



ST. HELENA

DOGS AND CATS ORDINANCE

Non-authoritative Consolidated Text

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Whilst it is intended that this version accurately reflects the current law, users should refer to the authoritative texts in case of doubt. Enquiries may be addressed to the Attorney General at Essex House, Jamestown [Telephone (+290) 2270; Fax (+290) 2454; email pa.lawofficers@legalandlands.gov.sh]¹

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This version contains a consolidation of the following laws—

DOGS AND CATS ORDINANCE

Ordinance 14 of 2011 .. in force 21 November 2011

Page

2

DOGS AND CATS REGULATIONS

Legal Notice 8 of 2012

7

¹ These contact details may change during 2011 or early in 2012. In case of difficulty, email shgwebsite@sainthelena.gov.sh or telephone (+290) 2470.

DOGS AND CATS ORDINANCE

(Ordinance 14 of 2011)

AND ORDINANCE TO MAKE PROVISION FOR THE CONTROL OF DOGS AND CATS ON ST HELENA; AND FOR PURPOSES CONNECTED THEREWITH OR INCIDENTAL THERETO.

Commencement

[21 November 2011]

Part I***Preliminary and interpretation*****Citation and commencement**

1. This Ordinance may be cited as the Dogs and Cats Ordinance, 2011, and shall come into force on 21st November 2011;

Provided that nothing in the Ordinance concerning cats shall have effect until 1st January, 2012, and that section 9 shall come into force on such date as may be prescribed by the Governor by notice in the Gazette.

Interpretation

2. In this Ordinance, unless the context otherwise indicates—

“**control officer**” means any police officer and any other person authorised by the issuing officer to act as a control officer;

“**issuing officer**” —

- (a) means the Director of Police or such other officer as may be appointed by the Governor; and
- (b) for purposes of any notification under this Ordinance or for producing a dog or cat for purposes of implanting an identification marker under section 6, includes any person appointed by the Director of Police or other officer referred to in paragraph (a).

Part II***Keeping of dogs and cats and licensing*****Keeper of dog or cat**

3. (1) The occupier of any house or premises where a dog or a cat is kept or permitted to live or remain at the material time shall be presumed to be the keeper of the dog or cat for the purposes of this Ordinance, unless he proves that at the material time he was not the keeper of such dog or cat.

(2) Where there is more than one occupier in any house or on any premises with separate apartments or lodgings or other areas of occupancy, the occupier of that part of the house or premises in which a dog or a cat has been kept or permitted to live or remain at the material time shall for purposes of subsection (1) be presumed to be the keeper of such dog or cat.

Notification of dog and cat litter

4. The keeper of a dog or a cat shall, if such dog or cat bears a litter of puppies or kittens, notify the issuing officer, or a person appointed by him, within four weeks of their birth.

Licensing of dogs and cats

5. (1) The keeper of every dog or cat shall, before such dog or cat has reached the age of seven months, apply to the issuing officer for a licence (hereinafter respectively referred to as a “dog licence” or “cat licence”) to keep such dog or cat and shall pay the prescribed fee.

(2) A dog licence or cat licence shall be in the prescribed form and shall be valid for such period as may be prescribed.

(3) A dog licence or cat licence may be issued unconditionally or subject to such conditions as may be prescribed.

(4) Where a dog or cat has been imported the keeper of such dog or cat shall apply to the issuing officer for a licence within two weeks of the date of importation, unless it is intended that such dog or cat is to be exported within three months of the date of import.

Identification markers may be inserted in dogs and cats

6. (1) The issuing officer may, at the time of application for a dog licence or cat licence in accordance with section 5(1), require the keeper of the dog or cat to produce the dog or cat to the issuing officer and—

- (a) require such keeper to provide evidence of the implantation of an identification marker and confirm its unique number with an approved microchip scanner; or
- (b) implant in the dog or cat, or cause a person appointed by him to implant in the dog or cat, an identification marker unique to that dog or cat.

(2) The reasonable costs involved in implanting an identification marker in a dog or cat shall be paid by the keeper of the dog or cat at the time that such an implant is carried out.

Change of ownership, etc. of dog or cat to be notified

7. (1) In the case of any change of ownership of a dog or a cat, the person to whom ownership of such dog or cat has been transferred, shall, within 14 days after such change of ownership, notify the issuing officer of the change of ownership and provide the issuing officer with his name and address and the issuing officer shall amend the licence accordingly.

