

DOG CONTROL ACT

CHAPTER 67:56

Act
11 of 2013
Amended by
3 of 2014

Current Authorised Pages

<i>Pages (inclusive)</i>	<i>Authorised by L.R.O.</i>
1-4	..
5-22	..
23-44	..

LAWS OF TRINIDAD AND TOBAGO

MINISTRY OF THE ATTORNEY GENERAL AND LEGAL AFFAIRS

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2

Chap. 67:56

Dog Control

Index of Subsidiary Legislation

	<i>Page</i>
Dog Control Regulations (LN 52/2015)	24
Dog Control (Approved Microchip) Order (LN 116/2015)	44

Note on Act No. 3 of 2014

Act No. 3 of 2014 which amends this Act was brought into operation on 2nd June 2014. (See LN 227/2014).

Note on Repeals

Section 29 of this Act which came into operation on the 31st day of March 2015, repealed sections 15, 16 and 17 of the Dogs Act (Chap. 67:54) while section 30 repealed the Dangerous Dogs Act. (No. 32 of 2000) which was never proclaimed.

UNOFFICIAL VERSION

UPDATED TO DECEMBER 31ST 2015

CHAPTER 67:56

DOG CONTROL ACT

ARRANGEMENT OF SECTIONS

SECTION

1. Short title.
2. Commencement.
3. Act inconsistent with Constitution.
4. Interpretation.
5. Control of dogs.
- 5A. Responsibility for care of dogs.
 6. Registration of class A dogs.
 7. Licensing of class A dogs.
 8. Ministry to take charge of class A dogs.
 9. Obligation to secure premises.
 10. Keeping an unlicensed class A dog.
 11. Obligation on owner of class A dog to hold policy of insurance.
 12. Cancellation or lapse of policy.
 13. Joinder of insurer as co-defendant.
 14. Prohibition from certain places.
 15. Obligation not to abandon class A dog.
 16. Obligation to train class A dog.
 17. Liability for escape of class A dog.
 18. Notice.
 19. Injury or death by a class A dog.
 20. Inciting a dog to attack a person.
 21. Destruction and disqualification orders.
 22. Seizure of dogs.
 23. Issue of warrant.
 24. Exemption.
 25. Impounding or destruction of class A dog due to non-compliance with Act.
- 25A. Offences by a body corporate.
26. Civil actions.
- 26A. Minister may amend Schedule.
 27. Kennels.
 28. Regulations.

SCHEDULE.

CHAPTER 67:56

DOG CONTROL ACT

11 of 2013. **An Act to provide for the control of dogs and to regulate the manner in which certain breeds of dogs are kept by their owners or keepers; to repeal the Dangerous Dogs Act, 2000 and for related matters.**

*[ASSENTED TO 31ST JULY 2013]

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:

Short title. **1.** This Act may be cited as the Dog Control Act.

Commencement. **2.** (1) Sections 1 to 5, 5A, 8, 14, 15, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 26A, 28, 30 and the Schedule came into operation on 2nd June 2014.

(2) Sections 6, 7, 9, 10, 11, 12, 13, 16, 25A, 27 and 29 came into operation on 31st March 2015.

Act inconsistent with sections 4 and 5 of the Constitution. **3.** This Act shall have effect even though inconsistent with sections 4 and 5 of the Constitution.

Interpretation. [3 of 2014]. **4.** (1) In this Act—
“advertisement” includes any means of bringing a matter to the attention of the public;

*See section 2 for commencement dates.

“assistance dog” means—

- (a) a dog which has been trained to guide a blind person;
- (b) a dog which has been trained to assist a deaf person; or
- (c) a dog which has been trained to assist a disabled person;

“class A dog” means—

- (a) a dog of the type listed in the Schedule or any dog bred therefrom; or Schedule.
- (b) any dog which has the appearance and physical characteristics predominantly conforming to the standards of any of the types listed in the Schedule, as established by the Federation Cynologique Internationale, United Kennel Club, Canadian Kennel Club or the American Kennel Club as certified by a veterinary surgeon;

“class B dog” means a dog other than a class A dog;

“constable” includes any member of the Police Service and any member of a Municipal Police Service within the meaning of Part III of the Municipal Corporations Act or any officer of an agency of the State, lawfully vested with powers similar to those exercisable by a police officer appointed under the Police Service Act; Ch. 25:04.
Ch. 15:01.

