

No. 14 of 2001

VIRGIN ISLANDS

DOGS (PREVENTION OF INJURY TO PERSONS,
LIVESTOCK AND POULTRY) ACT, 2001

ARRANGEMENT OF SECTIONS

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No. 14 of 2001 **Dogs (Prevention of
Injury to Persons, Livestock
and Poultry) Act, 2001**

**Virgin
Islands**

I Assent
FRANCIS J. SAVAGE,
CMG, LVO, OBE
Governor.
28th December, 2001

VIRGIN ISLANDS

No. 14 of 2001

An Act to repeal and replace the Dogs (Injury to Persons, Cattle and Poultry) Ordinance (Cap. 238).

[Gazetted 24th January, 2002]

ENACTED by the Legislature of the Virgin Islands as follows:

Short title.

1. This Act may be cited as the Dogs (Prevention of Injury to Persons, Livestock and Poultry) Act, 2001.

Interpretation.

2. (1) In this Act,

“dangerous dog” means a dog which is declared under section 5 to be a dangerous dog;

“dog” means any dog of or above the age of three months;

“livestock” includes cattle, horse, mule, donkey, sheep, goat, pig, rabbit, or the young of the same;

“owner”, in relation to a dog, means the person who is the actual owner of the dog or who, not being the actual owner, has charge over the dog;

“Police Force” means a member of the Royal Virgin Islands Police Force;

“poultry” means domestic fowls, turkeys, geese, ducks and guinea fowls;

“registered dog” means a dog that is registered under section 7(5) and whose registration has not expired under section 7(3).

(2) For the purposes of this Act, a person has charge over a dog if he is the occupier of the house or premises where

the dog is kept or permitted to live or remain, or where there are more occupiers than one in the house or premises, the occupier of that particular part of the house or premises in which the dog is kept or permitted to live or remain.

3. (1) The owner of a dog shall conspicuously post at the entrance or entrances of his premises a sign to warn visitors to his premises of the presence of a dog on those premises.

Liability of owner of dog for injury to persons, livestock and poultry.

(2) The sign referred to in subsection (1) shall be in such form and size as the Minister may, by Order, determine.

(3) The owner of a dog shall be liable in damages for injury caused to any person, livestock or poultry by that dog, and it shall not be necessary for the person seeking such damages to show a previous mischievous propensity in the dog, or the owner's knowledge of such propensity, or to show that the injury was attributable to neglect on the part of the owner.

4. (1) It shall be lawful for a member of the Police Force or the Chief Agricultural Officer or a person designated in writing by the Chief Agricultural Officer to impound and destroy either by shooting with a firearm or by killing in some other manner which will cause as little pain as possible

Power to impound and destroy dogs.

- (a) a dangerous dog which has not been destroyed in accordance with section 5(2);
- (b) a dangerous dog which has been imported and which has not been exported as permitted by section 5(5),

or to destroy by shooting with a firearm or by killing in some other manner which will cause as little pain as possible a dog whilst it is attacking any person, livestock or poultry at any time or place.

(2) It shall be lawful for a member of the Police Force or a person designated by the Chief Agricultural Officer to impound any dog that is found wandering abroad contrary to this Act.

(3) For the purposes of this section, the expression "firearm" shall include an air gun or other kind of gun from which a shot, bullet or other missile can be discharged, but does not include a toy-pistol from which a missile is discharged by the force of a spring alone.

Dangerous dogs.

5. (1) The Minister may, by Order, declare that any type of dog that appears to him to be bred for fighting, or to have the characteristics of a type bred for that purpose, is a dangerous dog.

(2) The owner of a dog which is declared by an Order under subsection (1) to be a dangerous dog, shall ensure that the dog is destroyed within thirty days of the making of the Order.

(3) No person shall, after the expiration of thirty days from the making of an Order under subsection (1), have in his possession any type of dog specified in the Order except in pursuance of the power to impound and destroy dangerous dogs under section 4(1).

(4) A person who contravenes subsection (2) or (3) commits an offence and is liable on conviction to a fine not exceeding one thousand dollars and imprisonment for a term not exceeding six months.

(5) No dangerous dog shall be imported into the Territory and any dangerous dog that is imported shall be seized at the port of entry and shall, unless it is exported within three days, be delivered to the Chief Agricultural Officer to be impounded and destroyed pursuant to section 4(1).

Penalty on owner whose dog slaughters or injures livestock or poultry.

6. Where, upon a complaint laid by a member of the Police Force on information from a person whose livestock or poultry have been injured or slaughtered by a dog, it appears to the Magistrate that the owner of the dog was negligent in not exercising proper control over the dog, the Magistrate may

- (a) order the owner of the dog to pay a penalty not exceeding two hundred and fifty dollars; and
- (b) award such compensation to the person whose livestock or poultry have been injured or slaughtered as he considers fit.

Registration of dogs.

7. (1) The owner of a dog shall, within seven days of the date on which

- (a) the dog attained the age of three months; or
- (b) the owner acquired the dog,

register the dog with the Chief Agricultural Officer.

(2) Upon bringing a dog into the Territory, the owner of the dog shall, unless the dog is a registered dog, register the dog with the Chief Agricultural Officer.

(3) Where the owner of a dog is a visitor to the Territory and does not intend to keep the dog in the Territory for more than twenty-one days, he shall state that intention in his application to register the dog, and the registration of the dog shall expire at the end of the twenty-first day after the date on which the dog was brought into the Territory.

(4) Where the registration of a dog expires under subsection (3), the owner of the dog shall, if the dog is still in the Territory, register the dog.

