

THE DANGEROUS DOGS ACT, 2000

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Fifth Session Fifth Parliament Republic of Trinidad
and Tobago



REPUBLIC OF TRINIDAD AND TOBAGO

Act No. 32 of 2000

[L.S.]

AN ACT to prohibit persons from importing and breeding dangerous dogs and imposing other restrictions in respect of dangerous dogs and for regulating the manner in which dangerous dogs are kept by their owner or keepers; to make further provisions for ensuring that such dogs are kept under proper control and for connected purposes.

[Assented to 11th August, 2000]

Preamble	WHEREAS it is provided that by subsection (1) of section 13 of the Constitution that an Act of Parliament to which that section applies may expressly declare that it shall have effect even though inconsistent with sections 4 and 5 of the Constitution and, if any such Act does so declare, it shall have effect accordingly: And whereas it is provided by subsection (2) of the said section 13 that an Act of Parliament to which that section applies is one the Bill for which has been passed by both Houses of Parliament and at the final vote thereon in each House has been supported by the votes of not less than three-fifths of all the members of that House: And whereas it is necessary and expedient that the provisions of this Act shall have effect even though inconsistent with sections 4 and 5 of the Constitution:
Enactment	ENACTED by the Parliament of Trinidad and Tobago as follows:—
Short title	1. (1) This Act may be cited as the Dangerous Dogs Act, 2000.
Act inconsistent with sections 4 and 5 of the Constitution	(2) This Act shall have effect even though inconsistent with sections 4 and 5 of the Constitution.
Commencement	2. This Act comes into operation on such day as is fixed by the President by Proclamation.
Interpretation	3. In this Act— “advertisement” includes any means of bringing a matter to the attention of the public; “constable” means a member of the protective services or of a licensed security service; “court” means the Magistrates’ Court; “dangerous dog” means a dog or a bitch of the type listed in the Schedule;

“insurer” has the same meaning ascribed to it in section 2 of the Insurance Act; Chap. 84:01

“keeper” means a person who is in charge, for the time being, of a dangerous dog;

“local authority” means the Council of a Municipal Corporation within the meaning of the Municipal Corporations Act, 1990 or the Tobago House of Assembly; Act No. 21 of 1990

“Minister” means the Minister to whom is assigned responsibility for Local Government;

“owner” means a person who owns or is otherwise in possession of a dangerous dog;

“public place” means any street, road or other place (whether or not enclosed) to which the public have or are permitted to have access whether for payment or otherwise and includes the common parts of premises containing two or more separate dwellings;

“veterinary surgeon” means a veterinary surgeon registered under the Veterinary Surgeons (Registration) Act. Chap. 67:04

4. (1) No person shall import into Trinidad and Tobago a dangerous dog, or the semen or embryo of a dangerous dog. Prohibition on importation

(2) A person who contravenes subsection (1), commits an offence and is liable on summary conviction to a fine of one hundred thousand dollars and to imprisonment for two years.

5. (1) A person who owns a dangerous dog shall ensure that the dog is spayed or neutered by a veterinary surgeon within three months of the coming into force of this Act. Neutering and prohibition on breeding

(2) No person shall—

- (a) breed or breed from a dangerous dog;
- (b) sell or exchange such a dog or offer, advertise or expose such a dog for sale or exchange;
- (c) make or offer to make a gift of such a dog or advertise or expose such a dog as a gift.

(3) A person who contravenes this section commits an offence and is liable on summary conviction to a fine of one hundred thousand dollars and to imprisonment for two years.

Registration of
dangerous dogs

5A. (1) Within three months of the coming into force of this Act, every owner of a dangerous dog shall register that dog in the prescribed form with the Ministry.

(2) In order to ensure compliance with this Act the Ministry may require an authorised veterinary surgeon to certify promptly in writing the type of a dog.

Licensing of
dangerous dogs

6. (1) No person shall own a dangerous dog unless that person within three months of the coming into force of this Act, applies for and obtains an annual licence from the local authority in the area in which he resides.

(2) The local authority shall maintain a register of all licences issued under this section and shall include in the register the particulars of the policy of insurance required under section 10.

(3) The register mentioned in subsection (2) shall be open to the public for inspection at all reasonable times.