“Court” means the Magistrates’ Court;

“dog” includes a bitch;

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

“keeper” means a person who is responsible for a class A dog or a class B dog;

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

Ch. 25:04. “local authority” means the Council of a Municipal Corporation within the meaning of the Municipal Corporations Act, or the Tobago House of Assembly;

“microchip” means an encoded identification device approved by the Minister in accordance with section 7(6) of this Act which is implanted into a dog, containing a unique code that permits or facilitates access to owner information and which information is stored in a database established and maintained by the Ministry;

“Minister” means the Minister to whom responsibility for local government is assigned and “Ministry” shall be construed accordingly;

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

“prescribed” means prescribed by Regulations;

“public place” means any street, road or other place (whether or not enclosed) to which the public has or is permitted to have access whether for payment or otherwise;

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

(2) In this Act, references to a person being responsible for a dog are to a person who is responsible for a dog whether on a permanent or temporary basis.

(3) In this Act, references to being responsible for a dog include being in charge of it.

(4) For the purposes of this Act, a person who owns a dog shall be regarded as being a person who is responsible for it.

(5) For the purposes of this Act, a person shall be treated as being responsible for any dog of which a person under the age of eighteen years in his care and control is in charge.

(6) For the purposes of this Act, a dog shall be regarded as dangerously out of control if it is not being kept under control, by whatever means, by the owner or keeper, and—

(a) it injures any person; or

(b) there are grounds for reasonable apprehension that it will injure any person whether or not it actually does so.

(7) For the purposes of this Act, “reasonable apprehension” means apprehension as to—

- (a) the person’s own safety; or
- (b) the safety of another person.

(8) In this Act, references to a class A dog or class B 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.

(9) For the purposes of this Act, reasonable cause includes situations where—

- (a) the person attacked was committing an offence for which the penalty could be a term of imprisonment;
- (b) the person attacked was in a place where he was trespassing or was in a place where he was not permitted to be and the place was secured by a fence or wall in accordance with section 9;
- (c) the dog is being used for a lawful purpose by a constable or a person in the service of the State;
- (d) the dog was provoked into an attack by a person other than the person responsible for it;
- (e) the dog was being attacked by another animal; or
- (f) the dog is being trained or is participating in an event in which it demonstrates its ability.

5. (1) No owner or keeper of a dog shall permit the dog to enter any public place at which notices are prominently displayed prohibiting entry to dogs, unless the dog—

Control of dogs.
[3 of 2014].

- (a) is an assistance dog;
- (b) is being used for the purpose of securing the location; or

(c) is being used for a lawful purpose by a constable or a person in the service of the State.

(2) Subject to subsection (1), no owner or keeper of a class A dog shall permit the dog to enter a public place unless—

(a) the dog is securely fitted with a muzzle sufficient to prevent it from biting any person;

(b) the dog is securely held on a lead by a person who is not less than eighteen years old and who is capable of controlling the dog; and

(c) the owner or keeper, with the dog, has attended and completed a course of training in the control of dogs that is recognised by the Minister by Order and documentary proof of such training is presented on request to any authorised representative of the owner or manager of the public place.

(3) No owner or keeper of a dog shall—

(a) permit the dog to be dangerously out of control in a public place;

(b) encourage the dog to be aggressive or to intimidate a person to facilitate the commission of a crime; or

(c) permit or cause the dog to attack a person without reasonable cause.

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

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

Responsibility
for care of dogs.

5A. Every person who keeps a dog shall provide the dog or cause it to be provided with adequate and appropriate care, food, water, shelter, exercise, attention and veterinary care as may be required to meet the needs of the dog.

6. (1) A person who owns a class A dog shall, within six months of the coming into force of this Act or within one month of becoming the owner of the dog, whichever is later, register the dog in the prescribed form with the local authority for the area where he resides.

Registration of
class A dogs.
[3 of 2014].

(2) Every owner of a pup of a class A dog shall register the pup in accordance with this section where the pup is at least six months old or whose canines have descended.

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

(4) An owner of a class A dog shall notify the local authority of a change of residence and any other change of information on the register.

7. (1) A person who owns a class A dog shall, within six months of the coming into force of this Act or within one month of becoming the owner of the dog, whichever is later, apply for and obtain a licence in the prescribed form from the local authority for the area where he resides and the dog is kept.

Licensing of
class A dogs.
[3 of 2014].

(2) A local authority shall maintain a register in the prescribed form of all licences issued under this section.

(3) The register mentioned in subsection (2) shall be open to the public for inspection during normal working hours.

(4) The Ministry shall establish and maintain a database of all class A dogs and that database shall contain such information as prescribed under section 28.

