



Isle of Man

Ellan Vannin

AT 16 of 1990

DOGS ACT 1990



Isle of Man

Ellan Vannin

DOGS ACT 1990

Index

Section	Page
PART I – MICROCHIPPING OF DOGS	5
1 Obligation to microchip dogs and abolition of licensing regime.....	5
2 Defences	6
3 Duties in respect of databases.....	6
4 Power to seize dogs	7
5 Attempt to collect unidentifiable dog	8
PART II – GUARD DOGS	8
<i>Guard dog kennels</i>	8
6 Control of guard dog kennels	8
7 Registration of guard dog kennels	8
8 Appeals in respect of guard dog kennels.....	10
9 Inspection of guard dog kennels	10
<i>Guard dogs</i>	10
10 Notice of guard dogs.....	10
11 Control of guard dogs.....	11
PART III – STRAY DOGS	11
12 Seizure of stray dogs	11
13 Notice to be given to police	11
14 Disposal of strays.....	12
15 Release of dog.....	13
16 Rescue.....	13
PART IV – MISCELLANEOUS	13
17 Dogs worrying livestock.....	13
18 Defence to action for killing or injuring dog.....	14
19 Dogs causing danger, nuisance etc	15
20 Setting on or urging dog to attack.....	16
21 Civil liability	16

	<i>Disposal of carcasses</i>	17
22	Disposal of carcasses.....	17
23	Control of dogs on roads.....	17
24	Byelaws.....	18
25	Duty to give name and address	19
26	Obstruction.....	19
PART V – SUPPLEMENTAL		20
27	Financial provision.....	20
27A	Fixed penalties	20
27B	[Repealed].....	21
28	Orders, regulations and byelaws	21
29	Meaning of “keeper”	21
30	Interpretation	22
31	Amendments, repeals and revocations	23
32	Short title and commencement.....	24
SCHEDULE 1		25
SCHEDULE 2		25
SCHEDULE 3		25
AMENDMENT OF ENACTMENTS		25
SCHEDULE 4		26
ENACTMENTS REPEALED OR REVOKED		26
ENDNOTES		27
TABLE OF LEGISLATION HISTORY		27
TABLE OF RENUMBERED PROVISIONS		27
TABLE OF ENDNOTE REFERENCES		27

**Isle of Man***Ellan Vannin*

DOGS ACT 1990

<i>Received Royal Assent:</i>	<i>10 July 1990</i>
<i>Passed:</i>	<i>10 July 1990</i>
<i>Commenced:</i>	<i>1 April 1992</i>

AN ACT to make fresh provision for duties in respect of dogs and the issue of dog licences; to make fresh provision for guard dogs and guard dog kennels; to make better provision for the seizure of stray dogs; to repeal and replace certain enactments concerning dogs; and for connected purposes.

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

PART I – MICROCHIPPING OF DOGS¹

1 **Obligation to microchip dogs and abolition of licensing regime**

- (1) Every dog owner shall ensure –
 - (a) that a microchip is implanted by a qualified person in each of the owner's dogs that is 8 weeks old or older; and
 - (b) that every microchip implanted in a dog meets such requirements as may be prescribed.²
- (2) Subject to subsection (3), a dog owner commits a separate offence in respect of each of his dogs that has not been microchipped, and on summary conviction of each such offence shall be liable to a fine not exceeding £500.
- (3) Where a dog that has not been microchipped is, with the consent of the owner, kept by another person, that person instead of the owner commits an offence under subsection (1) and shall be liable to be prosecuted and, if convicted, fined in accordance with that subsection.
- (4) In proceedings for an offence under this section, the prosecution discharges its evidential burden by adducing sufficient evidence that the dog in question has not been microchipped, and no regard whatsoever shall be had to *mens rea*.

- (5) As of the date on which this Part comes into operation —
- (a) the issuing of licences shall forthwith and forever cease; and
 - (b) all licences previously issued in respect of dogs, regardless of the date on which they were issued, shall immediately be null, void and of no effect.³

2 Defences

- (1) In proceedings for an offence under section 1, it is a defence to prove that the dog to which the offence relates —
- (a) was imported into the Island less than 30 days prior to the date on which the keeper was charged with the offence; or
 - (b) was examined by a veterinarian whose findings were that the dog should not be microchipped for reasons of the dog's health.
- (2) When raising a defence under subsection (1)(b), a certificate setting out the veterinarian's findings shall be sufficient proof of those findings.
- (3) A certificate referred to in subsection (2) shall state the period for which the dog will be unfit to be microchipped.⁴

3 Duties in respect of databases

- (1) A keeper shall —
- (a) within the prescribed period after microchipping a dog, accurately enter prescribed information in an approved database (“**the database**”);
 - (b) ensure that —
 - (i) within 21 days of a change, the information on the database is updated to reflect the change whilst the dog remains in the same ownership; or
 - (ii) when the dog is transferred to new ownership, the information of the new owner is substituted in the database, in default of which the original owner will retain full legal responsibility for the dog.
- (2) The Department —
- (a) may require a database operator to furnish it with such information in respect of the database as it considers necessary or convenient for its administration of this Act; and
 - (b) shall prescribe the following —
 - (i) the conditions to be met by a database operator;
 - (ii) the information that keepers shall ensure is entered in the database;

- (iii) details regarding the information that the Department may require the database operator to furnish under paragraph (a) and the reasons for which it may require that information; and
 - (iv) that failure to furnish information as required in accordance with paragraph (a) is an offence, and the penalty on summary conviction of such an offence.⁵
- (3) A keeper who —
- (a) fails to update details in the database when those details have changed, commits an offence and shall be liable on summary conviction to a fine not exceeding £500; or
 - (b) fraudulently or negligently enters inaccurate information in the database, commits an offence and shall be liable on summary conviction to a fine not exceeding £1000.^{6 7}

