standards; and
- (f) the applicant has not been convicted of cruelty or abuse toward an animal.

**20. 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.

**21. 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.

**22. 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) where a guard dog is left to run loose on any premises, there is displayed a clear and legible warning sign indicating such fact at each entrance to the premises, and the premises shall be 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

### 23. Roaming animal offence.

The keeper of an animal who permits the animal to roam, commits an offence:

Provided that it shall be a defence to any prosecution under this section that the keeper took all reasonable precautions to prevent the animal from roaming and that it roamed without his or her knowledge and consent.

### 24. Procedure when a roaming animal is found or seized.

- (1) Any member of the public who finds a roaming animal may seize the animal and shall, as soon as possible before the expiration of forty-eight hours —
  - (a) return the animal to its owner or keeper;
  - (b) take the animal to the Department, or to a recognized society or to a police station; or
  - (c) notify the Director or a recognized society that they are in possession of a roaming animal.
- (2) On receiving the notification referred to in subsection (1)(c), the Director or the recognized society shall arrange to take delivery of the animal as soon as is practicable.
- (3) Where a roaming animal has been seized under this section, the person in possession of the animal pending the return to the owner or keeper or delivery up to the Director or a recognized society, shall ensure that the animal is properly cared for.
- (4) Where the Director or recognized society has taken delivery of a roaming animal, the Director or recognized society shall —
  - (a) if the owner or keeper of the animal is known, give notice to the owner or keeper by personal visit or registered letter of the whereabouts of the animal and require them to collect it; or
  - (b) if the owner or keeper is not known, retain the animal in a kennel that is used for keeping roaming animals secure.
- (5) For the purposes of giving notice to the owner or keeper, the Director or recognized society shall —
  - (a) inspect the animal for an identification tag;
  - (b) scan the animal for a microchip; and
  - (c) search any relevant register indicated by any identification tag or microchip found on, or implanted beneath the skin, of the animal.

- (6) The owner or keeper of an animal seized under this Act shall, when they claim the animal, pay the person who cared for the animal the appropriate fee and the reasonable cost of keeping the animal from the day it was seized until it was claimed.
- (7) Subject to subsection (8), where an animal has been seized and detained for a period of not less than four days, the Director or recognized society may —
  - (a) sell or give the animal to a person approved by the Director who shall thereby obtain a good title to the animal; or
  - (b) arrange for the animal to be destroyed in a humane manner.
- (8) The Director or recognised society may sell or dispose of an animal referred to in subsection (7) where —
  - (a) a personal visit has been made, or a notice has been served, under subsection (4)(a) and the dog has not been claimed by any person within four days of the visit or of the receipt of the notice;
  - (b) the keeper of the animal is unknown and cannot be traced by any reasonable means;
  - (c) the animal has been claimed but the claimant has failed either —
    - (i) to establish to the satisfaction of the person in possession of the animal that the claimant is the keeper of the animal or the duly authorized agent of the keeper; or
    - (ii) to pay any sum due under subsection (6); or
  - (d) an uncollected registered letter sent in accordance with this Act has been returned to the Department or recognised society.
- (9) An animal shall not be sold or otherwise disposed of under this section for the purposes of vivisection or any other form of experiment or research.
- (10) A dog shall not be sold or given to any person by the Director or a recognized society unless that person has first licensed the dog or in the case of a sale, licensed the dog immediately upon the sale.
- (11) Where an animal has been sold or disposed of under subsection (7) the keeper of the animal shall be liable to the Director or recognized society for any sum payable under subsection (6) and for any expenses incurred in the disposal of the animal in excess of any money received on the sale or disposal.
- (12) Where the money received upon the sale of the animal exceeds the amount of the expenses incurred, the Director or the recognized society, as the case may be, shall not pay the balance to the keeper of the animal but shall retain such balance for the purpose of defraying expenditure incurred by the Director or the recognized society in the discharge of their respective functions under this Act.

**25. Identification of seized animals.**

Where an animal comes into the control of the Director or a recognized society under this Act, the Director or recognized society may cause the animal to be permanently identified by having a microchip implanted beneath its skin, if it does not already have one.