(5) A local authority shall not issue a licence to the owner of a class A dog unless the owner—

(a) presents to the local authority—

(i) 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 9;

- (ii) a policy of insurance issued in accordance with section 11;
 - (iii) a certificate of good character issued by the Commissioner of Police not less than six months prior to the date of the application and he has not been convicted of a criminal offence for which the penalty is a term of imprisonment of one year or more; and
 - (iv) a certificate issued by a veterinary surgeon certifying that the dog is a class A dog;
- (b) has paid the licence fee specified in subsection (7);
 - (c) has caused a microchip to be implanted by a veterinary surgeon in the dog as a means of identifying the dog; and
 - (d) has satisfied the local authority that he is able to adequately and appropriately care for the dog.

(6) The Minister may by Order specify the type of microchip to be implanted in a class A dog.

(7) Subject to subsection (8), the licence fee required to be paid to a local authority is—

- (a) one thousand dollars per dog where an owner owns one or two class A dogs; or
- (b) fifteen hundred dollars per dog where an owner owns more than two class A dogs,

except that the licence fee shall be five hundred dollars per dog where each class A dog has been spayed or neutered.

(8) The Minister may by Order vary the licence fees mentioned in subsection (7).

(9) Every licence issued in accordance with this section is valid for a period not exceeding two years from the date of its issue.

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

(11) Upon the granting of a licence under this Act, there shall be issued and delivered to the licensee or his agent, a metal label or other badge bearing a registration number in such form as may be prescribed.

- (12) A person who owns a class A dog shall ensure that—
- (a) the dog wears a collar at all times; and
 - (b) the metal label or badge referred to in subsection (11) is at all times securely affixed to the collar worn by the dog.

(13) An owner of a class A dog shall inform the local authority of the loss or death of his dog at the earliest opportunity.

- (14) } *(Repealed by Act No. 3 of 2014).*
(15) }

- (16) A person who—
- (a) contravenes this section; or
 - (b) removes or defaces the metal label, badge, microchip or such other form of identification referred to in subsection (11),

commits an offence and is liable on summary conviction to a fine of fifty thousand dollars and to imprisonment for one year.

(17) A certificate referred to in subsection (5)(a)(iv) or section 6(3), unless the contrary is proven, is conclusive evidence of the matter certified.

- (18) *(Repealed by Act No. 3 of 2014).*

Ministry to take charge of class A dogs. [3 of 2014].

8. (1) An owner or keeper of a class A dog who is unable to fulfil the requirements of this Act shall notify the Ministry of that fact and transfer possession of the dog to the Ministry.

(2) Where the Ministry has taken possession of a class A dog under subsection (1), it may—

- (a) give the dog to a person who is able to care properly for the dog; or
- (b) give the dog to an establishment for the reception of stray dogs.

(3) Where the class A dog has not been given to a person or an establishment under subsection (2) within seven days, the dog shall be destroyed in a manner to cause as little pain as possible by a veterinary surgeon.

Obligation to secure premises. [3 of 2014].

9. (1) A person who owns or keeps a class A dog shall ensure that the premises on which that dog is kept are secured by a fence or wall of the prescribed dimensions 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) An authorised officer of a local authority or a constable may, upon producing a duly authenticated document in the prescribed form showing his authority, enter any premises upon which a class A dog is kept at all reasonable hours to inspect those premises for the purpose of ensuring compliance with subsection (1).

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

(5) Where the authorised officer is not so satisfied, he shall draw to the attention of the occupier of the premises the areas of non-compliance and issue to the occupier a notice directing him to comply with subsection (1) within a fixed time.

- (6) A person who—
- (a) contravenes this section; or
 - (b) fails to comply with a notice under subsection (5) within the fixed time,

commits an offence and is liable on summary conviction to a fine of fifty thousand dollars and to imprisonment for one year.

10. A person who keeps a class A dog which is not licensed in accordance with this Act, commits an offence and is liable on summary conviction to a fine of one hundred thousand dollars and to imprisonment for three years.

Keeping an unlicensed class A dog.

11. (1) A person who owns a class A dog shall have a policy of insurance that provides coverage in 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.

Obligation on owner of class A dog to hold policy of insurance. [3 of 2014].

(2) A person shall not keep a class A dog unless there is in force 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) A policy of insurance shall 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, livestock or other animal caused by a dog in relation to which the 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 or keeper of a class A 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.
[3 of 2014].