4 Power to seize dogs

- (1) A constable, dog warden or authorised officer shall —
- (a) use best endeavours to seize any stray dog found outside the curtilage of a keeper's dwelling-house; and
 - (b) where he succeeds in seizing the dog, comply with either of the following, as appropriate —
 - (i) where the dog is not microchipped, treat it in accordance with Part III; or
 - (ii) where the dog is microchipped —
 - (A) use the information in the database in respect of the dog to contact the owner and request that the owner or his representative collect the dog from prescribed premises; and
 - (B) if the owner or his representative comes to collect the dog within 3 hours of being contacted, collect from the person who comes to collect the dog a fee of £50 before turning the dog over to that person.
- (2) Where, in the circumstances described in subsection (1)(b)(ii) —
- (a) after a reasonable number of attempts, efforts to contact the owner using the information in the database have been unsuccessful; or
 - (b) the owner or his representative refuses to pay the £50 fee or comes to collect the dog more than 3 hours after having been contacted,
- the dog may be treated in accordance with Part III.⁸

5 Attempt to collect unidentifiable dog

- (1) Where —
- (a) a dog described in section 4(1)(b)(i) has been seized;
 - (b) there are no visible means on the dog of identifying its owner; and
 - (c) a person comes forward to claim the dog,
- that person shall give his name and address to the constable, dog warden or authorised officer, as the case may be.
- (2) (2) On receipt of the person's name and address the constable, dog warden or authorised officer, as the case may be —
- (a) may demand that the person furnish any additional information that he may require in order to be satisfied that the person is in fact the keeper of the dog; and
 - (b) shall act in accordance with section 15.
- (3) (3) A person who fails or refuses to give his name and address in accordance with subsection (1) commits an offence and shall be liable on summary conviction to a fine not exceeding £200.⁹

PART II – GUARD DOGS

Guard dog kennels

6 Control of guard dog kennels

[SI 83/764/9]

- (1) A person shall not keep guard dog kennels unless he is registered under section 7 in respect of the kennels.
- (2) A person shall not use or permit the use at any place of a guard dog if he knows or has reasonable cause to suspect that the dog (when not being used as a guard dog) is normally kept at guard dog kennels in respect of which a person is not registered under section 7.
- (3) Any person who contravenes subsection (1) or (2) shall be guilty of an offence and liable on summary conviction to a fine not exceeding £2,500.

7 Registration of guard dog kennels

[SI 83/764/10]

- (1) The Department shall keep a register of guard dog kennels, which shall be in such form and contain such particulars as the Department may determine.
- (2) An application for registration shall be —

- (a) made in writing to the Department in a form provided by the Department;
 - (b) signed by the applicant or his agent; and
 - (c) accompanied by the prescribed fee.
- (3) Subject to subsections (5) and (6), the Department shall register an applicant in respect of the guard dog kennels named in an application and issue to him a certificate of registration.
- (4) Registration shall be for such period as may be specified in the certificate of registration.
- (5) A person who is disqualified for having custody of a dog by virtue of an order under section 5(1) of the *Cruelty to Animals Act 1997* shall not be registered in respect of guard dog kennels.¹⁰
- (6) Where —
- (a) a person is convicted of any offence under this Act or an offence of cruelty to any animal under the *Cruelty to Animals Act 1997*; or¹¹
 - (b) the kennels named in an application for registration or in respect of which a person is registered do not comply with regulations under subsection (7)(a);
- the Department may refuse the application for registration or as the case may be, cancel the registration of that person in respect of the guard dog kennels.
- (7) Regulations may make provision as to —
- (a) the construction and operation of guard dog kennels; and
 - (b) the information to be supplied on any application for registration under this section.
- (8) A certificate of registration issued in respect of guard dog kennels shall be kept affixed in a conspicuous place in the kennels, and if default is made in complying with this subsection, the person keeping the kennels shall be guilty of an offence and liable on summary conviction to a fine not exceeding £500.
- (9) The register kept under subsection (1) may at all reasonable hours be inspected and copies of the entries in the register taken —
- (a) without payment, by any constable, or by any person authorised by the Department;¹²
 - (b) on payment of such sum as may be prescribed, by any other person.

8 Appeals in respect of guard dog kennels

[SI 83/764/11]

- (1) Not less than 14 days before refusing an application for registration, or cancelling any registration, in respect of guard dog kennels under section 7(6), the Department shall serve notice of its intention to refuse the application on the applicant or, as the case may be, notice of its intention to cancel the registration on the person registered.
- (2) Every such notice shall state the grounds on which the Department intends to refuse the application or cancel the registration and shall contain an intimation that if, within 14 days after the service of the notice, the applicant or, as the case may be, the person registered informs the Department in writing of his desire to show cause, in person or by a representative, why the application should not be refused or the registration not cancelled, the Department shall, before refusing the application or cancelling the registration, afford him an opportunity to do so.
- (3) If the Department, after giving the applicant or, as the case may be, the person registered an opportunity of being heard by it, decides to refuse the application for registration, or to cancel the registration, it shall serve notice of the decision on the applicant or, as the case may be, the person registered, and such notice shall inform him of his right to appeal under subsection (4) and of the time within which the appeal may be brought.
- (4) A person aggrieved by a decision refusing or cancelling any registration may, within 21 days of service on him of the notice under subsection (3), appeal to the High Bailiff, and the cancellation under section 7(6) shall not take effect until the expiration of that period or, where such an appeal is brought, before the determination of the appeal.
- (5) The decision of the High Bailiff on an appeal brought under subsection (4) shall be final, and the Department shall give effect to that decision.