(4) A local authority shall not issue a licence to the owner of a dangerous dog unless the owner presents to the local authority—

- (a) a certificate in the prescribed form verifying that the premises on which the dog is to be kept have been inspected and approved in accordance with section 7;
- (b) a policy of insurance issued in accordance with section 10; and
- (c) a certificate in the prescribed form verifying that the dog in respect of which the licence is to be issued is spayed or neutered.

(5) The local authority shall not issue a licence under this section unless it is satisfied that section 10 has been complied with.

(6) Subject to subsection (7), there shall be paid to a local authority a fee of five hundred dollars for each licence issued.

(7) The licence fee required to be paid under subsection (6) may be varied from time to time by the Minister by Order published in the *Gazette*.

(8) Every licence issued in accordance with subsection (1) shall expire on the anniversary of the date of its issue.

(9) Notwithstanding any other written law, all monies received in respect of licences granted under this Act shall be retained by the local authority for the purposes of administering this Act.

(10) With every licence granted under this Act, there shall be—

- (a) issued free of charge and delivered to the licensee or his agent a metal label or other badge bearing a Registration Number in

such form as may, from time to time, be prescribed by the Minister;

- (b) branded onto the pinna of the ear of the dog the registration number referred to in paragraph (a) or such other form of identification as may be prescribed by the Minister.

(11) A person who owns a dangerous dog shall ensure that—

- (a) the dog wears a collar at all times; and
- (b) the metal label or badge referred to in subsection (10) is at all times securely affixed to the collar worn by the dog.

(12) Where a person mentioned in subsection (1) takes up residence in an area other than that in respect of which he had obtained a licence, he shall apply to the local authority in the new area for a transfer of his registration and the local authority shall register the dog in accordance with this Act.

(13) A person who contravenes this section, removes or defaces the metal label, badge or branded registration number or such other form of identification referred to in subsection (10)(b) commits an offence and is liable on summary conviction to a fine of fifty thousand dollars and to imprisonment for one year.

Ministry to take
charge of dangerous
dogs

6A. An owner or keeper of a dangerous dog who is unable to fulfill the requirements of this Act shall notify the Ministry of that fact, transfer possession of it to the Ministry whereupon the Ministry shall take charge of the dangerous dog and thereafter destroy it.

Power to inspect
premises

7. (1) Subject to this section, an authorised officer of a local authority may, upon producing, if so required, a duly authenticated document showing his authority, enter any premises upon which a dangerous dog is kept

at all reasonable hours to inspect those premises for the purpose of ensuring the compliance with section 14.

(2) Upon being so satisfied, the authorised officer shall issue a certificate of compliance in the prescribed form.

(3) Where the authorised officer is not so satisfied, he shall draw to the attention of the occupier of the premises the area or areas of non-compliance, requesting him to remedy the deficiencies within a fixed time.

(4) Where the occupier of the premises fails to comply with the notice within the fixed time, he shall be deemed to have contravened section 14.

8. A person who keeps a dangerous dog which is not licenced in accordance with this Act commits an offence and is liable on summary conviction to a fine of fifty thousand dollars and to imprisonment for one year.

Keeping an
unlicensed
dangerous dog

9. (1) A person under the age of eighteen years shall not own or keep a dangerous dog.

Prohibition on
ownership of
dangerous dog

(2) Where a person under the age of eighteen years owns or keeps a dangerous dog in contravention of this Act any reference to the owner or keeper of the dangerous dog in this Act is a reference to the head of the household of which the person under the age of eighteen years is a member.

(3) Where there is no head of household in circumstances referred to in subsection (2), the Court may impose a lesser penalty than that provided in this Act on the person under the age of eighteen years who owns or keeps a dangerous dog.

10. (1) Subject to this Act a person who owns a dangerous dog shall have in force in relation to each dog, a policy of insurance that provides coverage in

Obligation on owner
of dangerous dog to
hold policy of
Insurance

respect of each claim for injury or death caused by that dog in the sum of not less than two hundred and fifty thousand dollars or such higher sum as the Minister may prescribe, by Order.

(2) A person shall not keep a dangerous dog unless there is in force in respect of that dog a policy of insurance of the type referred to in subsection (1).

(3) A person who contravenes this section commits an offence and is liable on summary conviction to a fine of seventy-five thousand dollars and to imprisonment for three years.

