



MONTSERRAT

CHAPTER 9.07

DOGS ACT and Related Legislation

Revised Edition
showing the law as at 1 January 2013

This is a revised edition of the law, prepared by the Law Revision Commissioner under the authority of the Revised Edition of the Laws Act.

This edition contains a consolidation of the following laws—

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 DOGS (PROTECTION OF POULTRY AND SMALL STOCK) ACT	 11
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CHAPTER 9.07

DOGS ACT

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CHAPTER 9.07

DOGS ACT

*(Acts 14 of 1922, 32 of 1961, 7 of 1966,
10 of 1971, 9 of 1974 and 9 of 2011)*

Commencement

[29 August 1922]

Short title

1. This Act may be cited as the Dogs Act.

Interpretation

2. In this Act—

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

“**Town of Plymouth**” means the Town of Plymouth which for the purposes of this Act shall be limited as follows—North by the Southern boundary of Dagenham Estate; South by the Southern boundary of Fort Barrington thence along the Public Road to the Cross Roads where the said road joins the Public Road leading to Amersham Estate, East from the said Cross Roads in a direct line to the most northern point of the Eastern boundary of the premises in George Street known as the Cottage; West by the Sea.

Keeping of unlicensed dog an offence

3. Any person who keeps any dog, whether such dog is his own property or not, without being licensed under the provisions of this Act so to do, shall be guilty of an offence.

Grant and form of licence

4. (1) A licence under this Act shall be granted by the Accountant General and shall be in accordance with the form in the Schedule.

(2) Such licence shall bear the date of and commence on the day of the grant thereof and shall expire on the 31st day of December following.

Licence Fees

5. There shall be charged for the use of Montserrat a licence fee of \$5 in respect of every male dog included in a licence and a fee of \$10 in respect of every bitch included in such licence:

Provided that, in respect of every bitch which has been subject to a hysterectomy (that is has been spayed) the licence fee shall be \$5:

Provided further that in respect of every dog which becomes licensable after the 30th day of June in any year, the licence fee shall be half the annual fee hereinbefore in this section provided.

(Substituted by Act 10 of 1971 and amended by Act 9 of 1974)

Accountant General to supply metal badges

6. (1) On the grant of a licence the Accountant General shall supply to the person to whom the licence is granted, a metal badge of such kind as the Accountant General shall determine for each dog included in such licence.

(2) Every dog included in such licence shall wear such metal badge.

(3) Any person who contravenes any of the provisions of this section or who uses a counterfeit or invalid metal badge shall be guilty of an offence.

Register of licences to be kept

7. The Accountant General shall keep a register of all licences granted by him in which he shall enter—

- (a) the name, occupation and address of every person to whom a licence is granted;
- (b) the number of dogs which each such person is licensed to keep together with a description of each dog and the amount paid in respect of the licence.

Inspection of licence

8. (1) Every person who keeps a dog shall on demand produce his licence therefor for the inspection of any member of the police service or any Local Constable. *(Amended by Act 9 of 2011)*

(2) Any person who fails to comply with the provisions of the preceding subsection shall be guilty of an offence.

Dogs not wearing badges may be seized

9. (1) Any member of the police service or any Local Constable may seize any stray dog not wearing a metal badge and may take such dog to the nearest police station. *(Amended by Act 9 of 2011)*

(2) No person may reclaim such dog unless he tenders to the person for the time being in charge of such police station the sum of \$1 for each day or part of a day for the maintenance thereof while under detention.

(3) When any dog so seized remains under detention consequent upon such seizure for three clear days without the owner claiming it and

paying the expenses of its detention at the rate aforesaid such dog shall be sold or destroyed.

(Amended by Act 10 of 1971)

Provisions as to dangerous dogs

10. Any Magistrate may take cognizance of a complaint that a dog is dangerous or not kept under proper control, and, if it appears to him that any dog, the subject of any such complaint made to him, is dangerous or not kept under proper control, may make an order in a summary way directing that the dog be kept under proper control by its owner, or if dangerous, destroyed; and every person failing to comply with any such order shall be liable, on summary conviction, to a penalty of \$10 for every day during which such default continues.