9 Inspection of guard dog kennels

Sections 2 and 3(2) (inspection of premises) of the *Breeding of Dogs and Cats Act 1981* apply, with any necessary modifications, to guard dog kennels as they apply to breeding establishments within the meaning of that Act.

Guard dogs

10 Notice of guard dogs

[SI 83/764/26]

- (1) A person shall not use or permit the use of a guard dog at any place unless a notice containing a warning that a guard dog is present is clearly exhibited at each entrance to that place.

- (2) A person who contravenes subsection (1) shall be guilty of an offence and liable on summary conviction to a fine not exceeding £2,500.

11 Control of guard dogs

[SI 83/764/27]

- (1) Regulations shall —
- (a) prohibit the use of a guard dog at any place unless a person who is capable of controlling the dog is present at that place;
 - (b) make provision as to the control to be exercised over a guard dog while it is being used as a guard dog.
- (2) Regulations under this section may provide that any person contravening the same shall be guilty of an offence and liable on summary conviction to a fine not exceeding £1,000.

PART III – STRAY DOGS

12 Seizure of stray dogs

- (1) If a constable or a dog warden has reasonable cause to believe that a dog found in a highway or place to which the public have access is a stray dog, he may seize it, and may detain it or cause it to be detained by some other person until it is disposed of or delivered in accordance with section 14 or 15.
- (2) A constable or dog warden, in attempting to seize a dog under subsection (1), may enter on any land for that purpose, but may not, without the consent of the occupier, enter any building which is occupied.

13 Notice to be given to police

- (1) Subject to subsection (1A), a constable or dog warden who seizes a dog under section 12, and any other person who seizes a stray dog, shall within 24 hours give particulars of —
- (a) the description of the dog;
 - (b) the name and address of its owner (if known);
 - (c) [Repealed]¹³
 - (d) when and where it was found; and
 - (e) its whereabouts;
- to a police station in the locality.¹⁴
- (1A) Subsection (1) does not apply where the dog seized under section 12 —
- (a) has been microchipped; and

- (b) has been returned to its owner.¹⁵
- (2) The constable in charge of the station shall cause such particulars to be entered in a register kept for the purpose, and the register shall be open to inspection by any person free of charge.
- (3) The said constable shall, if the name and address of the person who is the owner of the dog is known or can reasonably be ascertained, serve on such person a notice in writing stating —
 - (a) that the dog has been seized;
 - (b) its whereabouts; and
 - (c) that it may be disposed of or destroyed if it is not claimed within 7 days of the service of the notice.^{16 17}
- (4) Where the dog in the constable's possession is not microchipped, the constable shall serve upon the person who comes to claim the dog a notice —
 - (a) requiring the person to ensure that the dog is microchipped within 7 days of receipt of the notice; and
 - (b) stipulating that the person will be liable to prosecution under section 1 if the person fails to comply with the notice.¹⁸
- (5) Any person who seizes a dog and fails without reasonable excuse to comply with the requirements of subsection (1) commits an offence and shall be liable on summary conviction to a fine not exceeding £200.¹⁹

14 Disposal of strays

- (1) The Chief Constable or the Department may, if a dog detained under section 12 —
 - (a) is sick, injured or dangerous; or
 - (b) has not been claimed within 7 days of the day it was seized or, where a notice is served under section 13(3), within 7 days of the service of the notice,²⁰cause it to be destroyed.
- (2) Before causing a dog falling within subsection (1)(a) to be destroyed, the Chief Constable or the Department shall if practicable consult a veterinary surgeon.
- (3) The Chief Constable or the Department may, if a dog detained under section 12 has not been claimed within the period mentioned in subsection (1)(b), cause it to be sold or given away, but no such dog shall be sold or given away for the purpose of animal experimentation.
- (4) On the sale or gift of a dog under subsection (3) —

- (a) if the dog is microchipped, the buyer or donee shall within the prescribed period after taking possession of the dog update the details on the database; or
 - (b) if the dog is not microchipped, the buyer or donee shall within 72 hours ensure that the dog is microchipped and thereafter forthwith provide the Chief Constable or the Department, as the case may be, with evidence that the dog has been microchipped, and in either case the property in the dog is transferred to the buyer or donee on sale or gift, as the case may be.²¹
- (5) The Chief Constable or the Department may recover from the person who was the keeper of the dog at the time it strayed or was seized the expenses incurred in feeding and caring for it.

15 Release of dog

The person by whom a dog is detained under section 12 —

- (a) on being satisfied —
 - (i) that a person claiming a dog kept there is entitled to possession of the dog, or is authorised to claim it by the person so entitled; and
 - (ii) that the dog has been microchipped or that, in accordance with section 13(4), a notice has been issued requiring that the dog be microchipped; and²²
- (b) on payment of the expenses incurred in feeding and caring for the dog;

shall deliver the dog to the person claiming it.

16 Rescue

Any person who, without the consent of the person by whom a dog is detained under section 12, removes the dog from the custody of such person shall be guilty of an offence and liable on summary conviction to a fine not exceeding £500.

PART IV – MISCELLANEOUS

17 Dogs worrying livestock

- (1) Where any dog —
 - (a) is found straying, or not under control, on agricultural land; and
 - (b) is or has been worrying livestock on that land,

its keeper and, if it is in the charge of a person other than its keeper, that person also, shall be guilty of an offence, and liable on summary conviction to a fine not exceeding £2,500.

