

CAYMAN ISLANDS



Supplement No. 3 published with Gazette No. 21 of 8th October, 2012.

ANIMALS LAW

(2003 REVISION)

ANIMALS (PROHIBITED DOGS) REGULATIONS

(2012 REVISION)

Revised under the authority of the Law Revision Law (1999 Revision).

The Animals (Prohibited Dogs) Regulations, 2002 made the 13th August, 2002 consolidated with the Animals (Prohibited Dogs) (Amendment) Regulations,

Animals (Prohibited Dogs) Regulations (2012 Revision)

2003 made the 28th July, 2003 and the Animals (Prohibited Dogs) (Amendment) Regulations, 2011 made the 15th March, 2011.

Consolidated and revised this 31st day of July, 2012.

Note (not forming part of the Law): This revision replaces the 2004 Revision which should now be discarded.

ANIMALS (PROHIBITED DOGS) REGULATIONS

(2012 Revision)

ARRANGEMENT OF REGULATIONS

1. Citation
2. Types of prohibited dogs
3. Other prohibited dogs
4. Identification of dogs resembling prohibited dogs
5. Registration and possession of prohibited dogs
6. Conditions for registration under regulation 5
7. Identification of registered dogs
8. Possession of prohibited dogs
9. Seizure of prohibited dogs
10. Police dogs

ANIMALS (PROHIBITED DOGS) REGULATIONS

(2012 Revision)

1. These regulations may be cited as the Animals (Prohibited Dogs) Regulations (2012 Revision). Citation

2. Subject to regulation 10 for the purposes of section 45 of the Law the following types of dogs are prohibited dogs- Types of prohibited dogs
 - (a) Mallanois;
 - (b) Mastiff breeds with the exception of the following breeds-
 - (i) Boston Terrier;
 - (ii) Boxer;
 - (iii) English Bulldog;
 - (iv) English Bull Terrier;
 - (v) Doberman Pinscher;
 - (vi) English Mastiff;
 - (vii) French;
 - (viii) Great Dane;
 - (ix) Miniature Bull Terrier;
 - (x) Newfoundland;
 - (xi) Pug;
 - (xii) St Bernard;
 - (c) Dogo Argentino;
 - (d) Chinese Shar-Pei;
 - (e) Pit Bull Terrier;
 - (f) Rottweiler;
 - (g) Japanese Tosa;
 - (h) Fila Brasileiro;
 - (i) Japanese Akita;
 - (j) American Staffordshire Terrier;
 - (k) American Bulldog;
 - (l) Catahoula Leopard dog; and
 - (m) any dog which is a cross-breed of any of the types of dogs specified in paragraphs (a) to (l).

3. (1) If it appears to the Governor in Cabinet, after being advised by the CAVO that any other kind of dog not specified in regulation 2 presents a serious danger to the public, the Governor in Cabinet may, by notice published in the Gazette, impose in relation to dogs of that type restrictions corresponding, with such modifications, if any, as he thinks appropriate, to all or any of those in regulation 2. Other prohibited dogs

(2) A notice under this regulation may provide exceptions from any restriction imposed by the notice in such cases and subject to compliance with such conditions as are specified in the notice.

Identification of dogs resembling prohibited dogs

4. (1) The owner of a dog may request a determination of whether a dog is a prohibited dog by bringing the dog for an examination by the CAVO and the fee for such an examination is fifty dollars.

(2) If the CAVO determines that a dog is not a prohibited dog, the CAVO may cause a mark designated by the CAVO to be tattooed, inserted in the dog as a microchip or otherwise permanently marked upon such dog, and the CAVO shall issue to the owner a certificate as verification and proof that the dog is not a prohibited dog.

(3) If the CAVO determines that the dog is a prohibited dog, section 45 shall apply.

Registration and possession of prohibited dogs

5. (1) The owner of a prohibited dog who has acquired such dog prior to the 6th May, 2002 may, subject to the approval of the CAVO, register such dog in accordance with these regulations no later than the 9th June, 2003.

(2) Such registration shall be effective for one year from the date of issue and may be renewed annually prior to the date of expiration.

(3) The annual fee for such registration or renewal is fifty dollars.

Conditions for registration under regulation 5

6. The owner of a prohibited dog may not register such dog unless all the following conditions are met-

- (a) the owner shall present to the CAVO proof that he is at least sixteen years of age at the date of registration;
- (b) the dog shall be spayed or neutered prior to registration and the owner shall present to the CAVO proof from a licensed veterinarian of such spaying or neutering; and
- (c) the owner shall present to the CAVO a current licence issued under section 24.

Identification of registered dogs

(7) (1) The CAVO shall, upon registering a prohibited dog in accordance with these regulations, take a colour photograph of the dog, which photograph shall clearly show the colour and size of the dog and the CAVO shall cause a registration number to be assigned to the dog.

(2) The CAVO shall issue an identification tag containing the registration number assigned to the dog, and such tag shall be worn by the dog at all times.

(3) The CAVO may also cause a mark designated by him to be tattooed, inserted in the dog as a microchip or otherwise permanently marked upon such dog, and such mark shall be unique to the dog.

8. (1) The owner of a prohibited dog shall securely confine a prohibited dog indoors or in a securely enclosed and locked kennel, pen or area designated to house the dog, except when the dog is leashed or muzzled as provided in subregulation (3) or (4).

