



Isle of Man

Ellan Vannin

AT 4 of 2018

DOGS (AMENDMENT) ACT 2018



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**Isle of Man***Ellan Vannin*

DOGS (AMENDMENT) ACT 2018

Signed in Tynwald: 20 March 2018
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AN ACT to amend the Dogs Act 1990 to impose a requirement for every dog on the Island to have implanted in it a microchip; to require the keeper of every dog on the Island to ensure that the dog is microchipped; to abolish the licensing and duty regime for dogs on the Island; and for connected purposes.

BE IT ENACTED by the Queen’s Most Excellent Majesty, by and with the advice and consent of the Council and Keys in Tynwald assembled, and by the authority of the same, as follows:—

1 Short title

The short title of this Act is the Dogs (Amendment) Act 2018.

2 Commencement

- (1) This Act, other than section 1 and this section, comes into operation on such day or days as the Department of Environment, Food and Agriculture (“**the Department**”) may by order appoint.¹
- (2) An order under subsection (1) may contain such incidental, transitional and transitory provisions as the Department considers appropriate.

3 Expiry

- (1) This Act expires —
 - (a) on the day after its promulgation if all of its provisions are in operation on its promulgation; or²
 - (b) otherwise, on the day after the last provision is brought into operation.
- (2) Despite subsection (1), the expiry does not —

- (a) revive any provision, which this Act amends, as the provision operated before the amendment commenced;
- (b) revive anything not in operation or existing when the amendment took effect;
- (c) affect the continuing operation of the amendment; or
- (d) revive any provision repealed by the earlier operation of this Act.

4 Amendment of the Dogs Act 1990

The *Dogs Act 1990* is amended as follows.

5 Repeal and replacement of Part I

[Deleted Part I and substitutes the following —

PART I – MICROCHIPPING OF DOGS

1 Obligation to microchip dogs and abolition of licensing regime

- (1) [Substituted subsection (1)]
- (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.

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.

3 Duties in respect of databases

- (1) [Substituted subsection (1)]
- (2) [Substituted subsection (2)]
- (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.

4 [Substituted section 4]

5 [Substituted section 5]

6 Amendment of section 7

Amended section 7 as follows —

- (a) [Amended subsection (5)]
- (b) [Amended subsection (6)]

7 Amendment of section 13

Amended section 13 as follows —

- (a) [amended subsection (1) and repealed paragraph (c)]
- (b) [inserted subsection (1A)]
- (c) [amended subsection (3)]
- (d) [repealed subsection (4)] and substitutes the following —

- █ (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.
- (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. █

8 Amendment of section 14

[Substituted subsection (4)]

9 Amendment of section 15

[Amended section 15 by deleting subparagraph (ii) of paragraph (a)] and substitutes the following —

- █ (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; and █.

10 Amendment of section 19

[Amended subsection (6)]

11 Amendment of section 25

[Amended section 25]

12 Amendment of section 27A

Amended section 27A as follows —

- (a) [Amended subsection (1)]
- (b) [Amended subsection (2)]
- (c) [Substituted subsection (3)]

13 Amendment of section 28

[Substituted subsection (1)]

14 Amendment of section 29

[Amended section 29 by repealing subsections (5) and (6)]

15 Amendment of section 30

Amended section 30 as follows —

- (a) [Repealed definitions of “collar”, “current token”, “dog licence”, “neutered”, “token” and “year”]
- (b) [Inserted definitions of “approved database”, “microchip” and “qualified person”]

16 [Repealed Schedule 1]

ENDNOTES

Table of Endnote References

¹ ADO – remaining provisions in operation 01/04/2018 with the exception of the substitution of sections 1(2) to (5), section 2 and section 3(3) made by section 5; section 7(d) and the substitution of section 15(a)(ii) made by section 9 [SD2018/0115 as amended by SD2018/0123].

² Act promulgated 05/07/2018.