- (2) The keeper of a dog shall not be convicted of an offence under subsection (1) if he proves that at the relevant time the dog was in the charge of some other person whom he reasonably believed to be a fit and proper person to be in charge of it.
- (3) Proceedings for an offence under subsection (1) may not be brought except by —
 - (a) a constable or the Department; or
 - (b) the owner or occupier of the land in question; or
 - (c) the owner of any of the livestock in question.
- (4) Where —
 - (a) a constable or a dog warden has reasonable cause to believe that a dog found on any land is one to which subsection (1) applies; and
 - (b) no person present admits to being the keeper of the dog or in charge of it;

the constable or dog warden may seize the dog, and Part III shall apply as if the dog were a stray dog.

18 Defence to action for killing or injuring dog

[1981/15/8]

- (1) It is a defence to an action for damages for killing or injuring a dog for the defendant to prove —
 - (a) that he acted for the protection of livestock which was —
 - (i) owned by him or in his possession, or on land occupied by him, or
 - (ii) owned by or in the possession of, or on land occupied by, a person by whom he was employed or expressly or impliedly authorised to act; and
 - (b) that the circumstances were not such that liability for killing or injuring the livestock would have been excluded by section 21(2)(c); and
 - (c) that within 48 hours he reported the killing or injury to a police station in the locality.
- (2) A person shall be deemed to have acted for the protection of livestock if, and only if, —
 - (a) the dog was worrying or about to worry livestock, and there was no other reasonable way of stopping or preventing the worrying; or

- (b) the dog had been worrying livestock, had not left the vicinity and was not under anyone's control, and there was no practicable way of ascertaining to whom it belonged; or
- (c) he reasonably believed that either of the above conditions was satisfied.

19 Dogs causing danger, nuisance etc

- (1) Any person may make a complaint to a court of summary jurisdiction that a dog —
 - (a) is not kept under proper control; or
 - (b) causes a nuisance or annoyance to the inhabitants of the neighbourhood in which it is kept; or
 - (c) is dangerous; or
 - (d) has caused injury, or has given just cause for alarm or annoyance, to any person in a highway or other place to which the public has access; or
 - (e) has worried livestock.
- (2) On a complaint under subsection (1) the court may make an order directing that the dog —
 - (a) in any case, be kept under proper control;
 - (b) in a case falling within subsection (1)(b), be removed from the neighbourhood within a time specified in the order; or
 - (c) in a case falling within subsection (1)(c), (d) or (e), be destroyed within a time so specified.
- (3) Where the court makes an order under subsection (2)(c), it may also —
 - (a) appoint a person to undertake the destruction of the dog and order its keeper, or any other person in whose possession it is, to deliver it up for that purpose; and
 - (b) if it thinks fit, make an order disqualifying any person named in the order, being a person who is or has been the keeper of the dog, for having custody of a dog for such period as is specified in the order.
- (4) If the keeper of a dog in respect of which an order is made under subsection (2) or (3)(a) or section 21(4) fails without reasonable excuse to comply with the order, he shall be guilty of an offence and liable on summary conviction to a fine not exceeding £1,000, and the court may in addition make an order disqualifying him for having custody of a dog for such period as is specified in the order.
- (5) Any person who fails without reasonable excuse to comply with an order under subsection (3)(a) shall be guilty of an offence and liable on summary conviction to a fine not exceeding £1,000.

- (6) Sections 5(2) and (3) and 6 of the *Cruelty to Animals Act 1997* apply to an order under subsection (3)(b) or (4) as they apply to an order under section 1(1) of that Act.²³
- (7) The keeper of a dangerous dog which is at large without being muzzled shall be guilty of an offence and liable on summary conviction to a fine not exceeding £1,000.
- (8) A constable or a dog warden having reasonable cause to believe —
- (a) that an order under subsection (2) or (3)(a) or section 21(4) relating to a dog has not been complied with; or²⁴
 - (b) that a dog at large without being muzzled is dangerous;
- may seize the dog, and the Chief Constable or the Department may cause it to be destroyed.
- (9) The powers conferred on a court of summary jurisdiction by subsection (2) or (3)(a) may be exercised by a single justice of the peace.

20 Setting on or urging dog to attack

[SI83/764/28]

- (1) Any person who —
- (a) sets any dog on any person or livestock, or
 - (b) urges any dog to attack any person or to worry livestock,
- in any road or other public place or in any place to which the public have or are permitted to have access shall be guilty of an offence and liable on summary conviction to a fine not exceeding £2,500.
- (2) Subsection (1) does not apply to a dog while it is being used for the purpose of the lawful arrest or apprehension of any person.

21 Civil liability

- (1) Subject to subsection (2) the keeper of a dog shall be liable for any damage caused by the dog.
- (2) The keeper of a dog shall not be liable —
- (a) in any case, for damage due wholly to the fault of the plaintiff;
 - (b) in the case of damage other than the killing or injuring of livestock —
 - (i) if the plaintiff voluntarily accepted the risk of the damage (except where he was employed by the keeper and the risk was incidental to his employment); or
 - (ii) for damage caused to a trespasser on premises, if it is proved that the dog was not kept there for the protection of persons or property or, if it was, that keeping it there for that purpose was not unreasonable; or

- (c) in the case of the killing or injuring of livestock, if the livestock was killed or injured on land on to which it had strayed, and either the dog belonged to the occupier of that land or its presence there was authorised by the occupier.
- (3) In proceedings under subsection (1), the plaintiff shall not be required to prove —
 - (a) a previous mischievous propensity in the dog; or
 - (b) the keeper's knowledge of such propensity; or
 - (c) that the injury was due to the keeper's fault.
- (4) In proceedings under subsection (1), the court may order that the dog be destroyed.
- (5) In proceedings under subsection (1) relating to the killing or injuring of livestock, the plaintiff may require that a trespass jury inquire into and assess the alleged damage.
- (6) For the purposes of the *Law Reform (Contributory Negligence) Act 1946*, the *Fatal Accidents Act 1981* and the *Limitation Act 1984*, any damage for which a person is liable under this section shall be treated as due to his fault or breach of duty.