Possession of prohibited dogs

(2) Any structure or area used to confine a prohibited dog shall be locked with a key or combination lock when containing the dog.

(3) The owner or keeper of a prohibited dog shall not permit the dog to go outside the owner or keeper's residence or into any public area, hallway or other common area of any building, or outside a kennel, pen or enclosed area designed to house such dog, unless the dog is securely leashed with a leash no longer than four feet in length; and under such circumstances the owner or keeper shall ensure that a person is in physical control of the leash and that the dog shall not be leashed to any inanimate object such as a tree, post or building.

(4) The owner or keeper of a prohibited dog shall place on the dog a muzzle sufficient to prevent the dog from biting other animals or persons whenever the dog is outside the owner or keeper's residence or is in any public area, hallway or common area of any building or is outside of a kennel, pen or enclosed area designed to house such dog.

(5) The owner or keeper of a prohibited dog shall, whenever the dog is transported within a motor vehicle, ensure that-

- (a) the vehicle is locked;
- (b) the vehicle has a closed roof;
- (c) the dog cannot escape through any opening of the vehicle;
- (d) the vehicle is well ventilated; and
- (e) the dog is muzzled as provided in subregulation (4).

(6) The owner or keeper of a prohibited dog shall notify the CAVO within five days of a prohibited dog dying or being lost or stolen.

(7) The owner or keeper of a prohibited dog shall display at the premises at which the dog is kept a sign warning that there is a prohibited dog on the premises, and such sign shall be-

- (a) at least four inches by six inches in area;
- (b) rectangular in dimension;
- (c) of a white background with black letters indicating "Prohibited Dog"; and

- (d) placed in such a position on the premises that any member of the public will be able to see such sign on approaching the premises.

Seizure of prohibited dogs

9. (1) When the CAVO has reasonable cause to believe that a dog is a prohibited dog which has not been registered in accordance with these regulations, or that such dog is not confined, leashed or muzzled in accordance with these regulations, the CAVO or an animal welfare officer shall seize such dog and transport it to the Department of Agriculture where it shall be impounded.

(2) The CAVO shall cause to be issued to the person who had possession of the dog at the time of seizure and to the owner of the dog (if different) a notice of violation containing-

- (a) a notice that the dog was seized;
- (b) the provisions of these regulations which have been violated;
- (c) a notice that the owner shall send written reasons for such violations to the CAVO; and
- (d) a statement that if reasons are not sent in accordance with paragraph (c) within seven days of the date of the notice and that where the CAVO has reason to believe that it would be in the public interests to destroy the dog, that the CAVO may order that such dog be humanely destroyed.

(3) If the CAVO cannot with due diligence locate the owner of a dog that has been seized pursuant to this paragraph, the CAVO shall cause the dog to be impounded for no fewer than three days; and if, after three days, no person appears to claim ownership of the dog, the CAVO may cause the dog to be destroyed humanely.

(4) If during the time the dog is impounded the owner claims it, the CAVO shall cause the owner to be served with a notice as provided under subregulation (2).

(5) If an owner contests the CAVO's allegation that the dog is a prohibited dog, the CAVO shall provide evidence that the dog is prohibited dog.

(6) Where an owner is found by the CAVO to be in violation of these regulations the CAVO shall report the matter to the Legal Department for prosecution, and that owner shall be liable, on summary conviction, to a fine of four thousand dollars.

Police dogs

10. (1) This regulation applies to any Mallanois imported into the Islands, by the Royal Cayman Islands Police Service, to be used for lawful purposes by a constable while carrying out his duties; and, in this regulation, "police dog" means any such Mallanois.

(2) The Commissioner of Police or a person authorised by him shall register any police dog imported into the Islands and regulations 5(2) and (3) and 7 shall, subject to necessary modifications, apply in respect of such registration.

(3) No person shall-

- (a) breed, or breed from, a police dog;
- (b) sell or exchange a police dog, or offer, advertise or expose a police dog for sale or exchange;
- (c) make or offer to make a gift of a police dog, or advertise or expose a police dog as a gift; or
- (d) abandon a police dog or, being for the time being in charge of a police dog, allow it to stray.

(4) No person shall have a police dog in his possession or custody unless such police dog is registered pursuant to this regulation.

(5) Subregulation (3)(b) and (c) shall not make unlawful anything done with a view to the police dog in question being removed from the Islands.

(6) A person who publishes an advertisement in contravention of subregulation (3)(b) or (c) -

- (a) shall not, on being convicted, be liable to imprisonment if he shows that he published the advertisement to the order of someone else and did not himself devise it; or
- (b) shall not be convicted if, in addition, he shows that he did not know and had no reasonable cause to suspect that it related to a police dog.

(7) Section 45 of the Law and regulations 4, 5(1), 6, 8 and 9 do not apply to a police dog.

(8) If the Commissioner of Police determines that a police dog is no longer to be retained by the Royal Cayman Islands Police Service -

- (a) the CAVO may cause the police dog to be destroyed humanely; or
- (b) subject to the approval of the Commissioner of Police, any person may acquire the police dog and, upon the acquisition, section 45 of the Law and regulations 4 to 9 shall apply subject to necessary modifications.

Publication in consolidated and revised form authorised by the Governor in Cabinet this 18th day of September, 2012.

Kim Bullings
Clerk of Cabinet

Price \$ 2.40