(4) In order to comply with this Act, a policy of insurance must be a policy which—

- (a) is issued by a person who is an insurer; and
- (b) insures the owner and any authorised keeper specified in the policy against any liability which may be incurred by him in respect of the death of, or injury to a person caused by a dog in relation to which a policy of insurance under this section is in force.

(5) Where payment is made by an insurer under a policy issued under this Act, or by the owner of a dangerous dog in respect of the death of, or injury to a person and the person who has died or suffered injury has to the knowledge of the insurer or owner received treatment in a medical institution in respect of the fatal or other injury, there shall also be paid by the insurer to the owner of the institution, the expenses reasonably incurred in the treatment of that injury.

Cancellation or lapse
of policy

11. (1) Where a policy of insurance required under section 10 is no longer in force, the owner of the dangerous dog in respect of which the policy is issued shall within twenty-four hours, excluding Saturdays, Sundays and public holidays inform the local authority.

(2) Where it comes to the attention of the local authority that a policy of insurance required under section 10 is no longer in force, the authority shall revoke the licence issued in accordance with section 6.

(3) The owner of a dangerous dog who fails to comply with subsection (1) commits an offence and is liable on summary conviction to a fine of fifty thousand dollars and to imprisonment for one year.

(4) Where the owner of a dangerous dog is convicted under subsection (3), the court shall—

(a) in addition make an order that the owner take out a policy of insurance required under this Act in respect of the dangerous dog within one month of the date of the conviction or such reasonable time as the Court thinks fit; and

(b) impound the dangerous dog during that period.

(5) Where the owner fails to comply with the order made under subsection (4), the relevant local authority shall have the dog destroyed by a licensed veterinary surgeon, and the owner shall be liable for any expenses incurred in the keeping or destruction of the dog.

12. (1) Where a plaintiff brings a civil action for damages against any person who is required by this Act to have in force a policy of insurance, then even though—

Joinder of insurer as co-defendant

(a) liability as between the plaintiff and the insured has not yet been determined; or

(b) the insurer may be entitled to avoid or cancel or may have avoided or cancelled the policy,

the plaintiff may, subject to the provisions of this section, join the insurer as a co-defendant in the action.

(2) Where an insurer is joined as a co-defendant under subsection (1), the insurer may raise any defence that he may be entitled to under the policy of insurance or otherwise.

(3) Where the insurer is joined as a co-defendant or is required to make a payment to any person entitled under section 10(4), he shall be liable to satisfy the judgment that may be obtained against the insured in addition to all costs and interest payable in respect of such judgment and any other costs for which the insured may be made liable.

(4) A plaintiff who desires to institute proceedings under this section may require the insured to provide within fourteen days the name and address of the insurer, the date of the policy, and such other particulars as may be required to enable him to institute such proceedings.

(5) Upon receipt of the particulars referred to in subsection (4), or where the plaintiff has obtained those particulars in any other manner, whichever is earlier, the plaintiff shall give to the insurer twenty-eight days notice of his intention to institute proceedings under this section.

(6) Where the insured refuses or neglects to provide the particulars required under subsection (4), he commits an offence and he is liable on summary conviction to a fine of fifteen thousand dollars.

(7) This section shall apply where a plaintiff brings an action in his capacity as the personal representative of a person who suffered fatal injuries.

(8) Proceedings for an offence under subsection (6) shall not be instituted without the leave of the Court.

13. (1) Except for the purposes of compliance with Prohibition from certain places section 5(1), a person who owns or keeps a dangerous dog shall keep that dog under proper control in his private premises.

(1A.) A person shall not keep a dangerous dog on premises whether indoors or outdoors that accommodate more than one household.

(2) A person who contravenes subsection (1) or (1A) commits an offence and is liable on summary conviction to a fine of fifty thousand dollars and to imprisonment for one year.

(3) If the owner or keeper of a dangerous dog allows it to enter private premises where it is not permitted to be and—

(a) there are reasonable grounds for apprehension that it will injure any person, the owner or keeper commits an offence and is liable on summary conviction to a fine of fifty thousand dollars and to imprisonment for one year;

(b) the dog injures any person, the owner or keeper commits an offence and is liable on summary conviction to a fine of one hundred thousand dollars and to imprisonment for five years.

(4) For the purposes of this Act, a dangerous dog shall be regarded as dangerously out of control on any occasion on which there are grounds for reasonable apprehension that it will injure any person whether or not it actually does so.