Disposal of carcasses

22 Disposal of carcasses

Any person who without reasonable excuse permits the carcase of any livestock belonging to him or under his care to remain in a field or other place to which dogs can gain access shall be guilty of an offence and liable on summary conviction to a fine not exceeding £1,000.²⁵

23 Control of dogs on roads

- (1) If a dog —
 - (a) is on a highway which consists of or comprises a carriageway, and
 - (b) is not under effective control,the keeper of the dog shall be guilty of an offence and liable on summary conviction to a fine not exceeding £1,000.
- (2) A person shall not be convicted of an offence under subsection (1) if the keeper satisfies the court that he took all reasonable steps to keep the dog under effective control.²⁶

24 Byelaws

- (1) A local authority may make byelaws having effect within its district providing that, where any dog, during a specified period of time or throughout the year —
- (a) is found to be at large in a specified open space or on a specified beach; or
 - (b) is permitted to have access to a specified open space or specified beach,

the keeper of the dog shall, subject to subsection (2), be guilty of an offence and liable on summary conviction to a fine not exceeding £1,000.

- (2) A person shall not be convicted of an offence under byelaws under subsection (1) if he satisfies the court that he took all reasonable steps to prevent the dog from being at large in the open space or on the beach, or entering or remaining in the open space, or going or remaining on the beach, as the case may be.
- (3) A dog at large in an open space or on a beach in contravention of byelaws under subsection (1) may be seized —
- (a) by a constable or a dog warden, or
 - (b) by a person authorised in writing for the purpose by the local authority by whom the byelaws were made;

and Part III shall apply as if it were a stray dog.

- (4) A local authority may make byelaws having effect within its district providing that, where the keeper of a dog fails to remove any faeces deposited by the dog on —
- (a) any highway which consists of or comprises a carriageway,
 - (b) a specified open space,
 - (c) a specified beach, or
 - (d) a specified car park;²⁷

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

- (5) Byelaws shall not be made under this section as respects an open space or car park which is not vested in or under the management or control of the local authority, except with the consent of the owner of the open space or car park; but in any proceedings for an offence under the byelaws, it shall be presumed that such consent was given unless the contrary is shown.²⁸
- (6) Notice of the effect of any byelaw under subsection (1) or subsection (4)(b),(c) or (d) shall be given by signs placed in conspicuous positions in, at or near the specified open space, beach or car park.²⁹
- (7) In this section —

“car park” means a place where vehicles of any class may wait³⁰;

“open space” includes —

- (a) any land laid out for sport, play or recreation (whether public or not);
- (b) any land laid out as public walks or as pleasure grounds;
- (c) any land used as a cemetery (whether public or private) or as a churchyard;

and any part of such land, but does not include land to which the public have access and which is vested in, or managed or controlled by, the Department;³¹

“specified”, in relation to any matter, means specified in the byelaws in question.

- (8) Section 30(8) of the *Local Government Act 1985* applies to byelaws under this section with the modification that the reference to an officer of the local authority shall be construed as including a reference to a dog warden.
- (9) This section is without prejudice to any other power of a local authority to make byelaws as respects any land.
- (10) Byelaws made under this section shall not have effect unless approved by the Department of Infrastructure and shall expire 10 years after the date they are made.³²
- (10A) Before approving byelaws under this section, the Department of Infrastructure must consult the Department.³³
- (11) Where the Department has withheld its approval under subsection (10), the applicants for the byelaws may present a petition to Tynwald praying that such byelaws be approved; and Tynwald, if it considers that such byelaws should be approved, may by resolution direct that the Department of Infrastructure approve such byelaws.³⁴

25 Duty to give name and address

If any person is found offending against section 16, 17(1), 19(4) or (7), 20(1) or 23(1), or byelaws under section 24, a constable, dog warden or authorised officer may require him to give his name and address, and if after being so required such a person refuses or fails to give his name and address, a constable may arrest him.³⁵

26 Obstruction

Any person who obstructs a constable, dog warden or authorised officer in the performance of any of his functions under this Act shall be guilty of an offence and liable on summary conviction to a fine not exceeding £1,000.³⁶

PART V – SUPPLEMENTAL

27 Financial provision

- (1) Any expenses incurred by the Department in the exercise of its functions under this Act shall be defrayed out of monies provided by Tynwald.³⁷
- (2) All sums received by the Department under this Act shall be paid into the general revenue of the Island or, with the agreement of the Department and the Treasury, any duly appointed agent of the Department.³⁸

