



Isle of Man

Ellan Vannin

AT 9 of 1973

**ANIMAL BOARDING ESTABLISHMENTS
(ISLE OF MAN) ACT 1973**



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**Isle of Man***Ellan Vannin*

ANIMAL BOARDING ESTABLISHMENTS (ISLE OF MAN) ACT 1973

Received Royal Assent: 18 April 1973
Passed: 16 May 1973
Commenced: 16 May 1973

AN ACT to regulate the management and operation of boarding establishments for dogs and cats.

GENERAL NOTE: The maximum fines in this Act are as increased by the *Fines Act 1986* and by the *Criminal Justice (Penalties, Etc.) Act 1993* s 1.

1 Licensing of boarding establishments for animals

[1963/1]

- (1) No person shall keep a boarding establishment for animals except under the authority of a licence granted in accordance with the provisions of this Act.
- (2) Subject to the provisions of this section the Department may, on application being made to them for that purpose, by a person who is not for the time being disqualified —
 - (a) under this Act, from keeping a boarding establishment for animals; or
 - (b) under section 5 of the *Cruelty to Animals Act 1997*, from having the custody of any animal; or¹
 - (c) under the *Pet Animals Act 1951* (an Act of Parliament), from keeping a pet shop; or
 - (d) under the *Protection of Animals (Cruelty to Dogs) Act 1933* (an Act of Parliament), from keeping a dog; or
 - (e) under the *Protection of Animals (Cruelty to Dogs) (Scotland) Act 1934* (an Act of Parliament), from keeping a dog; or
 - (f) under the *Protection of Animals (Amendment) Act 1954* (an Act of Parliament), from having the custody of animals; or

- (g) under any enactment of any of the Legislatures of the British Islands or of the Republic of Ireland, from keeping or having the custody of an animal,

and on payment of such fee as may be prescribed under the *Fees and Duties Act 1989*, grant a licence to that person to keep a boarding establishment for animals at such premises in the Isle of Man as may be specified in the application and subject to compliance with such conditions as may be specified in the licence.²

- (3) In determining whether to grant a licence for the keeping of a boarding establishment for animals by any person at any premises, the Department shall in particular (but without prejudice to their discretion to withhold a licence on other grounds) have regard to the need for securing —

- (a) that animals will at all times be kept in accommodation suitable as respects construction, size of quarters, number of occupants, exercising facilities, temperature, lighting, ventilation and cleanliness;
- (b) that animals will be adequately supplied with suitable food, drink and bedding material, adequately exercised, and (so far as necessary) visited at suitable intervals;
- (c) that all reasonable precautions will be taken to prevent and control the spread among animals of infectious or contagious diseases, including the provision of adequate isolation facilities;
- (d) that appropriate steps will be taken for the protection of the animals in case of fire or other emergency;
- (e) that a register be kept containing a description of any animals received into the establishment, date of arrival and departure, and the name and address of the owner, such register to be available for inspection at all times by an officer of the Department, veterinary surgeon or veterinary practitioner authorised under section 2(1) of this Act;³

and shall specify such conditions in the licence, if granted by them, as appear to the Department necessary or expedient in the particular case for securing all the objects specified in paragraphs (a) to (e) of this subsection.⁴

- (4) For the purpose of facilitating the exercise by the Department of its duties under the last foregoing subsection the Department shall, before granting any licence under this section, cause the premises to be inspected by an officer of the Department, [or] veterinary surgeon authorised in writing by the Department for such purpose and shall consider a report on such premises to be submitted to it by the person making the inspection.⁵

- (5) Any person aggrieved by the refusal of the Department to grant such a licence, or by any condition subject to which such a licence is proposed to be granted, may appeal to a court of summary jurisdiction; and the court may on such an appeal give such directions with respect to the issue of a licence or, as the case may be, with respect to the conditions subject to which a licence is to be granted as it thinks proper.⁶
- (6) Any such licence shall come into operation on the day on which it is granted and, subject to the provisions hereinafter contained with respect to cancellation, shall continue in operation until and including the thirty-first day of March then next ensuing and shall then expire.
- (7) In the event of the death of a person who is keeping a boarding establishment for animals at any premises under the authority of a licence granted under this Act, that licence shall be deemed to have been granted to his personal representatives in respect of those premises and shall, notwithstanding subsection (6) of this section (but subject to the provisions hereinafter contained with respect to cancellation), remain in force until the end of the period of three months beginning with the death and shall then expire.

Provided that the Department may from time to time, on the application of those representatives, extend or further extend the said period of three months if the Department are satisfied that the extension is necessary for the purpose of winding up the deceased's estate and that no other circumstances make it undesirable.⁷

- (8) Any person who contravenes the provisions of subsection (1) of this section shall be guilty of an offence; and if any condition subject to which a licence is granted in accordance with the provisions of this Act is contravened or not complied with, the person to whom the licence was granted shall be guilty of an offence.

2 Inspection of boarding establishments for animals

[1963/2]

- (1) The Department may authorise in writing any of its officers or any veterinary surgeon to inspect (subject to compliance with such precautions as the Department may specify to prevent the spread among animals of infectious or contagious diseases) any premises as respects which a licence granted in accordance with the provisions of this Act is for the time being in force, and any person authorised under this section may, on producing his authority if so required enter any such premises at all reasonable times and inspect them and any animals found thereon or any thing therein, for the purpose of ascertaining whether an offence has been or is being committed against this Act.⁸

- (2) Any person who wilfully obstructs or delays any person in the exercise of his powers of entry or inspection under this section shall be guilty of an offence.