(5) References to a dangerous dog injuring a person or there being reasonable grounds for apprehension that it will do so, do not include references to a dog being used for a lawful purpose by a constable or a person in the service of the State.

(6) Except for the purpose of complying with section 5(1) and where a veterinary surgeon certifies in

writing that the treatment cannot be administered in any place other than at the office of the veterinary surgeon where it becomes necessary for a dangerous dog to receive veterinary or other attention such attention shall be administered in the private premises of the owner of the dog unless a veterinary surgeon certifies in writing that the attention cannot be administered other than at the office of a veterinary surgeon.

(7) Where a dangerous dog enters onto private premises the owner or occupier of those premises may destroy the dog.

Transportation of
dangerous dogs

13A. (1) An owner or keeper of a dangerous dog who—

- (a) is fulfilling the requirements of section 5(1) or;
- (b) desires to change his place of residence and wishes to take his dog with him or;
- (c) transports the dog pursuant to section 13(6),

shall ensure that the dog is—

- (d) securely fitted with a muzzle sufficient to prevent it from biting any person;
- (e) securely held on a lead by a person who is not less than eighteen years old and who is capable of controlling the dog.

(2) A person who contravenes subsection (1) commits an offence and is liable on summary conviction to a fine of fifty thousand dollars and to imprisonment for one year.

Obligation to secure
premises

14. (1) A person who owns or keeps a dangerous dog shall ensure that the premises on which that dog is kept are secured by a fence or wall of a suitable height and that such fence or wall is so constructed and maintained as to prevent the escape of the dog.

(2) For the purposes of this section, fence or wall includes a gate.

(3) A person who contravenes this section commits an offence and is liable on summary conviction to a fine of fifty thousand dollars and to imprisonment for one year.

(4) Where a person is charged with an offence under this section, the onus of proof shall lie on that person to show that he complied with the requirements of subsection (1).

14A. (1) An owner or keeper of a dangerous dog shall not abandon the dog. Obligation not to abandon dangerous dog

(2) A person who contravenes this section commits an offence and is liable on summary conviction to a fine of fifty thousand dollars and to imprisonment for one year.

15. Notwithstanding section 13(6), where a dangerous dog escapes from any premises, the owner of that dog shall be liable for any injury or damage caused by that dog. Liability for escape of dangerous dog

16. (1) A person who owns a dangerous dog or keeps a dangerous dog on his premises shall cause to be displayed in a prominent place on the premises, a notice indicating that there is a dangerous dog on the premises. Notice

(2) A person who contravenes this section commits an offence and is liable on summary conviction to a fine of ten thousand dollars.

17. (1) Where a dangerous dog injures a person, the owner or keeper of the dog commits an offence and is liable on summary conviction to a fine of one hundred thousand dollars and imprisonment for five years. Injury or death by a dangerous dog

(2) Where a dangerous dog kills a person or causes the death of a person, the owner or keeper of the

dog commits an offence and is liable on summary conviction to a fine of two hundred thousand dollars and to imprisonment for ten years.

(3) The Court, before which a person charged with an offence under this section appears, shall take into consideration before passing sentence, all the circumstances of the case.

Inciting a dangerous
dog to attack a
person

18. (1) A person who incites a dog to attack another person commits an offence and is liable, in addition to any other penalties he may incur under this Act, on summary conviction to a fine of twenty-five thousand dollars and to imprisonment for one year.

(2) It shall be a defence for a person charged with an offence under this section to establish that the other person was committing or had an intention of committing a criminal offence.

(3) This section shall not apply to the training of dangerous dogs by a constable.

Other dangerous
dogs

19. (1) If it appears to the Minister that dogs of any type other than dangerous dogs present a serious danger to the public, he may by Order impose in relation to dogs of that type, such restrictions as those provided in this Act with such modification as he thinks appropriate.

(2) The Minister may by Order amend the Schedule.

(3) An order made under this section shall be subject to affirmative resolution of Parliament.

Destruction and
disqualification
orders

20. (1) Where a person is convicted of an offence under this Act, the Court may—

- (a) order the destruction of the dangerous dog in respect of which the offence was committed; and
- (b) order the offender to be disqualified, for such period as the Court thinks fit, from having custody of a dangerous dog.