27A Fixed penalties

- (1) Where a constable, dog warden or authorised officer has reasonable cause to believe that a person has committed or is committing an offence under section 23, or under byelaws under section 24, he may give that person a notice in writing in the prescribed form offering the opportunity of discharging any liability to be prosecuted for that offence by payment of a fixed penalty under this section.³⁹
- (2) A person to whom a notice is given under this section in respect of an offence shall not be liable to be prosecuted for that offence if the fixed penalty is paid in accordance with this section before the expiration of 14 days following the date of the notice or such longer period (if any) as may be specified in the notice.⁴⁰
- (3) Where a person is given a notice under this section in respect of an offence, criminal proceedings shall not be taken –
 - (a) at all, if the penalty has been paid before the expiration of 14 days following the date of notice, or such longer period (if any) as may be specified in the notice; or
 - (b) until 14 days, or such longer period (if any) as may be specified in the notice, have elapsed following the date of the notice.⁴¹
- (4) The amount of a fixed penalty under this section shall be £50.
- (5) The Department may by order substitute a different amount for the amount for the time being specified in subsection (4).
- (6) Payment of a fixed penalty under this section shall be made to –
 - (a) the Chief Registrar in the case of notices issued by a constable, dog warden or authorised officer of the Department, or⁴²
 - (b) the local authority authorised to enforce any byelaws under section 24, within the district of the authority for the benefit of that authority (“the relevant authority”) in the case of notices issued by its authorised officers

and may be recovered as a civil debt.

- (7) In any proceedings a certificate purporting to be signed by or on behalf of the Chief Registrar in the case of payment under subsection (6)(a) and by an authorised officer on behalf of the relevant authority in the case of payment under subsection (6)(b) that payment of a fixed penalty under this section was or was not made in accordance with subsection (6) by a date specified in the certificate shall be evidence of the fact stated.
- (8) In this section “prescribed” means prescribed by regulations made by the Department.⁴³

27B [Repealed]⁴⁴

28 Orders, regulations and byelaws

- (1) The Department may by regulations prescribe anything which is necessary or convenient for the administration of this Act, and such regulations shall be laid before Tynwald.⁴⁵
- (2) [Repealed]⁴⁶
- (3) Orders under this Act (except an order under section 32(2)) shall not have effect unless they are approved by Tynwald.⁴⁷
- (4) Byelaws approved by the Department of Infrastructure⁴⁸ and made under this Act shall be laid before Tynwald.⁴⁹

29 Meaning of “keeper”

- (1) Subject to the following provisions of this section, for the purposes of this Act a person is the keeper of a dog if he owns the dog or has it in his possession, or he is the head of a household of which a member under the age of 16 owns the dog or has it in his possession.
- (2) If at any time a dog ceases to be owned by or in the possession of a person, any person who immediately before that time was a keeper of it by virtue of subsection (1) continues to be a keeper of it until another person becomes keeper of it by virtue of subsection (1).
- (3) If a person takes a dog into and keeps it in his possession for the purpose only of preventing it from causing damage, restoring it to its owner or delivering it to a constable or dog warden, he shall not be taken to be a keeper of the dog by virtue only of that possession.
- (4) Unless the contrary is shown, a person shall be presumed for the purpose of any proceedings to have been a keeper of a dog if at the material time —
 - (a) the dog was in his custody, charge or possession, or
 - (b) the dog was kept, or allowed to live or remain, in any premises occupied by him.

- (5) [Repealed]⁵⁰
- (6) [Repealed]⁵¹
- (7) In this section “proceedings” means any proceedings (whether criminal or civil) relating to a dog.

30 Interpretation

In this Act —

“**agricultural land**” means land used as arable, meadow or grazing land or for the purpose of poultry farming, pig farming, market gardens, allotments, nursery grounds or orchards;

“**approved database**” means a database —

- (a) that meets the prescribed requirements; and
- (b) that the Department has endorsed in the prescribed manner;⁵²

“**at large**”, in relation to a dog, means not on a lead or under the effective control of a person aged 10 years or over;

“**authorised officer**” means an officer of a local authority authorised to enforce this Act or any byelaws under section 24 within the district of the authority, and includes, in relation to land vested in, or managed or controlled by the Department, and to which the public have access, an officer of the Department;⁵³

“**carriageway**” means a way (other than a cycle track) over which the public have a right of way for the passage of vehicles;⁵⁴

“**collar**” [Repealed]⁵⁵

“**current token**” [Repealed]⁵⁶

“**dangerous**” includes ferocious or vicious;

“**the Department**” means the Department of Environment, Food and Agriculture;⁵⁷

“**dog licence**” [Repealed]⁵⁸

“**dog warden**” means a person authorised in writing by the Department to exercise the functions of a dog warden under this Act;

“**exempt dog**” means a dog exempted from duty under section 2;

“**guard dog**” means a dog which is being used to protect —

- (a) any place (other than a dwelling house occupied by the keeper of the dog, or the curtilage thereof);
- (b) goods kept at any such place; or
- (c) a person guarding any such place or goods;

“**guard dog kennels**” means any premises where a person in the course of a business keeps a dog which is used as a guard dog elsewhere (whether or not it is also used for other purposes), other than a dog which is used as a guard dog only at a place belonging to or occupied by its keeper;

“**highway**” includes a footpath over which the public have a right of way on foot only;⁵⁹

“**the keeper**”, in relation to a dog, means any person who is for the time being a keeper of it in accordance with section 29, and “**keep**” has a corresponding meaning;

“**livestock**” means cattle (including bulls, cows, bullocks, heifers or calves), sheep, goats, pigs, horses, asses, mules, hinnies, deer not in the wild state, poultry (including turkeys, geese, ducks, guinea-fowl, pigeons, peacocks or quails) and, while in captivity, pheasants, partridges and grouse;

“**microchip**”, when used as a verb, means to implant with a microchip that meets the prescribed requirements, and when used in respect of the owner or keeper of a dog shall mean having the dog microchipped by a qualified person;⁶⁰

“**muzzled**”, in relation to a dog, means wearing a muzzle which effectively prevents it biting;

“**neutered**” [Repealed]⁶¹

“**prescribed**” means prescribed by regulations;

“**qualified person**”, when used in respect of microchipping, means a person who meets such requirements as shall be prescribed;⁶²

“**regulations**” means regulations made by the Department;⁶³

“**relevant authority**” has the meaning given to it in section 27A(6);⁶⁴

“**token**” [Repealed]⁶⁵

“**worrying livestock**” means causing, or behaving in a way likely to cause, injury or suffering to livestock or, in the case of females, abortion or loss or diminution of their produce;

“**year**” [Repealed]⁶⁶

31 Amendments, repeals and revocations

(1) [Repealed]⁶⁷

(2) The enactments specified in Schedule 3 are amended in accordance with that Schedule.