12. (1) Where a policy of insurance required under section 11 is no longer in force, the owner of the class A dog in respect of which the policy is issued shall, within forty-eight 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 11 is no longer in force, the authority shall revoke the licence issued in accordance with section 7.

(3) The owner of a class A 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 class A dog is convicted under subsection (3), the Court shall—

(a) in addition to any order made pursuant to subsection (3), make an order that the owner take out a policy of insurance required under this Act in respect of the class A dog within one month of the date of the conviction or such reasonable time as the Court thinks fit; and

(b) impound the class A dog until a policy of insurance, as required by section 11 is obtained and the owner shall be liable for any expenses incurred in the impounding of the dog.

(5) Where the owner fails to comply with the order made under subsection (4), the relevant local authority may—

(a) give the dog to a person who will care properly for the dog; or

(b) give the dog to an establishment for the reception of stray dogs.

(6) Where the class A dog has not been given to a person or an establishment under subsection (5) within seven days, the dog shall be destroyed by a veterinary surgeon in a manner to cause as little pain as possible.

13. (1) Where a claimant 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. [3 of 2014].

- (a) liability as between the claimant 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 claimant may, subject to 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 11(4), he shall be liable subject to subsection (2) 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 person 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 person has obtained those particulars in any other manner, whichever is earlier, the person shall give to the insurer twenty-eight days notice of his intention to institute proceedings under this section.

(6) This section also applies where a claimant brings an action in his capacity as the personal representative of a person who suffered fatal injuries or as a guardian *ad litem* or on behalf of a person who is under a disability or is a minor.

Prohibition from certain places. [3 of 2014].

14. (1) A person who owns or keeps a class A dog shall keep that dog under control in his enclosed premises.

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

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

(4) If the owner or keeper of a class A dog, without reasonable cause, 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; or

(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.

(5) Where a class A dog enters onto private premises, the owner or occupier of those premises may destroy the dog while it is on those premises.

Obligation not to abandon class A dog. [3 of 2014].

15. (1) An owner or keeper of a class A dog shall not abandon the 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 two years.

16. (1) An owner or keeper of a class A dog shall cause that dog to be trained by a certified dog trainer.

Obligation to train class A dog.

(2) An owner or keeper of a class B dog shall cause that dog to be trained by a certified dog trainer where it has come to the attention of a constable or an authorised officer or a local authority that the dog has been dangerously out of control on at least one occasion.

(3) A certified dog trainer is a person who is recognised by the Minister by Order, as being approved to conduct such training.

(4) 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.

17. Where a class A dog escapes from any premises, the owner or keeper of that dog shall be liable in civil proceedings for any death, injury or damage caused by that dog.

Liability for escape of class A dog.

18. (1) A person who owns a class A dog or keeps a class A dog on his premises or owns a class B dog that has been dangerously out of control on at least one occasion shall cause to be displayed in a prominent place on the premises, a notice indicating that there is a class A dog or a dangerous class B dog on the premises.

Notice.
[3 of 2014].

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

19. (1) Where a class A dog injures a person, without reasonable cause whether in a public place or on private premises, 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 to imprisonment for five years.

Injury or death by a class A dog.
[3 of 2014].

(2) Where a class A dog kills a person or causes the death of a person, without reasonable cause, 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) Where a class A dog injures or kills a person or animal or causes the death of a person or animal while on, or outside private premises, the Court may order the seizure and destruction of that dog where the attack was unprovoked or was encouraged or incited by another person to attack the person or animal injured or killed thereby.

Inciting a dog to attack a person. [3 of 2014].

20. (1) A person who, without reasonable cause, incites a dog to attack another person causing grievous bodily harm or resulting in death, commits an offence and is liable on summary conviction to a fine of fifty thousand dollars and to imprisonment for two years.

(2) It shall be a defence for a person charged with an offence under this section to establish that—

- (a) the other person was committing a criminal offence against the person charged;
- (b) the other person was committing a criminal offence against the spouse, the child or any other person under the care of the person charged; or
- (c) the person charged had reasonable cause to fear an attack on himself, his spouse, his child or any other person in his care.

(3) This section does not apply to the training of dogs.

Destruction and disqualification orders. [3 of 2014].

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

- (a) order that the dog be sold or given to a person who will, in the opinion of the Court, care properly for the dog;
- (b) order that the dog be sold or given to an establishment for the reception of stray dogs;
- (c) where the dog is a class A dog—
 - (i) order the destruction of that dog by a veterinary surgeon, in a manner to cause as little pain as possible; and

- (ii) order the offender to be disqualified from owning or keeping a class A dog for such period as the Court thinks fit.