3 Offences and disqualifications

[1963/3]

- (1) Any person guilty of an offence under any provision of this Act other than the last foregoing section shall be liable on summary conviction to a fine not exceeding £1,000.
- (2) Any person guilty of an offence under the last foregoing section shall be liable on summary conviction to a fine not exceeding £500.
- (3) Where a person is convicted of any offence under this Act or of any offence under Part I of the *Cruelty to Animals Act 1997* the court by which he is convicted may cancel any licence held by him under this Act, and may whether or not he is the holder of such a licence, disqualify him from keeping a boarding establishment for animals for such period as the court thinks fit.⁹
- (4) Where a person is convicted of any offence under the Animal Boarding Establishments Act 1963 or under the Protection of Animals Act 1911 or the Protection of Animals (Scotland) Act 1912 or the Pet Animals Act 1951 (all such Acts being Acts of Parliament) or under any corresponding enactment of any of the Legislatures of the British Islands or of the Republic of Ireland, a court of summary jurisdiction may, on the petition of the Department, take the same action in respect of such person as it could have taken under subsection (3) of this section had that person been convicted before it of an offence against an enactment mentioned in that subsection. For the purposes of this subsection a certificate purporting to be signed by or on behalf of the Clerk of the Court before whom the person was convicted shall be prima facie evidence of such conviction.¹⁰
- (5) A court which has ordered the cancellation of a person's licence, or his disqualification, in pursuance of either of the last two foregoing subsections may, if it thinks fit, suspend the operation of the order pending an appeal.

4 Power of Department or police to prosecute

[1963/4]

The Department or any officer of police may institute proceedings for any offence under this Act.¹¹

5 Interpretation

[1963/5]

- (1) References in this Act to the keeping by any person of a boarding establishment for animals shall, subject to the following provisions of this section, be construed as references to the carrying on by him at premises of any nature (including a private dwelling) of a business of providing accommodation for other people's animals:

Provided that —

- (a) a person shall not be deemed to keep a boarding establishment for animals by reason only of his providing accommodation for other people's animals in connection with a business of which the provision of such accommodation is not the main activity; and
- (b) nothing in this Act shall apply to the keeping of an animal at any premises in pursuance of a requirement imposed under, or having effect by virtue of, the Diseases of Animals (Prevention) Acts 1948 to 1971.
- (2) In this Act, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say: —

“**animal**” means any dog or cat;

“**Board**” [Repealed]¹²

“**Department**” means the Department of Environment, Food and Agriculture.¹³

“**Isle of Man Supplementary Veterinary Register**” [Repealed]¹⁴

“**Supplementary Veterinary Register**” and “**Register of Veterinary Surgeons**” [Repealed]¹⁵

“**veterinary practitioner**” [Repealed]¹⁶

“**veterinary surgeon**” has the meaning given by section 1(1) of the *Veterinary Surgeons Act 2005*.¹⁷

6 [Repealed]¹⁸

7 Short title and commencement

- (1) This Act may be cited as the Animal Boarding Establishments (Isle of Man) Act 1973.
- (2) This Act shall come into operation when the Royal Assent thereto has been by the Governor announced to Tynwald and a certificate thereof has been signed by the Governor and the Speaker of the House of Keys.

ENDNOTES

Table of Endnote References

¹ Para (b) amended by Cruelty to Animals Act 1997 Sch 5.

² Subs (2) amended by GC48/86, by GC121/86 and by Agriculture (Miscellaneous Provisions) Act 2000 s 3.

Ed. note: The fee payable on the grant of a licence under subs (2) is £60 effective 1/5/2011 see SD153/11 art 4(a).

³ Para (e) amended by GC121/86.

⁴ Subs (3) amended by GC121/86.

⁵ Subs (4) amended by GC121/86 and by Veterinary Surgeons Act 2005 Schs 2 and 3.

⁶ Subs (5) amended by GC121/86.

⁷ Subs (7) amended by GC121/86.

⁸ Subs (1) amended by GC121/86 and by Veterinary Surgeons Act 2005 Schs 2 and 3.

⁹ Subs (3) amended by Cruelty to Animals Act 1997 Sch 5.

¹⁰ Subs (4) amended by GC121/86.

¹¹ S 4 amended by GC121/86.

¹² Definition of “Board” repealed by GC121/86.

¹³ Definition of “Department” inserted by GC121/86 and amended by SD155/10 Sch 3.

¹⁴ Definition of “Isle of Man Supplementary Veterinary Register” repealed by Veterinary Surgeons Act 2005 Schs 2 and 3.

¹⁵ Definition of “Supplementary Veterinary Register” and “Register of Veterinary Surgeons” repealed by Veterinary Surgeons Act 2005 Schs 2 and 3.

¹⁶ Definition of “veterinary practitioner” repealed by Veterinary Surgeons Act 2005 Schs 2 and 3.

¹⁷ Definition of “veterinary surgeon” substituted by Veterinary Surgeons Act 2005 Sch 2.

¹⁸ S 6 repealed by Statute Law Revision Act 1997 Sch 2.