(3) The enactments specified in Schedule 4 are repealed or, as the case may be, revoked to the extent specified in column 3 of that Schedule.

32 Short title and commencement

- (1) This Act may be cited as the Dogs Act 1990.
- (2) This Act shall come into operation on such day as the Department and the Treasury may jointly by order appoint.⁶⁸

SCHEDULE 1⁶⁹

SCHEDULE 2⁷⁰

SCHEDULE 3

AMENDMENT OF ENACTMENTS

Section 31(2)

[Sch 3 amends the following Acts —

Local Government Consolidation Act 1916 q.v.

Petty Sessions and Summary Jurisdiction Act 1927 q.v.]

SCHEDULE 4**ENACTMENTS REPEALED OR REVOKED**

Section 31(3)

PART I – ACTS OF TYNWALD

Part I repeals the following Acts wholly –

Dogs Act 1851
Dogs Act 1908
Dogs (Protection of Livestock) Act 1953
Highways Act 1954
Game Act 1958

and the following Acts in part –

Game Act 1882
Local Government Consolidation Act 1916
Highway Act 1927
Petty Sessions and Summary Jurisdiction Act 1927
Finance Act 1958
Fees, Charges Etc. Enabling Act 1972
Local Government (Miscellaneous Provisions) Act 1976
Animal Offences Act 1976
Animals Act 1981
Treasury Act 1985
Fines Act 1986.]

PART II – PUBLIC DOCUMENTS

Part II repeals the following Order wholly –

Isle of Man Highway and Transport Board (Variation of Fees, Charges,
Etc.) Order 1978 (GC234/78)

and the following Orders in part –

Isle of Man Highway and Transport Board (Variation of Fees, Charges,
Etc.) Order 1977 (GC217/77)
Variation of Fees Order 1982 (GC142/82)
Transfer of Functions (Treasury) Order 1986 (GC69/86).]

ENDNOTES

Table of Legislation History

Legislation	Year and No	Commencement

Table of Renumbered Provisions

Original	Current

Table of Endnote References

¹ Part I substituted by Dogs (Amendment) Act 2018 s 5. Editorial note –substitution partially brought into operation 01/04/2018 [see SD2018/0115 as amended by SD2018/0123]; remainder of substitution in operation 24/10/2018 [see SD2018/0275].

² S 1 repealed and replaced by Dogs (Amendment) Act 2018 s 5. Editorial note - substitution of subsection (1) in operation 01/04/2018 [see SD2018/0115 as amended by SD2018/0123].

³ S 1 repealed and replaced by Dogs (Amendment) Act 2018 s 5. Editorial note - substitution of subsection (1) in operation 01/04/2018 [see SD2018/0115 as amended by SD2018/0123]; remainder of substitution in operation 24/10/2018 [see SD2018/0275].

⁴ S 2 repealed and replaced by Dogs (Amendment) Act 2018 s 5. Editorial note – Repeal of section 2 in operation 01/04/2018 [see SD2018/0115 as amended by SD2018/0123]; substitution in operation 24/10/2018 [see SD2018/0275].

⁵ S 3 substituted by Dogs (Amendment) Act 2018 s 5. Editorial note - substitution of subs (1) and (2) in operation 01/04/2018 [see SD2018/0115 as amended by SD2018/0123]; insertion of subs (3) in operation 24/10/2018 [see SD2018/0275].

⁶ Subs (3) inserted by Dogs (Amendment) Act 2018 s 5. Editorial note – insertion of subs (3) in operation 24/10/2018 [see SD2018/0275].

⁷ S 3 repealed and replaced by Dogs (Amendment) Act 2018 s 5.

⁸ S 4 substituted by Dogs (Amendment) Act 2018 s 5.

⁹ S 5 substituted by Dogs (Amendment) Act 2018 s 5.

¹⁰ Subs (5) amended by Dogs (Amendment) Act 2018 s 6.

¹¹ Para (a) amended by Dogs (Amendment) Act 2018 s 6.

¹² Para (a) amended by Dogs (Amendment) Act 2012 s 8(1) with effect from 1/11/2012.

¹³ Para (c) repealed by Dogs (Amendment) Act 2018 s 7.