(d) (Repealed by Act No. 3 of 2014).

(2) Where a Court makes an order under subsection (1)(a) or (b), the dog shall not be sold or given for the purposes of vivisection.

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

(4) A class A dog shall not be destroyed pursuant to an order under subsection (1)(c)—

- (a) before 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 before the appeal is determined or withdrawn.

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

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

(7) A person who owns or keeps a class A dog in contravention of an order under subsection (1)(c) commits an offence and is liable on summary conviction to a fine of fifty thousand dollars and to imprisonment for one year.

(8) Where an owner or keeper has contravened any provision of this Act on more than one occasion, the Court may order that the dog be taken away from its owner or keeper and make such other order as is provided for in section 21(1)(a) or (b).

Seizure of
dogs.
[3 of 2014].

22. (1) A constable or officer of a local authority has the power to seize and cause to be impounded a dog which he has reason to believe is—

- (a) in a public place in contravention of section 5;
or
- (b) on any premises without the consent of the owner or occupier of those premises.

(2) Where no one claims to be the owner or keeper of a dog within seven days of the seizing of the dog under subsection (1), the dog shall be deemed not to have an owner or keeper and the local authority may—

- (a) give the dog to a person who will care properly for the dog;
- (b) give the dog to an establishment for the reception of stray dogs; or
- (c) cause the dog to be destroyed by a veterinary surgeon in a manner to cause as little pain as possible.

Issue of
warrant.

23. A Magistrate who is satisfied by information on oath, that there are reasonable grounds for believing—

- (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 authorising a constable to enter and search those premises and to seize any class A dog or other thing found there, which is evidence of the commission of such an offence.

Exemption.
[3 of 2014].

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

(2) Where a veterinary surgeon keeps a class A dog in a professional capacity for the purposes of—

- (a) administering medical treatment to the dog; or

(b) compliance with this Act,

he is not required to hold a licence in accordance with this Act.

(3) Notwithstanding subsection (2), where a veterinary surgeon boards a class A dog in his premises, he is required to secure those premises in the prescribed manner so as to prevent the escape of the dog.

(4) A veterinary surgeon who fails to comply with subsection (3) commits an offence and is liable on summary conviction to a fine of fifty thousand dollars.

(5) The owner of an establishment for the reception of stray dogs that keeps a class A dog is not required to hold a licence in accordance with this Act.

(6) Notwithstanding subsection (5), the owner of an establishment for the reception of stray dogs that keeps a class A dog is required to secure those premises in the prescribed manner so as to prevent the escape of the dog.

25. (1) Where an owner or keeper of a class A dog has not fulfilled a requirement under this Act, the local authority shall issue a notice directing the owner or keeper to fulfil the requirement within seven days and impound the dog until the requirement is fulfilled.

Impounding or destruction of class A dog due to non-compliance with Act.

(2) Where an owner or keeper of a class A dog fails to comply with a notice under subsection (1), the local authority shall inform the owner or keeper of that fact.

(3) Where an owner or keeper of a class A dog has not fulfilled the requirements three days after receiving notice under subsection (2), the local authority shall cause the class A dog to be destroyed in a manner to cause as little pain as possible by a veterinary surgeon.

25A. Where a body corporate commits an offence under this Act, it is liable to a fine of two hundred thousand dollars.

Offences by a body corporate. [3 of 2014].

Civil actions.

26. (1) Nothing in this Act prevents a person from bringing an action under any other law in respect of any death, injury or damage caused by a dog.

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

Minister may amend Schedule.

26A. (1) If it appears to the Minister that any type of class B dogs presents a serious danger to the public, he may by Order impose in relation to that type of dog, 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 is subject to negative resolution of Parliament.

Kennels.

27. Any person who keeps more than five class A dogs shall be deemed to be operating a kennel and shall be subject to the Regulations pertaining to kennels.

Regulations. [3 of 2014].

28. (1) The Minister may make Regulations for carrying into effect this Act.

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

- (a) the fees to be charged under this Act;
- (b) the form, recording and insertion of the microchip;
- (c) the form of registration;
- (d) the form, issuance and renewal of licences;
- (e) the dimensions of the fence or wall of the premises as required under section 9;
- (f) the conditions relating to the seizure, detention and destruction of dogs under this Act;
- (g) the operation of kennels; and
- (h) the conditions for the care and control of dogs.

