



DOGS (AMENDMENT) BILL 2016

EXPLANATORY NOTES

These notes are circulated for the information of Members with the approval of the Member in charge of the Bill, Mr G. Boot MHK

General Note

This Bill is promoted by the Department for Environment, Food and Agriculture and amends to the *Dogs Act 1990* (“the 1990 Act”) by revoking the dog licensing system and making it mandatory for all dogs to be micro-chipped.

CLAUSE 1

Clause 1 gives the Act resulting from the Bill its short title.

CLAUSE 2

Clause 2 provides for the Act to come into operation following an appointed day order and permits that order to contain such transitional, incidental and transitory provisions considered appropriate.

CLAUSE 3

Clause 3 provides for the expiration of the enacted Bill, once it has made all its amendments to the 1990 Act.

CLAUSE 4

Clause 4 introduces the amendments to the 1990 Act.

CLAUSE 5

Clause 5 replaces the whole of Part 1 of the 1990 Act and introduces mandatory micro-chipping of all dogs that are 8 weeks old or older, as a replacement for the licensing system. It also creates appropriate offences.

Clause 5 introduces duties for dog keepers in respect of approved databases, whereby

they must ensure that the details contained on the database are accurate and that changes in respect of ownership are updated on the database within 21 days of the change. *Clause 5* also permits authorised officers to obtain relevant information from database providers to assist in ascertaining ownership of a dog.

Additionally, *clause 5* extends authority to authorised officials to seize dogs found outside the curtilage of a dwelling house and for those officials to either comply with Part 3 of the 1990 Act if the dog is not micro-chipped or, where the dog is micro-chipped, use information on the database to contact the owner. It imposes a requirement on the owner to collect the dog within 3 hours. On collection the authorised official is empowered to collect a fee of £50 prior to releasing the dog. Provision is made for cases where the dog owner cannot be contacted or, if contacted, refuses to pay the collection fee.

CLAUSE 6

Clause 6 amends section 7 of the 1990 Act by updating references to the *Cruelty to Animals Act 1955* and replacing references to the *Cruelty to Animals Act 1997*.

CLAUSE 7

Clause 7 amends section 13 of the 1990 Act. In so doing it inserts a new subsection (1A) which dis-applies section 12 in respect of dogs which have been micro-chipped or returned to their owner.

Clause 7 also deletes the existing subsection (4) and replaces it with a new subsection which gives a constable the power to serve a notice on the person who comes to claim a stray dog. The notice will require that person to ensure the dog is micro-chipped within 7 days. *Clause 7* declares it an offence to fail to comply with the notice.

Finally, *clause 7* inserts a new subsection (5) which stipulates any person who seizes a dog and fails to comply with certain requirements commits an offence and shall be liable on summary conviction to a fine not exceeding £200.

CLAUSE 8

Clause 8 amends section 14 of the Act by substituting subsection (4). The new section 14(4) states that, where a stray dog is put up for sale or gifted by the Chief Constable or the Department as a result of it not having been claimed, the proposed buyer or donee shall comply with specified requirements. Among them is the requirement to ensure that, where the dog is micro-chipped, details are updated on the database. However, it is required that, where a dog is not micro-chipped, the buyer or donee ensure the micro-chipping of the dog within 24 hours and provide to the Chief Constable or Department evidence this has taken place.

CLAUSE 9

Clause 9 amends section 15 by substituting paragraph (a)(ii), which made reference to a dog licence being in force in order to allow release of a dog. The new paragraph (a)(ii) permits the release of a dog if it has been micro-chipped or a notice has been issued requiring the dog to be micro-chipped.

CLAUSE 10

Clause 10 amends section 19 of the 1990 Act by updating references to the *Cruelty to Animals Act 1955* by replacing it with a reference to the *Cruelty to Animals Act 1997*.

CLAUSE 11

Clause 11 amends section 25 of the 1990 Act by deleting reference to section 4(2). Section 4(2) no longer exists and has been replaced by the newly inserted Part 1.

CLAUSE 12

Clause 12 amends section 27A of the 1990 Act by removing reference to sections 4(2), 5(1), on account of those provisions having been repealed and replaced with Part 1. *Clause 12* also makes consequential amendments in relation criminal proceedings as a result of the removal of the licensing system.

CLAUSE 13

Clause 13 amends section 28 of the 1990 Act by conferring on the Department power to make Regulations prescribing anything which is necessary or convenient for the administration of the Act. Any such Regulations are to be laid before Tynwald.

CLAUSE 14

Clause 14 amends section 29 of the 1990 Act by deleting subsections (5) and (6), which make reference to the now obsolete licensing system.

CLAUSE 15

Clause 15 amends section 30 of the 1990 Act by inserting definitions of the terms “microchip”, “qualified person” and “approved database”. It also removes certain definitions which are no longer required as a consequence of the licensing system being repealed.

CLAUSE 16

Clause 16 repeals Schedule 1. Since Schedule 1 makes reference to dog licences, it is no longer required.