(5) The Chief Agricultural Officer shall register a dog upon receipt from the owner of the dog of

- (a) an application, in writing, for the registration of the dog;
- (b) a certificate issued by a veterinary surgeon that the dog has been vaccinated against rabies;
- (c) a fee of such amount as the Minister may, by Order, fix; and
- (d) such other information pertaining to the identity and address of the owner of the dog as the Chief Agricultural Officer may reasonably require.

(6) The owner of a dog shall maintain the registration of the dog by paying to the Chief Agricultural Officer, not later than one month after each anniversary of the date on which the dog was registered, an annual fee of such amount as the Minister may, by Order, fix.

(7) Where a change in the ownership of a registered dog occurs, the new owner shall

- (a) give the Chief Agricultural Officer written notice of the change within seven days thereof; and
- (b) maintain the registration of the dog by paying the annual fee under subsection (6), beginning with the first annual fee that becomes due after the change.

(8) The Chief Agricultural Officer shall, not more than twenty-one nor less than seven days before the annual fee under subsection (6) becomes due, send by post to each owner of a registered dog, a reminder of the date on which the annual fee will become due.

(9) The fees payable under this section shall not apply in the case of a person who operates an animal shelter approved by the Minister.

(10) An unpaid annual fee is a civil debt and may be sued for and recovered by the Government in summary proceedings.

(11) The owner of a dog who fails to comply with any provision of this section commits an offence and is liable on summary conviction to a fine not exceeding one hundred dollars.

Metal disc to be affixed to collar of registered dog.

8. (1) There shall be issued to the owner of each dog that is registered, a metal disc with the appropriate registration number stamped or engraved thereon, and every such person shall affix the metal disc to a collar or strap and place the collar or strap around the dog's neck.

(2) Where a metal disc is issued to a person under subsection (1) and that person fails to place a collar or strap with the metal disc affixed thereto around the neck of the dog in respect of which the metal disc was issued, that person commits an offence and is liable on summary conviction to a fine not exceeding one hundred dollars.

(3) Any dog found wandering abroad without a collar or strap with a metal disc issued under subsection (1) affixed thereto shall be deemed to be unregistered and may be impounded by the persons authorised by section 4 to do so.

Dogs restricted during certain hours.

9. (1) Every dog shall be kept tethered or otherwise confined to the premises of its owner between the hours of 8:00 p.m. and 5:00 a.m. of the following day.

(2) Where a dog is found wandering abroad between the hours specified in subsection (1), the owner of the dog is guilty of an offence and is liable on summary conviction to a fine not exceeding two hundred and fifty dollars, and in addition the court may order that the dog be impounded by the Chief Agricultural Officer if it appears to the court that the owner is unwilling or unable to exercise proper control over the dog.

(3) The owner of a dog shall keep the dog on a leash when the dog is outside of his premises and if he fails to

comply with this requirement he commits an offence and is liable on summary conviction to a fine not exceeding one hundred dollars.

(4) No person shall take or keep a dog on a beach outside the hours of 6:00 a.m. to 8:00 a.m. and 5:00 p.m. to 7:00 p.m. and if he contravenes this prohibition he commits an offence and is liable on summary conviction to a fine not exceeding two hundred and fifty dollars.

(5) Without prejudice to subsection (3), a dog found outside of its owner's premises without a leash may be impounded by the persons authorised by section 4 to do so.

(6) The provisions of this section do not apply to

- (a) guide dogs used for the purpose of aiding the movement of persons with visual disability; and
- (b) dogs owned by the Fire and Rescue Service, or the Royal Virgin Islands Police Force or other legally established body which provides security services and which is approved by the Minister in writing.

10. (1) Where any person or organisation intends to organise a dog show which will extend or is likely to extend beyond 8.00 p.m., such person or organisation shall apply in writing to the Chief Agricultural Officer for a permit.

Dog shows.

(2) Where the Chief Agricultural Officer receives an application under subsection (1), he may issue a permit to hold a dog show beyond 8.00 p.m. and attach to the permit such conditions as he thinks fit.

(3) Where a person or organisation organises a dog show beyond 8.00 p.m. without a permit or fails to comply with any condition attached to a permit, the person or organisation, as the case may be, commits an offence and is liable on summary conviction to a fine not exceeding two hundred and fifty dollars.

11. The owner of a female dog shall ensure that it is kept secured, whether tethered or otherwise, on his premises during any period when it is in heat.

Female dogs to be kept secure while in heat.

12. No dog shall be allowed to enter the Territory unless the owner of the dog

Restrictions on importing dogs.

- (a) has registered the dog in accordance with section 7;
- (b) produces a permit issued by the Overseas Veterinary Authority of the locality from which the dog is coming; and
- (c) complies with the import requirements of the Animals (Importation and Diseases) Ordinance and the Animals (Importation and Diseases) Regulations.

Cap. 88

Power of entry.

13. A member of the Police Force, the Chief Agricultural Officer or any person designated by the Chief Agricultural Officer may, between the hours of 8:00 a.m. and 6:00 p.m., enter any household or premises where a dog is kept to ascertain whether the provisions of this Act or any Regulations made thereunder are being complied with.

Immunity from suit.

14. Nothing done by the Chief Agricultural Officer, or any person designated by him or acting under his direction, or a police officer, acting in good faith, in the due execution or purported execution of the requirements of this Ordinance shall make him liable to any suit.

Regulations.

15. (1) The Minister may make such regulations as he considers necessary or expedient for carrying out the provisions of this Act.

(2) Regulations made under subsection (1) shall be subject to negative resolution of the Legislative Council.

Repeal.
Cap 238

16. The Dogs (Injury to Persons, Cattle and Poultry) Ordinance is repealed.

Passed by the Legislative Council this 7th day of December, 2001.

REUBEN VANTERPOOL
Speaker.

OLEANVINE MAYNARD
Ag. Clerk of the Legislative Council.