(3) Regulations made under this section shall be subject to negative resolution of Parliament.

(4) Regulations made pursuant to this Act may prescribe penalties not exceeding fifty thousand dollars for offences committed thereunder.

SCHEDULE

Section 4.

CLASS A DOGS

1. American Pit Bull Terrier
 2. American Staffordshire Terrier
 3. American Bully
 4. Dogo Argentino
 5. Japanese Tosa
 6. Fila Brasileiro.
-

SUBSIDIARY LEGISLATION

DOG CONTROL REGULATIONS

ARRANGEMENT OF REGULATIONS

REGULATION

1. Citation.
2. Interpretation.
3. Fence and wall dimensions.
4. Muzzle requirements.
5. Lead and collar requirements.
6. Change of registration particulars.
7. Notice.
8. Operations of kennels.
9. Prescribed forms.

SCHEDULE 1.

SCHEDULE 2.

THE DOG CONTROL REGULATIONS

52/2015.

made under section 28

1. These Regulations may be cited as the Dog Control Regulations. Citation.

2. In these Regulations— Interpretation.

“the Act” means the Dog Control Act; Ch. 67:56.

“adult dog” means a dog which is not less than six months old;

“breeding dog” means an un-neutered female dog that is not less than six months old;

“full-time attendant” means a person who works, either paid or unpaid, at least forty hours per week;

“part-time attendant” means a person who works, either paid or unpaid, less than forty hours per week.

3. (1) A fence referred to in section 9 of the Act shall be constructed of 10-gauge chain-link wire held together securely at intervals of no less than 3 metres (approximately 10 feet) by 0.05 metre (2 inches) galvanized steel pipes or concrete columns measuring not less than 0.20 metre (approximately 8 inches) square, at least 1 metre (approximately 3 feet) of which are to be embedded in the earth and affixed securely on a 0.6 metre by 0.6 metre (2 feet by 2 feet) footing. Fence and wall dimensions.

(2) A wall referred to in section 9 of the Act shall be constructed of 0.1 metre by 0.2 metre by 0.41 metre (4 inches by 8 inches by 16 inches) concrete or clay blocks attached to concrete columns measuring at least 0.30 metre (approximately 8 inches) square and at least 1 metre (approximately 3 feet) of which are to be embedded in the earth and affixed securely thereto by at least two buckets of concrete, each bucket having a capacity of 3 cubic feet.

LAWS OF TRINIDAD AND TOBAGO

MINISTRY OF THE ATTORNEY GENERAL AND LEGAL AFFAIRS

www.legalaffairs.gov.tt

26

Chap. 67:56

Dog Control

[Subsidiary]

Dog Control Regulations

(3) The fence and wall referred to in subregulations (1) and (2) respectively, shall be—

- (a) at least 2.44 metres (approximately 8 feet) high; and
- (b) constructed and maintained in such a way so that the dog is not able to dig or otherwise escape under, over or through the fence or wall.

Muzzle requirements.

4. A muzzle referred to in section 5(2)(a) of the Act shall—

- (a) be securely fitted and placed on the mouth of the dog to prevent the dog from biting any person;
- (b) be made of durable weather resistant materials consisting either of double-ply nylon or leather with a thickness of at least 3 millimetres (approximately 0.12 inch);
- (c) be of an open basket weave design; and
- (d) not interfere with the breathing, panting or vision of the dog.

Lead and collar requirements.

5. A lead referred to in section 5(2)(b) of the Act shall—

- (a) be made of weather resistant materials consisting either of double-ply nylon or leather with a thickness of at least 3 millimetres (approximately 0.12 inch);
- (b) be able to be securely fastened to the collar or harness on the dog with a snap lock which shall contain a swivel-type mechanism to allow for turning and such collar shall—
 - (i) be of double-ply nylon, leather with a thickness of at least 3 millimetres (approximately 0.12 inch) or padded with a sturdily placed hook for attaching the lead; and
 - (ii) have a minimum width of—
 - (A) 25 millimetres (approximately 1 inch) for a dog weighing not less than 20 kilogrammes (approximately 44 pounds);

UNOFFICIAL VERSION

UPDATED TO DECEMBER 31ST 2015

- (B) 40 millimetres (approximately 1.5 inches) for a dog weighing not less than 20 kilogrammes (approximately 44 pounds) and not more than 40 kilogrammes (approximately 88 pounds); or
 - (C) 50 millimetres (approximately 2 inches) for a dog weighing more than 40 kilogrammes (approximately 88 pounds);
- (c) have a minimum width of 25 millimetres (approximately 1 inch); and
 - (d) be not more than 1.25 metres (approximately 4 feet) in length.