(Amended by Act 10 of 1971)

Rabid dogs

11. Any member of the police service or any Local Constable may destroy any dog wandering at large which is reasonably suspected to be in a rabid state, or which has been bitten by any other dog reasonably suspected to be in such state, and the owner or person in charge of such dog, who permits the same to wander at large, shall be guilty of an offence. *(Amended by Act 9 of 2011)*

Furious dogs

12. If any dog, either at large in any public road, street, alley, thoroughfare, open space or other place, or in charge of any person, attacks, worries or puts in fear any person or any horse or other animal, the owner of such dog shall be liable, on summary conviction, to a penalty of \$10, and the convicting Magistrate may, if he thinks fit, make an order in a summary way directing that the dog be kept under proper control by its owner or, in the case of a second or any subsequent complaint in respect of the same dog, destroyed.

(Amended by Act 10 of 1971)

Disposal of monies

13. (1) Subject to the provisions of this section, every sum paid in respect of a licence, or by way of penalty, and the proceeds of the sale of any dog by virtue of this Act, after deduction of the expenses of such sale, shall be paid into the Treasury for the use of Montserrat.

(2) The Governor may direct the payment of a moiety of the net proceeds of any such sale to the person who effected the seizure.

(3) The Magistrate may, if he thinks fit, order a moiety of any penalty recovered under this Act, to be paid to the person by whom the information is laid.

Penalty

14. Any person who is guilty of an offence or who contravenes any of the provisions of this Act shall where no other penalty is expressly provided by this Act be liable on summary conviction to a penalty of \$100.

(Amended by Act 10 of 1971)

Exemptions

15. (1) Nothing in this Act contained shall render a licence necessary in the case of any dog under the age of three months or kept and used solely by a blind person for his guidance.

(2) Upon the hearing of any charge or information for keeping a dog without a licence the burden of proving the age of the dog shall lie upon the defendant.

(Amended by Act 10 of 1971)

SCHEDULE

(Section 4)

FORM OF DOG LICENCE

Licence is hereby granted to (name, address and addition of persons licensed) to keep during the year at the dog (or dogs) of which particulars are subjoined hereto; in respect whereof I hereby acknowledge having this day received from the said the sum of \$4 (or as the case may be).

PARTICULARS.

Colour	
Peculiar marks	
Where to be kept	
Amount paid	
Total sum paid	

This licence will expire on the 31st day of December.

Given at this day of....., 20

ACCOUNTANT GENERAL

CHAPTER 9.07

DOGS (PROTECTION OF POULTRY AND SMALL STOCK) ACT

(Acts 20 of 1968 and 9 of 2011)

AN ACT TO PROVIDE FOR LIABILITY ON THE PART OF AN OWNER OF A DOG FOR INJURY TO POULTRY OR SMALL STOCK AND FOR THE DESTRUCTION OF DOGS WHICH INJURE OR ATTEMPT TO INJURE POULTRY OR SMALL STOCK.

Commencement

[31 December 1968]

Short title

1. This Act may be cited as the Dogs (Protection of Poultry and Small Stock) Act.

Interpretation

2. In this Act—

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

“**small stock**” means calves, heifers, sheep, goats and swine.

Liability of owner of dog for injury to poultry and small stock

3. (1) The owner of a dog shall be liable in damages for injury done to any poultry or small stock 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 previous propensity, or to show that the injury was attributable to neglect on the part of the owner.

(2) Where any such injury has been done by a dog, the occupier of any house or premises where the dog was kept or permitted to live or remain at the time of the injury shall be presumed to be the owner of the dog, and shall be liable for the injury unless he proves that he was not the owner of the dog at that time:

Provided that, where there are more occupiers than one in any house or premises, the occupier of that particular part of the house or premises in which the dog has been kept or permitted to live or remain at the time of the injury shall be presumed to be the owner of the dog.

Power to destroy dogs

4. (1) It shall be lawful for any member of the police service or any authorised person to destroy either by shooting with a firearm or by killing in some other manner which is likely to cause as little pain as possible—

- (a) any dog found at large between the hours of 6.00 p.m. in the evening and 5.00 a.m. in the morning of the next succeeding day; and
- (b) any dog whilst it is chasing poultry or small stock at any time or place.

(Amended by Act 9 of 2011)

(2) For the purposes of this section the expression—

“authorised person” means a person appointed by the Governor under this Act.

Offence

5. (1) If any dog is found at large between the hours of 6.00 p.m. in the evening and 5.00 a.m. in the morning of the next succeeding day the owner of such dog shall be guilty of an offence.

(2) A person guilty of an offence under this section shall be liable on summary conviction—

- (a) to a fine of \$50;
- (b) in a case where such person has previously been convicted of an offence under this Act in respect of the same dog to a fine of \$200.

(3) For the purposes of this Act the meaning of the expression “owner” as set out “*mutatis mutandis*” in section 3(2) shall apply.

