
Third Session Tenth Parliament Republic of
Trinidad and Tobago



REPUBLIC OF TRINIDAD AND TOBAGO

Act No. 11 of 2013

[L.S.]

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]

WHEREAS it is provided that by subsection (1) of ^{Preamble} 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. This Act may be cited as the Dog Control Act, 2013.
Commencement	2. This Act comes into operation on such day as is fixed by the President by Proclamation.
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	<p>4. (1) In this Act—</p> <p>“advertisement” includes any means of bringing a matter to the attention of the public;</p> <p>“assistance dog” means—</p> <p style="margin-left: 40px;">(a) a dog which has been trained to guide a blind person;</p> <p style="margin-left: 40px;">(b) a dog which has been trained to assist a deaf person; or</p> <p style="margin-left: 40px;">(c) a dog which has been trained to assist a disabled person;</p> <p>“class A dog” means a dog of the type listed in the Schedule;</p> <p>“class B dog” means a dog other than a class A dog;</p> <p>“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</p>

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; Chap. 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; Chap. 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;

“local authority” means the Council of a Municipal Corporation within the meaning of the Municipal Corporations Act, or the Tobago House of Assembly Act; Chap. 25:03

“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;

“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;

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

Chap. 67:04

(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 without reasonable cause; or

(b) there are grounds for reasonable apprehension that it will injure any person without reasonable cause, 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 Control of dogs dog to enter any—

- (a) restaurant;
- (b) place where food or beverages are sold or consumed by the public;
- (c) commercial mall; or
- (d) shop,

unless the dog is an assistance dog or the dog is being used to protect the premises mentioned in paragraphs (a) to (d).

(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 recognized by the Minister by Order.

(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 incite 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) Within six months of the coming into force of this Act, every owner of a class A dog shall register the dog in the prescribed form with the local authority for the area where he resides.

(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) No person shall own a class A dog unless that person, within six months of the coming into force of this Act, applies for and obtains a licence in the prescribed form from the local authority for the area where he resides.

(2) A local authority shall maintain a register in the prescribed form of all licences issued under this section and shall include in the register the particulars of the policy of insurance required under section 11.

(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

(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 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 monies 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 death of his dog at the earliest opportunity.

(14) A microchip shall be implanted by a person who is approved by the local authority to carry out such an implant.

(15) A local authority shall publish annually in the *Gazette* and two daily newspapers of general circulation in Trinidad and Tobago a list of approved persons referred to in subsection (14).

(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) Where a veterinary surgeon issues a certificate pursuant to subsection (5)(a)(iv) or section 6(3) which he knows or believes to be false or does not believe to be true, he commits an offence and is liable on summary conviction to a fine of fifty thousand dollars.

Ministry to take charge of class A dogs

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), that dog shall be destroyed in a manner to cause as little pain as possible, by a veterinary surgeon.

Obligation to secure premises

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 authorized officer of a local authority may, upon producing if so required, 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 authorized 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.

11. (1) A person who owns a class A dog shall have in force in relation to each dog, 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.

(2) A person shall not keep a class A 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) 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 authorized 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 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

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 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 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, 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 during that period 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 shall have the dog destroyed by a veterinary surgeon in a manner to cause as little pain as possible, and the owner is liable for any expenses incurred in the destruction of the dog.

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—

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

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

Prohibition from
certain places

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

Obligation not
to abandon
class A dog

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 one year.

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 authorized 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 recognized 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 shall cause to be displayed in a prominent place on the premises, a notice indicating that there is a class A 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.

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

(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 a person, kills a person or causes the death of a person on or outside private premises where—

(a) the dog was unprovoked; or

(b) an offence was not being committed,

the Court may order the seizure and destruction of that dog.

Inciting a dog
to attack a person

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 the other person was committing or had an intention of committing a criminal offence.

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

Destruction and
disqualification
orders

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) order the destruction of the class A dog in a manner to cause as little pain as possible by a veterinary surgeon; and

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

(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)(d) 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.

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

(2) A dog that has been seized and is required to be destroyed in accordance with this Act, shall be destroyed in a manner to cause as little pain as possible by a veterinary surgeon.

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 authorizing 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

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

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

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.

(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.

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.

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.

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.

28. (1) The Minister may make Regulations 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.

29. Sections 15, 16 and 17 of the Dogs Act are repealed.

30. The Dangerous Dogs Act, 2000 is repealed.

Chap. 67:54
amended

Repeal
Act No. 32 of 2000

SCHEDULE

(Section 4)

CLASS A 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.
4. Dogo Argentino or any dog bred from the Dogo Argentino.

Passed in the House of Representatives this 3rd day of July, 2013.

Clerk of the House

IT IS HEREBY CERTIFIED that this Act is one the Bill for which has been passed by 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 36 members of the House.

Clerk of the House

Passed in the Senate this 10th day of July, 2013.

Clerk of the Senate

IT IS HEREBY CERTIFIED that this Act is one the Bill for which has been passed by 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.

Clerk of the Senate