6. Where there is a change in relation to information contained on the register referred to in section 6 of the Act, the owner of a class A dog shall notify the local authority in the form set out as Form 9 in Schedule 1.

Change of registration particulars.

Form 9.
Schedule 1.

Notice.

7. A notice under section 18 of the Act shall—

- (a) be a white rectangle measuring 200 millimetres (approximately 8 inches) by 300 millimetres (approximately 12 inches);
- (b) be made of a durable material;
- (c) contain the word “WARNING” in white capital letters 30 millimetres (approximately 1 inch) high on a red rectangular panel measuring 190 millimetres (approximately 7.5 inches) by 45 millimetres (approximately 1.75 inches) near the top of the rectangle referred to in paragraph (a);
- (d) contain below the panel referred to in paragraph (c), a red circle 160 millimetres (approximately 6.5 inches) in diameter containing a picture of the black head and neck of a dog 100 millimetres (approximately 4 inches) high (whether in colour or black and white); and

- (e) contain below the circle referred to in paragraph (d)—
- (i) in respect of a class A dog, the words “CLASS A DOG” in capital letters 20 millimetres (approximately 1 inch) high; or
 - (ii) in respect of a dangerous class B dog, the words “DANGEROUS CLASS B DOG” in capital letters 20 millimetres (approximately 1 inch) high; and

Schedule 2. be as set out as Diagram 1 in Schedule 2.

Operations of kennels.

- 8. (1)** The owner of a kennel shall at all times ensure that—
- (a) the dogs are kept in enclosures suitable with respect to construction, size of quarters, number of dogs, exercising facilities, temperature, lighting, ventilation and cleanliness;
 - (b) the dogs are adequately supplied with suitable food, drink, bedding material, adequately exercised and visited at suitable intervals;
 - (c) the dogs are treated for external parasites and all reasonable precautions are taken to prevent and control the spread of infectious or contagious diseases among dogs;
 - (d) adequate and timely veterinary care is provided for sick or injured dogs;
 - (e) all reasonable precautions are taken to prevent and control injuries to the dogs (whether from the enclosure, other class A dogs or dangerous class B dogs);
 - (f) a breeding dog is not mated if they are less than one year old;
 - (g) a breeding dog does not give birth to more than six litters of pups each; and
 - (h) a breeding dog does not give birth to pups before the end of the period of twelve months beginning with the day on which it last gave birth to pups.

(2) The owner of a kennel shall ensure that the staff to adult dog ratio is, at a minimum, the following:

- (a) one full-time attendant per twenty adult dogs; or
- (b) one part-time attendant per ten adult dogs.

(3) The enclosures referred to in subregulation (1)(a) shall—

- (a) be fully enclosed, constructed and maintained in such a way so that the dog is not able to dig or otherwise escape under, over or through the enclosure;
- (b) be constructed in such a way so that a person cannot have access to the enclosure without the assistance of the owner of the kennel;
- (c) be designed to prevent children from having access to the enclosure;
- (d) have an area of not less than 32 feet (10 square metres) for each class A dog kept on the kennel premises;
- (e) house only one class A dog per enclosure except where the class A dog is nursing or where the pups are less than six months old;
- (f) have walls with a minimum height of 5.9 feet (1.8 metres) and a minimum width of 5.9 feet (1.8 metres);
- (g) have a floor that is constructed of a non-skid, non-porous, non-corrosive material to minimise pooling of water and that is drained in such a manner so that there is no contact of waste water between enclosures;
- (h) have a weatherproof sleeping area for each dog in the enclosure;
- (i) have the walls, roof and the door or gate made of concrete blocks, clay blocks, iron or chain-link wire or a combination of these materials, of sufficient strength and durability as described in regulation 3, to prevent the escape of the dog;

LAWS OF TRINIDAD AND TOBAGO

MINISTRY OF THE ATTORNEY GENERAL AND LEGAL AFFAIRS

www.legalaffairs.gov.tt

30

Chap. 67:56

Dog Control

[Subsidiary]

Dog Control Regulations

- (j) have a gate or door which shall contain a self-closing and self-latching mechanism that enables the enclosure to be securely locked when the dog is in the enclosure; and
- (k) be situated so as not to require a person to pass through it to gain access to other parts of the property on which it is situated.

(4) The owner of a kennel who contravenes this regulation commits an offence and is liable on summary conviction to a fine of fifty thousand dollars.