**26. Control of dangerous dogs and other animals.**

- (1) The owner of an animal that is dangerous shall keep the animal under control and take all measures necessary to protect innocent persons or other animals from injury by that animal.
- (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 27, 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 an animal shall be knowledgeable of the character traits of the animal and, in particular, the propensity of the animal for aggressive or defensive behaviour and shall take all necessary precautions to ensure the safety of persons or other animals.
- (5) If a police officer or animal control warden has reasonable grounds to believe that an animal 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 animal in writing that the animal has been determined to be dangerous; and
- (b) require the owner to comply with any or all of the following requirements —
- (i) to have the animal permanently identified by having a microchip implanted beneath its skin by a veterinarian and to provide to the police officer or animal control warden a certificate from the veterinarian confirming the implanting of the microchip and stating its number;
  - (ii) to display signs warning people there is a dangerous animal on the premises;
  - (iii) to have the enclosure in which the animal is kept inspected and approved by the animal control warden;
  - (iv) to ensure the animal (in the case of a dog or other animal that is likely to bite) is adequately muzzled so as to ensure it cannot bite while it is away from the owner's premises.

## 27. Control of dogs.

- (1) A person who keeps a dog commits an offence if the dog —
- (a) repeatedly makes noise to the annoyance of one or more persons in the neighbourhood;
  - (b) deposits faeces on property other than property of the keeper and the person fails to collect the faeces and dispose of it in a reasonable manner; or
  - (c) repeatedly soils, with urine or faeces, property of, or under the care of, another person without that other person's consent.
- (2) The fact that frequent barking or howling occurs at the premises to the annoyance of one or more persons in the neighbourhood is evidence of an offence against subsection (1)(a).
- (3) No person shall permit a dog to be taken into a public place unless the dog is —
- (a) on a leash, in a carrier, or otherwise constrained; or
  - (b) in an area designated by the Director by way of an order published in the Gazette as an area where dogs are allowed to be off leash.
- (4) Any person who takes a dog into a public place in contravention of subsection (1) commits an offence.
- (5) 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.
- (6) 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.

- (7) 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.
- (8) 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
- (9) 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.
- (10) Subject to section 31, 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.

**28. Protection for assistance dogs.**

- (1) Any assistance dog accompanying and assisting a person with disabilities, or accompanying a person genuinely engaged in the dog's training, may enter and remain in any public place.
- (2) However, the person whom the dog is accompanying must comply with any reasonable conditions imposed by the occupier or person controlling the premises or place in relation to the entry or presence of the dog
- (3) This section overrides any enactment or bye-law prohibiting or regulating the entry or presence of dogs in relation to the premises.

**29. Fighting of animals 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) Whoever —

- (a) in any manner encourages or assists at the fighting or baiting of any bull, dog, cock or other animal or bird, whether domestic or wild;
  - (b) keeps, or uses, or acts in the management of, any place used for the purpose of fighting or baiting any such animal or bird as aforesaid;
  - (c) allows any place to be so used,
- shall be guilty of an offence.
- (3) Whoever receives money for the admission of any other person to any place kept, or used for any of the purposes prescribed in subsection (2), shall, unless the contrary is proved, be deemed to be the keeper thereof.
  - (4) Any magistrate, by warrant, may authorise any peace officer to enter any place used, or suspected as being used, for the purpose of fighting or baiting any animal, and to take into custody all persons, and to seize all animals or birds found therein.
  - (5) Whoever is so found therein, without lawful excuse shall be guilty of an offence.
  - (6) Subject to section 31, 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.

### **30. Restrictions on animals presenting a serious danger.**

- (1) If it appears to the Director 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 or requirements as he thinks appropriate, including without limitation, the following —
  - (a) to have the animal spayed or neutered forthwith by a veterinarian and to provide to the police officer or animal control warden a certificate from the veterinarian confirming that the procedure has been performed and specifying the —
    - (i) microchip number;
    - (ii) name and sex of the animal;
    - (iii) physical description of the animal including its breed and colour; and
    - (iv) name and address of the owner.
  - (b) to obtain a public liability insurance in the minimum amount prescribed and purchased from an insurance office approved in The

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

- (2) An order under this section may 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 Director shall consult the Board.