(2) In the case of any change in the place where a dog or a cat is normally kept, the keeper of the dog or cat shall, within 14 days after such change, notify the issuing officer and provide him with the address where the dog will in future normally be kept and the issuing officer shall amend the licence accordingly.

Part III
Responsibilities of keeper or person in charge of dog

Control of dogs

8. (1) The keeper or any other person in charge of a dog shall ensure that, while in any public place or place to which the public has access, such dog at all times remains under the control of such keeper or person.

(2) The Governor in Council may by Regulation designate areas where dogs shall not be allowed, or where dogs shall be allowed only if kept on a leash.

Fouling of land by dogs

9. The keeper or person in charge of a dog shall be responsible for the immediate removal of any faeces deposited by such dog on any land in a public place or to which the public has access.

Part IV
Powers of control officers and destruction orders

Powers of control officers

10. (1) A control officer may inspect any dog or cat he finds, whether on public property or private property, to ascertain whether it is licensed in accordance with this Ordinance.

(2) A control officer may enter any premises where he reasonably suspects there is a dog or cat that is required to be licensed under this Ordinance but is not so licensed and may search the premises for any such dog or cat.

Seizure and destruction of unlicensed dogs and cats

11. (1) A control officer may seize any dog or cat which is not licensed in accordance with this Ordinance, or any dog or cat which he has reason to suspect is not so licensed, and may destroy the dog or cat.

(2) A dog or cat shall be deemed not to be licensed in accordance with this Ordinance if—

- (a) no person has been issued with a licence to keep such a dog or cat; or
- (b) the holder of the dog licence or cat licence in respect of such dog or cat is in breach of a licence condition.

Seizure and destruction of dangerous dogs

12. (1) A Police Officer may seize any dog which has caused, or which he reasonably believes is likely to cause, injury to any person and which in his opinion is a danger to the public.

(2) The Director of Police may apply to the Magistrates Court for an order (hereinafter referred to as a ‘destruction order’) for the destruction of any dog seized under subsection (1).

(3) At least seven days before the hearing of the application under subsection (2), the Director of Police shall give notice of such application to the keeper of the dog.

(4) The Court may, after hearing evidence on oath, make a destruction order that such dog be destroyed anytime after four days from the date of such order.

(5) The keeper of the dog and, if a person other than the keeper is the owner of such dog, also such owner, may appeal against a destruction order by lodging a notice of appeal in writing with the Registrar of the Supreme Court within 48 hours of the making of the destruction order.

(6) The Registrar shall, immediately on receipt of the notice of appeal, notify the Director of Police of such appeal and the dog shall not be destroyed pending the outcome of such appeal.

(7) The dog shall remain in the custody of the Police until such time as the appeal is determined and the appellant shall meet the reasonable costs incurred by the Police in providing for the dog's care.

(8) The Supreme Court shall determine the appeal on written submissions without a hearing and may uphold the original destruction order or quash the order and make such other order that in the opinion of the Court would ensure that the dog is not a danger to the public, which may include a requirement that the dog be kept on a leash or otherwise be secured at all times and that it shall be muzzled by the use of an anti-bite muzzle.

Part V *Miscellaneous*

Offences and penalties

13. (1) Any person who—

- (a) neglects or fails to obtain a dog licence or cat licence as required by section 5 or who, having obtained a dog licence or cat licence, is in breach of a licence condition;
- (b) fails to produce a dog or a cat when required to do so in accordance with section 6(1)(a);
- (c) hinders or obstructs a person placing an identification marker in a dog or a cat in accordance with section 6(1)(b);
- (d) fails to notify the issuing officer of any change of ownership or place where a dog or a cat is kept as required by section 7;
- (e) hinders a control officer attempting to inspect a dog or cat in accordance with section 10(1) or prevents a control officer from carrying out such inspection;
- (f) hinders a control officer who has entered or is searching premises in accordance with section 10(2) or prevents a control officer from entering or searching such premises; or
- (g) fails to notify the issuing officer, or a person appointed by him, of any new litter of puppies or kittens, as required by section 4,

shall be guilty of an offence and liable on conviction to a fine not exceeding £1,000.