Prescribed forms.

9. The forms required to be prescribed under sections 6(1), 6(4), 7(1), 7(2), 7(5)(a)(i), 7(5)(a)(iv), 9(3), 9(4), 9(5), 25(1), 25(2) and 25(3) of the Act are the forms set out as Forms 1 to 12, respectively, in Schedule 1.

Schedule 1.

UNOFFICIAL VERSION

UPDATED TO DECEMBER 31ST 2015

FORM 3

APPLICATION FOR LICENCE TO OWN CLASS A DOG

[pursuant to section 7(1) of the Dog Control Act, Chap. 67:56]

I,
(Name of Owner)

of
(Address)

hereby apply for a licence from the
(Name of Local Authority)

to own or keep in possession a class A dog at.....
(Address at which class A dog is to be kept)

.....
The following documents are hereby supplied:

- a certificate in accordance with Form 7;
- a policy of insurance in compliance with section 11 of the Dog Control Act;
- microchip number;
- a certificate in accordance with Form 9;
- proof of payment of the licence fee; and
- a certificate of good character issued by the Commissioner of Police.

.....
Signature of Owner

.....
Date

For official use

LAWS OF TRINIDAD AND TOBAGO

MINISTRY OF THE ATTORNEY GENERAL AND LEGAL AFFAIRS

www.legalaffairs.gov.tt

34

Chap. 67:56

Dog Control

[Subsidiary]

Dog Control Regulations

FORM 4

LICENCE

[pursuant to section 7(1) of the Dog Control Act, Chap. 67:56]

I hereby certify that the dog wearing registration number and
identified by microchip number and owned
by and kept at premises situated
at is licensed in accordance with the Dog Control
Act, effective from to
Dated this day of 20.....

.....
Chief Executive Officer
Local Authority

UNOFFICIAL VERSION

UPDATED TO DECEMBER 31ST 2015

FORM 5

REGISTER OF LICENCES OF CLASS A DOGS

[pursuant to section 7(2) of the Dog Control Act, Chap. 67:56]

Date	Registration Number of dog	Microchip Number	Type of dog	Particulars of the Policy of Insurance	Owner/ Keeper	Premises where dog is kept

FORM 7

CERTIFICATE OF CLASS A DOG

[pursuant to section 7(5)(a)(iv) of the Dog Control Act, Chap. 67:56]

Part A

This is to certify that the dog with the particulars listed in Part B is a class A dog and more particularly —

- a dog of the type listed in the Schedule of the Dog Control Act, or any dog bred therefrom; or
- a dog which has the appearance and physical characteristics predominantly conforming to the standards of any of the types listed in the Schedule of the Dog Control Act, as established by the Federation Cynologique Internationale, United Kennel Club, Canadian Kennel Club or the American Kennel Club.

Part B

Name of dog

Age of dog

Type of dog

Description of dog (include any distinguishing features or marks):
.....
.....

Gender of dog: male female spayed/neutered
(Include proof of spaying and neutering)

Membership Number (if any)

Name of owner

Address of owner
.....

Identification Number: (Passport, I.D. Card or Driver's Permit)

.....
Veterinary Surgeon

.....
Date

FORM 9

CERTIFICATE OF COMPLIANCE

[pursuant to section 9(4) of the Dog Control Act, Chap. 67:56]

This is to certify that the premises situated at
(Address)

were inspected by me
(Authorised Officer of the Local Authority)

holder of the office of in the
(Title of Office)

.....
(Name of Local Authority)

and these premises meet the requirements of the Dog Control Act, for the

keeping of a class A dog owned/kept by
(Name of Owner/Keeper)

.....
Authorised Officer
Local Authority

.....
Date

SCHEDULE 2

Section 18.

Diagram 1



LAWS OF TRINIDAD AND TOBAGO

MINISTRY OF THE ATTORNEY GENERAL AND LEGAL AFFAIRS

www.legalaffairs.gov.tt

44

Chap. 67:56

Dog Control

[Subsidiary]

116/2015.

DOG CONTROL (APPROVED MICROCHIP) ORDER

made under section 7(6)

Citation.

1. This Order may be cited as the Dog Control (Approved Microchip) Order.

Approved
microchip.

2. The type of microchip to be implanted on a class A dog must be a pet microchip that conforms to International Organisation for Standardisation standards ISO 11784 and ISO 11785.

UNOFFICIAL VERSION

UPDATED TO DECEMBER 31ST 2015