**31. Destruction and forfeiture orders.**

- (1) Where a person is convicted of an offence under section 29 or an aggravated offence under section 27, the court before which the person is convicted may, in addition to imposing any penalty, order —
  - (a) the destruction and disposal of any animal in respect of which the offence was committed;
  - (b) the confiscation and forfeiture of any animal owned by the offender;
  - (c) the offender to be disqualified for such period as the court thinks fit, from having custody of an animal or type of animal;
  - (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 an animal owned by a person other than the offender, appeal to the Supreme Court against the order.
- (3) An animal 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 an animal and require any person having custody of the animal 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 animal 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 an animal 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 VI —ANIMAL HOLDING ESTABLISHMENTS**

### **32. 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.
- (3) A person who wishes to own, operate or maintain an animal holding establishment shall make application under section 12 to the Competent Authority for the grant of a certificate of inspection.



### **33. Grant or renewal of certificate of inspection.**

Where an application is made under section 12 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.

### **34. Microchip Identification.**

- (1) A certificated person in respect of a breeding kennel shall ensure that every dog used for breeding and every dog bred or sold by the breeding kennel is permanently identified by having a microchip inserted beneath its skin by a veterinarian.
- (2) A person must not remove or otherwise interfere with a microchip that is implanted beneath the skin of an animal unless —
  - (a) the person is a veterinarian; and
  - (b) the removal or interference is needed to address a serious risk to the health of the animal.
- (3) A person who contravenes any provision of this section is guilty of an offence.

### **35. 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) in all cases, microchips implanted in any animal and methods of disposal of all animals.

## PART VII – MISCELLANEOUS

### 36. Regulations.

The Minister may make regulations for the purpose of prescribing anything required or permitted by this Act to be prescribed and, without prejudice to the generality of the foregoing, shall make provision by regulation for the —

- (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 and certificates for the training of animal trainers and handlers including 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 animals including without limiting the generality of the foregoing, extending the requirement of microchipping to all dogs and cats, and requiring the spaying or neutering of dogs and cats;
- (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) prescribing the standards or requirements for implanting a microchip for the purpose of this Act;
- (l) prescribing any fees necessary to give effect to the Act and different fees may be prescribed for different categories of animals including

a lesser licence fee for a spayed or neutered dog than for an unspayed or unneutered dog;

- (m) for the creation and regulation of special areas for animals;
- (n) providing for such matters as may be contemplated by or necessary for giving full effect to this Act and for its administration; and
- (o) prescribing the form of ticket for the purposes of this Act.

**37. Authorization of ticketing.**

Without prejudice to the procedure set out in the Magistrates Act (*Ch. 54*) for the laying of information and for issuing a summons, an information may be laid and a summons issued for offences specified in the *Second Schedule* by means of a ticket issued in accordance with this Act.

**38. Form of ticket.**

- (1) A ticket shall, subject to this Act, be in the form prescribed in regulations made under section 36 and shall consist of three parts, an information, a summons and a record of conviction.
- (2) The use on a ticket of any word or expression in the *Second Schedule* describing the offence, or any word or expression substantially to the same effect, in relation to an offence under this Act is sufficient for all purposes in connection with proceedings for that offence to describe the offence.

**39. Issue of ticket.**

Where a police officer has reasonable cause to suspect that a person has committed an offence under this Act, such officer may issue a ticket under this Act to that person by delivering to, or serving, the person the summons part of the ticket in accordance with section 40.

**40. Summons.**

- (1) The police officer who issues a ticket shall, upon completing and signing the summons part of the ticket, either deliver the summons part to the person charged under this Act in respect to which the ticket is issued or serve it on that person by sending it by registered mail to the person's last known address.
- (2) Unless the contrary is shown, the date of service of a summons served by registered mail is the fourteenth day after it was sent to the address referred to in subsection (1).
- (3) Where the summons part of the ticket is delivered to the person charged, the police officer shall request the person charged with an offence under this Act to sign the ticket in the place provided for it and the person's

signature shall be sufficient proof that the person has received the summons.

- (4) A person charged with an offence under this Act who refuses without reasonable excuse to accept delivery of the summons part of the ticket under subsection (1) commits an offence;

Punishment on summary conviction: a fine of one hundred dollars.