(2) Where a Court makes an order under subsection (1)(a), in respect of a dangerous dog owned by a person other than the offender, the owner may appeal against the order.

(3) A dangerous dog shall not be destroyed pursuant to an order under subsection (1)(a)—

(a) until the end of the period for giving notice of appeal against the order; and

(b) if the notice of appeal is given within that period, until the appeal is determined or withdrawn.

(4) Where a Court makes an order under subsection (1)(a), it may order the offender to pay such sum as the Court may determine to be the reasonable expenses incurred in destroying the dangerous dog and in keeping it pending its destruction.

(5) Any sum ordered to be paid under subsection (4) shall be treated for the purposes of enforcement as if it were a fine imposed on conviction.

(6) A person who has custody of a dangerous dog in contravention of an order under subsection (1)(b) commits an offence and is liable on summary conviction to a fine of fifty thousand dollars.

21. A constable or an officer of a local authority duly authorized to exercise the powers conferred by this section may seize a dangerous dog or a dog which appears to him to be a dangerous dog which is in a public place or in a place where it is not permitted to be or destroy such dog. ^{Seizure and destruction}

22. (1) A Magistrate who is satisfied by information on oath, that there are reasonable grounds for believing— ^{Issue of warrant}

(a) that an offence under this Act is being or has been committed; or

(b) that evidence of the commission of any such offence is to be found on any premises,

may issue a warrant authorizing a constable to enter and search those premises and to seize any dangerous dog or other thing found there which is evidence of the commission of such an offence.

(2) Where, in any proceedings, it is alleged by the prosecution, that a dog is a dangerous dog, the onus is on the accused to prove that the dog is not a dangerous dog.

Exemption

23. (1) Any reference in this Act to a keeper of a dangerous dog shall not include a veterinary surgeon who keeps a dangerous dog in a professional capacity for the purposes of compliance with section 5(1).

(2) Notwithstanding subsection (1), a veterinary surgeon shall be liable for any damage caused by a dangerous dog in his charge.

Impounding or
destruction of
dangerous dog due to
non-compliance with
Act

23A. (1) Where an owner or keeper of a dangerous dog has not fulfilled a requirement in respect of a dangerous dog under this Act the Ministry shall impound the dog until the requirement is fulfilled.

(2) Where seven days after notice for fulfilling a requirement under this Act has elapsed the Ministry shall inform the owner or keeper of the dangerous dog referred to in subsection (1) of that fact.

(3) Where an owner or keeper of a dangerous dog has still not fulfilled the requirements three days after receiving notice under subsection (2) the Ministry shall destroy the dangerous dog.

Civil actions

24. (1) Nothing in this Act prevents a person from bringing an action under any other law in respect of any injury inflicted by a dangerous dog.

(2) The common law principle of *scienter* does not apply where an action is brought under any other law.

25. Sections 15, 16 and 17 of the Dogs Act are hereby ^{Repeal} repealed. _{Chap. 67:54}

26. (1) The Minister may make regulations for ^{Regulations} carrying into effect this Act.

(2) Regulations made under subsection (1), shall be subject to negative resolution of Parliament.

SCHEDULE

(Section 3)

DANGEROUS DOGS

1. Pitbull Terrier or any dog bred from the Pitbull Terrier.
2. Fila Brasileiro or any dog bred from the Fila Brasileiro.
3. Japanese Tosa or any dog bred from the Japanese Tosa.

Passed in the House of Representatives this 12th day of May, 2000.

J. SAMPSON-JACENT

Clerk of the House

IT IS HEREBY CERTIFIED that this Act is one the Bill for which has been passed in the House of Representatives and at the final vote thereon in the House has been supported by the votes of not less than three-fifths of all the members of the House, that is to say, by the votes of 31 members of the House.

J. SAMPSON-JACENT

Clerk of the House

Passed in the Senate this 6th day of June, 2000.

D. DOLLY

Acting Clerk of the Senate

IT IS HEREBY CERTIFIED that this Act is one the Bill for which has been passed in the Senate and at the final vote thereon in the Senate has been supported by the votes of not less than three-fifths of all the members of the Senate, that is to say, by the votes of 28 Senators.

D. DOLLY

Acting Clerk of the Senate

Senate amendments agreed to by the House of Representatives this 9th day of June, 2000.

J. SAMPSON-JACENT

Clerk of the House