(2) The keeper or person in charge of a dog who—

- (a) fails to keep a dog under his control in any public place or place to which the public has access, as required by section 8(1);
- (b) allows such dog to be in any area designated under section 8(2) without it being kept on a leash; or
- (c) fails to immediately remove the faeces from the land as required by section 9, except where—
 - (i) he has a reasonable excuse for failing to do so; or
 - (ii) the owner, occupier or other person or authority having control of the land has consented (generally or specifically) to his failing to do so,

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shall be guilty of an offence and liable on conviction to a fine not exceeding £500.

(3) For purposes of subsection (2)(c)—

- (a) placing the faeces in a receptacle on the land which is provided for the purpose, or for the disposal of waste, shall be a sufficient removal from the land; and
- (b) being unaware of the defecation (whether by reason of not being in the vicinity or otherwise), or not having a device for or other suitable means of removing the faeces, shall not be a reasonable excuse for failing to remove the faeces.

(4) The Court may, on conviction of a person of any offence under this Ordinance, order that such person shall be disqualified from keeping a dog or cat for a period not exceeding three years.

Regulations

14. The Governor in Council may make regulations for the further and better execution of this Ordinance and, without prejudice to the generality of such power, such regulations may provide for—

- (a) anything which by this Ordinance is required or permitted to be prescribed;
- (b) the form of dog licences and cat licences and other documents to be issued or used for the purposes of this Ordinance;
- (c) the information to be supplied and documents to be produced in connection with any application for a dog licence or cat licence, a variation of a dog licence or cat licence or any other matter connected with this Ordinance;
- (d) the powers and duties of control officers;
- (e) conditions to be attached to dog licences and cat licences and the variation of such conditions;
- (f) fees for dog licences and cat licences.

Repeal of legislation and transitional provisions

15. (1) The Dogs and Cats Ordinance, Cap. 163, is repealed.

(2) Notwithstanding the repeal of the Dogs and Cats Ordinance, Cap. 163, by subsection (1), any licence issued under the provisions of such Ordinance remains in force until expiry of such licence under those provisions.

DOGS AND CATS REGULATIONS – SECTION 14

(Legal Notice 8 of 2012)

Citation and commencement

1. These Regulations may be cited as the Dogs and Cats Regulations, 2012.

Interpretation

2. In these Regulations, unless the context otherwise requires, any word or phrase to which a meaning has been assigned in the Ordinance bears the meaning so assigned, and—
“**entire**” means capable of sexual reproduction; and
“**neutered**” means the surgical removal of certain organs such that reproduction is no longer possible.

Dog licence and cat licence

3. (1) An applicant shall apply for a dog licence or cat licence in such form as required by the issuing officer and shall, at the time of the application, pay the fee prescribed in column 3 of Schedule 1.

(2) If the keeper of a cat or dog indicates in the application that the dog or cat has been neutered, proof of neutering must be provided with the application.

- (3) A dog licence or cat licence shall contain—

- (a) the name and address of the person to whom the licence is issued;
- (b) the name and address where the dog or cat is to be kept;
- (c) a description of the dog or cat stating in particular—
 - (i) whether it is a male or female;
 - (ii) whether it is entire or neutered; and
 - (iii) its colour and breed (where applicable);
- (d) a licence number and expiry date;
- (e) the identification marker number; and
- (f) in the case of a dog licence, a condition that the keeper of the dog in respect of which the licence is issued—
 - (i) must ensure that the dog at all times wears a collar; and
 - (ii) shall, when requested to do so by a control officer, produce the dog to the control officer immediately or immediately provide sufficient information to satisfy the control officer of the whereabouts of the dog at the time the request is being made.

- (4) A dog licence or cat licence shall be valid for the period prescribed in column 4 of Schedule 1.

Neutering exemption certificate

4. Where a veterinary officer, or person appointed to act on his behalf, is of the opinion that due to the general state of health of such dog or cat, general anaesthesia will endanger the life of such dog or cat, he may issue a neutering exemption certificate in respect of such dog or cat.

Schedule 1
(Regulation 3(1))

FEES AND PERIOD OF LICENCE

		£	Period of licence
1	Entire male or female dog (other than dog in respect of which item 3 applies)	£29.50	12 months
2	Neutered male or female dog	£6.50	12 months
3	Male or female dog in respect of which a neutering exemption certificate has been issued	£6.50	12 months
4	Entire male or female cat (other than cat in respect of which item 6 applies)	£7.50	12 months
5	Neutered male or female cat	£0.00	Lifetime of cat
6	Cat in respect of which a neutering exemption certificate has been issued	£0.00	Lifetime of cat