**41. Payment of penalty out of court.**

- (1) A police officer who issues a ticket in respect to an offence under this Act may enter on the summons part of the ticket the amount of any penalty specified in the *Second Schedule* for that offence, in which case such officer shall endorse the back of the summons part of the ticket with notice that the person to whom the summons is directed may, within seven days after delivery or service of the summons as the case may be, pay out of court the specified penalty.
- (2) Where a summons is endorsed under subsection (1), it shall provide for a plea of guilty in the following form —

**PLEA OF GUILTY**

I am aware that I have a right to a hearing in respect of the offence with which I am charged and that by signing this plea of guilty I am waiving my right to a hearing and my signature may result in a conviction against me without a hearing. I hereby plead guilty to the offence as charged and consent to be convicted of the offence in my absence.

*[blank]*

Signature of Defendant

- (3) A signature affixed to the form of Plea of Guilty purporting to be that of the person to whom the summons is directed is prima facie proof that it is the signature of that person.
- (4) Upon receipt of a summons duly signed with a plea of guilty and of the amount of the penalty specified in the summons, an officer of the court shall issue an official receipt for the amount of that penalty and shall place the summons before the court.
- (5) The court shall formally convict the person charged with an offence under this Act specified in the summons and no further penalty may be imposed in respect of the offence.
- (6) If a person charged with an offence under this Act does not plea guilty to the offence and pay the penalty specified in the summons, the person shall appear at the time and place specified in the summons for the hearing of

the charge, and if they fail to appear, the court may proceed in accordance with section 67 of the Criminal Procedure Code Act ( *Ch. 91*).

**42. Information.**

- (1) The information part of the ticket shall be —
  - (a) signed by the police officer who issues the ticket;
  - (b) sworn before a justice of the peace or a magistrate; and
  - (c) deposited with the court, together with the record of conviction part of the ticket.
- (2) The information part of the ticket need not be sworn to before the summons part is delivered or served and the police officer who signed, swore and issued the ticket need not be the person who delivers or serves the summons.

**43. Amount of penalty.**

Nothing in this Act prevents the court from imposing any penalty authorised by law in regards to offences under this Act if-

- (a) no amount is entered on the summons; or
- (b) the person charged does not plead guilty to the offence and pay the penalty specified in the summons.

**44. Record of conviction.**

Where the court makes a conviction on a ticket information in respect of an offence under this Act, the court shall complete the record of conviction part of the ticket and an officer of the court shall cause a copy of it to be forwarded to the Commissioner of Police.

**45. Amendment of Schedules.**

- (1) The Minister may make regulations to amend any Schedule, including adding or deleting offences or changing the amounts of penalties specified for offences in the *Second Schedule*.
- (2) An amount specified by the regulations as the penalty for an offence shall not exceed the maximum amount, or be less than any minimum amount, established for the offence by the enactment that creates the offence.
- (3) Regulations made under this section are subject to the negative resolution procedure.

**46. 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, drink, shelter or movement 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) Subject to subsection (3), where a person is convicted of an offence under subsection (1), 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.
- (3) 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.
- (4) 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.
- (5) 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.

#### **47. Water, shelter and movement.**

- (1) No person shall leave a dog unattended on any premises unless the dog —
  - (a) has access to drinking water;
  - (b) has reasonable shelter against the sun, wind and rain; and

- (c) is able to move freely within an area that is not less than eighteen square feet.
- (2) Where a person tethers a dog by chain that person shall ensure that the thickness of each link of the chain does not exceed ¼ inch.
- (3) The Director may from time to time issue guidance as to the proper methods for containing or restraining dogs in a manner which allows freedom of movement of the dog.
- (4) Any person who leaves a dog in contravention of subsection (1) or tethers a dog in contravention of subsection (2) commits an offence.

**48. 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) The owner of an animal who contravenes subsections (1) and (4) of section 26 commits an offence and shall be liable on summary conviction to a fine not exceeding five thousand dollars or to imprisonment for a term not exceeding one year or to both fine and imprisonment.
- (3) The owner of an animal who fails to meet a requirement referred to in subsection (5) of section 26 commits an offence and, upon summary conviction, shall be liable to a fine not exceeding five hundred dollars.
- (4) Every person commits an offence and is liable on summary conviction to a fine not exceeding one thousand five hundred dollars who, having been served with a notice under section 24, fails or neglects to comply with —
  - (a) that notice within seven days of its receipt by that person;
  - (b) any notice as modified or confirmed by the Competent Authority.
- (5) A person who contravenes any 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.