-
- ¹⁴ Subs (1) amended by Dogs (Amendment) Act 2018 s 7.
- ¹⁵ Subs (1A) inserted by Dogs (Amendment) Act 2018 s 7.
- ¹⁶ Para (c) amended by Dogs (Amendment) Act 2006 s 5.
- ¹⁷ Subs (3) amended by Dogs (Amendment) Act 2018 s 7.
- ¹⁸ Subs (4) substituted by Dogs (Amendment) Act 2018 s 7. Editorial note - substitution of subsection (4) in operation 24/10/2018 [see SD2018/0275].
- ¹⁹ Subs (5) inserted by Dogs (Amendment) Act 2018 s 7. Editorial note - insertion of subsection (5) in operation 24/10/2018 [see SD2018/0275].
- ²⁰ Para (b) amended by Dogs (Amendment) Act 2006 s 5.
- ²¹ Subs (4) substituted by Dogs (Amendment) Act 2018 s 8.
- ²² Subpara (ii) repealed and replaced by Dogs (Amendment) Act 2018 s 9. Editorial note – repeal of subpara (ii) in operation 01/04/2018 [see SD2018/0115 as amended by SD2018/0123]; substitution of subpara (ii) in operation 24/10/2018 [see SD2018/0275].
- ²³ Subs (6) amended by Dogs (Amendment) Act 2018 s 10.
- ²⁴ Para (a) amended by Statute Law Revision Act 1992 Sch 1.
- ²⁵ S 22 amended by Dogs (Amendment) Act 2006 s 5.
- ²⁶ S 23 substituted by Dogs (Amendment) Act 2006 s 2.
- ²⁷ Para (d) (and the word “or “preceding it) added by Dogs (Amendment) Act 2012 s 6(2)(b) and (c) with effect from 1/11/2012.
- ²⁸ Subs (5) amended by Dogs (Amendment) Act 2012 s 6(3) with effect from 1/11/2012.
- ²⁹ Subs (6) amended by Dogs (Amendment) Act 2012 s 6(4) with effect from 1/11/2012.
- ³⁰ Definition of “car park” inserted by Dogs (Amendment) Act 2012 s 6(5)(a) with effect from 1/11/2012.
- ³¹ Definition of “open space” substituted by Dogs (Amendment) Act 2012 s 6(5)(b) with effect from 1/11/2012.
- ³² Subs (10) amended by SD155/10 Sch 5.
- ³³ Subs (10A) inserted by Dogs (Amendment) Act 2012 s 6(6) with effect from 1/11/2012.
- ³⁴ S 24 substituted by Dogs (Amendment) Act 2006 with saving. Subs (11) amended by SD155/10 Sch 5.
- ³⁵ S 25 amended by Dogs (Amendment) Act 2006 s 5 and by Dogs (Amendment) Act 2018 s 11.
- ³⁶ S 26 amended by Dogs (Amendment) Act 2006 s 5.
- ³⁷ Subs (1) amended by Dogs (Amendment) Act 2006 s 5.
- ³⁸ Subs (2) amended by Dogs (Amendment) Act 2006 s 5.
- ³⁹ Subs (1) amended by Dogs (Amendment) Act 2018 s 12.
- ⁴⁰ Subs (2) amended by Dogs (Amendment) Act 2018 s 12.
- ⁴¹ Subs (3) substituted by Dogs (Amendment) Act 2018 s 12.
- ⁴² Para (a) amended by Dogs (Amendment) Act 2012 s 8(2).
- ⁴³ S 27A inserted by Dogs (Amendment) Act 2006 s 4.
- ⁴⁴ S 27B repealed by Local Government Act 2006 Sch 4 on the making of SD532/07.
- ⁴⁵ Subs (1) substituted by Dogs (Amendment) Act 2018 s 13.
- ⁴⁶ Subs (2) repealed by Dogs (Amendment) Act 2006 s 5.

-
- ⁴⁷ Subs (3) amended by Dogs (Amendment) Act 2006 s 5.
- ⁴⁸ Reference to Department of Infrastructure substituted for “the Department” by Dogs (Amendment) Act 2012 s. 8(3) with effect from 1/11/2012.
- ⁴⁹ Subs (4) added by Dogs (Amendment) Act 2006 s 5.
- ⁵⁰ Subs (5) repealed by Dogs (Amendment) Act 2018 s 14.
- ⁵¹ Subs (6) repealed by Dogs (Amendment) Act 2018 s 14.
- ⁵² Definition of “approved database” inserted by Dogs (Amendment) Act 2018 s 15.
- ⁵³ Definition of “authorised officer” substituted by Dogs (Amendment) Act 2012 s 8(4) with effect from 1/11/2012.
- ⁵⁴ Definition of “carriageway” inserted by Dogs (Amendment) Act 2006 s 5.
- ⁵⁵ Definition of “collar” repealed by Dogs (Amendment) Act 2018 s 15.
- ⁵⁶ Definition of “current token” repealed by Dogs (Amendment) Act 2018 s 15.
- ⁵⁷ Definition of “the Department” amended by SD155/10 Sch 3.
- ⁵⁸ Definition of “dog licence” repealed by Dogs (Amendment) Act 2018 s 15.
- ⁵⁹ Definition of “highway” inserted by Dogs (Amendment) Act 2006 s 5.
- ⁶⁰ Definition of “microchip” inserted by Dogs (Amendment) Act 2018 s 15.
- ⁶¹ Definition of “neutered” repealed by Dogs (Amendment) Act 2018 s 15.
- ⁶² Definition of “qualified person” inserted by Dogs (Amendment) Act 2018 s 15.
- ⁶³ Definition of “regulations” amended by Dogs (Amendment) Act 2006 s 5.
- ⁶⁴ Definition of “relevant authority” inserted by Dogs (Amendment) Act 2006 s 5.
- ⁶⁵ Definition of “token” repealed by Dogs (Amendment) Act 2018 s 15.
- ⁶⁶ Definition of “year” repealed by Dogs (Amendment) Act 2018 s 15.
- ⁶⁷ Subs (1) repealed by Dogs (Amendment) Act 2006 s 5.
- ⁶⁸ ADO (whole Act) 1/4/1992 (GC32/92).
- ⁶⁹ Sch 1 repealed by Dogs (Amendment) Act 2018 s 16.
- ⁷⁰ Sch 2 repealed by Dogs (Amendment) Act 2006 s 5.