**49. 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.

**50. 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.

**51. Seizing and impounding animals.**

- (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 animal which is believed to be involved in the offence.
- (2) Where the owner or a person who has the custody and control of an animal seized under subsection (1) makes an application for the return of the animal, 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 animal.

**52. Protection from dogs.**

- (1) A police officer designated by the Commissioner of Police or any person designated by the Director may lawfully destroy a dog which they see attacking a person or a domestic animal or bird.
- (2) The Director may, on any land, with the permission of the occupier of the land —
  - (a) set traps of a type approved by the Minister for the purpose of capturing roaming dogs; or
  - (b) tranquillize roaming dogs in a manner approved by the Minister.
- (3) Any person who releases a dog from a trap placed in any area or on any land by the Director or who interferes with such a trap commits an offence, unless the person has received authorization from the Director to do so.



### 53. Action for damages.

- (1) When a dog causes death or injury to a person or an animal or causes damage to property it shall not be necessary for the plaintiff in an action brought in respect of such death, injury or damage to prove —
  - (a) a previous mischievous propensity in the dog;
  - (b) any knowledge on the part of the keeper of the dog of such previous mischievous propensity; or
  - (c) that the injury or damage complained of was attributable to neglect on the part of the keeper of the dog.
- (2) It shall be a defence to an action brought in respect of death, injury or damage caused by a dog to show that the action of the dog was caused by the unreasonable behaviour of some person other than the keeper or the owner of the dog.
- (3) Notwithstanding subsection (2) where a dog causes death, injury or damage, the keeper of the dog shall be liable in damages for such death or injury or damage unless they can show that the person (or the animal) was trespassing on his property or the property of a person in lawful control of the dog.

### 54. 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.

### 55. Repeals.

The Acts mentioned in the second column of the *Third Schedule* are hereby repealed to the extent specified in the third column of that Schedule.

### 56. Transitional Provisions.

- (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.

**FIRST SCHEDULE (Section 3)**  
**CONSTITUTION AND PROCEDURE OF THE BOARD**

**1. Constitution of the Board.**

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

- (a) one shall be the Director or his nominee;
- (b) two shall be veterinarians and shall include the senior veterinary officer of the Department 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 Department 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, 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. Publishing 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 on the Official Website of the Government of The Commonwealth of The Bahamas and on the notice board outside the office of each Family Island Administrator.
- (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. The 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 the 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.

**SECOND SCHEDULE (Section 37)****OFFENCES AND PENALTIES**

<b>DESCRIPTION OF OFFENCE</b>	<b>PROVISION OF LAW</b>	<b>PENALTY</b>
Unlicensed dog	Section 6(1), (2)	\$250.00
Failing to notify Director (where dog dies or is transferred or moved permanently overseas)	Section 6(3), (4)	\$50.00
Dog without a collar and identification tag	Section 8(1)	\$50.00
Keeping a female dog so to permit unintended breeding	Section 9	\$500.00
Upon receiving notification, owner who fails to prevent animal from being a public nuisance	Section 10	\$500.00
At large or roaming	Sections 10 and 23	\$250.00
Failure to have certificate of inspection where required (guard dog facility or animal holding establishment)	Sections 17 and 32	\$1,000.00
Unleashed or unconstrained dog in public place	Section 27(3)	\$50.00
Allowing entry of dog in place which is not public without permission	Section 27(8)	\$50.00
Dog dangerously out of control in a public place	Section 27(7)	\$500.00
Allowing dog to enter a place not public without permission and reasonable grounds for apprehension that such dog will injure	Section 27(9)	\$500.00

Soils property; barking; noise	Section 27(1)	\$50.00
Failure to microchip dog	Section 34	\$100.00
Heavy chain	Section 47	\$100.00
Inadequate water, shelter, movement	Section 47	\$200.00
Unauthorised release from trap	Section 52(3)	\$250.00

**THIRD SCHEDULE (Section 55)**

**REPEALS**

Chapter No.	Short Title	Extent of Repeal
378	Dog Licence Act	The whole Act
84	Penal Code	Sections 161 through 184 Sections 223 through 231