



ST HELENA

REVISED EDITION OF THE LAWS, 2017

ENVIRONMENT AND NATURAL RESOURCES

DOGS AND CATS ORDINANCE, 2011¹

Ordinance 14 of 2011

In force 21 November 2011 and 1 January 2012, except section 9²

Amended by Ordinance 11 of 2012

Subsidiary legislation:

DOGS AND CATS REGULATIONS, 2012

Legal Notice 8 of 2012

Amended by L.N. 18/2013

DOGS AND CATS ORDINANCE, 2011

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¹ Under section 10 of the Revised Edition of the Laws Ordinance, 1999 this text is authoritative and is the sole authentic edition in respect of the law contained in it as at 1 November 2017.

² See section 1(3).

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AN ORDINANCE to make provision for the control of dogs and cats on St Helena, and for connected and incidental purposes.

**PART I
PRELIMINARY AND INTERPRETATION**

Citation and commencement

1. (1) Subject to subsections (2) and (3), this Ordinance may be cited as the Dogs and Cats Ordinance, 2011, and comes into force on 21st November 2011.

(2) The provisions of this Ordinance concerning cats do not have effect until 1st January, 2012.

(3) Section 9 comes into force on a date specified by the Governor by notice in the *Gazette*.

Interpretation

2. In this Ordinance, unless the context otherwise indicates—
- “**control officer**” means any police officer and any other person authorised by the issuing officer to act as a control officer;
- “**issuing officer**” —
- (a) means the Director of Police or any other officer appointed by the Governor; and
 - (b) for purposes of any notification under this Ordinance or for producing a dog or cat for purposes of implanting an identification marker under section 6, includes any person appointed by the Director of Police or other officer referred to in paragraph (a).

**PART II
KEEPING OF DOGS AND CATS AND LICENSING**

Keeper of dog or cat

3. (1) The occupier of any house or premises where a dog or a cat is kept or permitted to live or remain at the material time is presumed to be the keeper of the dog or cat

for the purposes of this Ordinance, unless the occupier proves that at the material time the occupier was not the keeper of such dog or cat.

(2) If there is more than one occupier in any house or on any premises with separate apartments or lodgings or other areas of occupancy, the occupier of that part of the house or premises in which a dog or a cat has been kept or permitted to live or remain at the material time is for purposes of subsection (1) presumed to be the keeper of such dog or cat.

Notification of dog and cat litter

4. If a dog or cat bears a litter of puppies or kittens, the keeper of the dog or a cat must notify the issuing officer, or a person appointed by the issuing officer, within 4 weeks of the birth of the litter.

Licensing of dogs and cats

5. (1) Subject to subsection (4), the keeper of every dog or cat must, before the dog or cat has reached the age of 7 months must -

- (a) apply to the issuing officer for a licence (in this Ordinance respectively referred to as a “**dog licence**” or “**cat licence**”) to keep such dog or cat; and
- (b) pay the prescribed fee.

(2) A dog licence or cat licence must be in the prescribed form and is valid for the prescribed period.

(3) A dog licence or cat licence may be issued unconditionally or subject to prescribed conditions.

(4) If a dog or cat has been imported the keeper of it must apply to the issuing officer for a licence within 2 weeks of the date of importation, unless it is intended that the dog or cat is to be exported within 3 months of the date of import.

Identification markers may be inserted in dogs and cats

6. (1) The issuing officer may, at the time of application for a dog licence or cat licence in accordance with section 5(1), require the keeper of the dog or cat to produce the dog or cat to the issuing officer and must —

- (a) require the keeper to provide evidence of the implantation of an identification marker and confirm its unique number with an approved microchip scanner; or
- (b) in the absence of such evidence, implant in the dog or cat, or cause a person appointed by the issuing officer to implant in the dog or cat, an identification marker unique to that dog or cat.

(2) The reasonable costs involved in implanting an identification marker in a dog or cat must be paid by the keeper of the dog or cat at the time that the implant is carried out.

Change of ownership, etc. of dog or cat to be notified

7. (1) If there is a change of ownership of a dog or a cat -

- (a) the person to whom ownership of the dog or cat has been transferred must, within 14 days after the change of ownership, notify the issuing officer of the change and provide the issuing officer with the new owner’s name and address; and

- (b) the issuing officer must amend the licence accordingly.
- (2) If there is a change in the place where a dog or a cat is normally kept -
 - (a) the keeper of the dog or cat must, within 14 days after the change, notify the issuing officer and provide the issuing officer with the address where the dog or cat will normally be kept; and
 - (b) the issuing officer must amend the licence accordingly.

PART III RESPONSIBILITIES OF KEEPER OR PERSON IN CHARGE OF A DOG

Control of dogs

8. (1) The keeper, or any other person in charge of a dog, must ensure that, while in any public place or place to which the public has access, the dog at all times remains under the control of the person.

(2) The Governor in Council may by regulations designate areas where dogs are not allowed, or where dogs are allowed only if kept on a leash.

Fouling of land by dogs

9. The keeper, or any other person in charge of a dog, is responsible for the immediate removal of any faeces deposited by the dog on any land in a public place or to which the public has access.

PART IV POWERS OF CONTROL OFFICERS AND DESTRUCTION ORDERS

Powers of control officers

10. (1) A control officer may inspect any dog or cat the officer finds, whether on public property or private property, to ascertain whether it is licensed in accordance with this Ordinance.

- (2) A control officer may -
 - (a) enter any premises where the officer reasonably suspects there is a dog or cat that is required to be licensed under this Ordinance but is not so licensed; and
 - (b) search the premises for any such dog or cat.

Seizure and destruction of unlicensed dogs and cats

- 11. (1)** A control officer may -
 - (a) seize any dog or cat which is not licensed in accordance with this Ordinance, or any dog or cat which the officer has reason to suspect is not so licensed; and
 - (b) destroy the dog or cat.
- (2) A dog or cat is deemed not to be licensed in accordance with this Ordinance if—
 - (a) no person has been issued with a licence to keep such dog or cat; or
 - (b) the holder of the dog licence or cat licence in respect of such dog or cat is in breach of a licence condition.

Seizure and destruction of dangerous dogs

12. (1) A police officer may seize any dog which has caused, or which the officer reasonably believes is likely to cause, injury to any person and which in the officer's opinion is a danger to the public.

(2) The Director of Police may apply to the Magistrates' Court for an order (on this Ordinance referred to as a "**destruction order**") for the destruction of any dog seized under subsection (1).

(3) At least 7 days before the hearing of an application under subsection (2), the Director of Police must give notice of the application to the keeper of the dog.

(4) The court may, after hearing evidence on oath, make a destruction order that the dog be destroyed any time after 4 days from the date of the order.

(5) The keeper of the dog and, if a person other than the keeper is the owner of the dog, also such owner, may appeal against a destruction order by lodging a notice of appeal in writing with the Registrar of the Supreme Court within 48 hours of the making of the destruction order.

(6) The Registrar must, immediately on receipt of the notice of appeal, notify the Director of Police of the appeal and the dog must not be destroyed pending the outcome of the appeal.

(7) The dog must remain in the custody of the Police until the appeal is determined and the appellant must meet the reasonable costs incurred by the Police in providing for the dog's care.

(8) The Supreme Court must determine the appeal on written submissions without a hearing and may -

- (a)* uphold the original destruction order; or
- (b)* quash the order and make any other order that in the opinion of the court would ensure that the dog is not a danger to the public, including, but not limited to, a requirement that the dog be kept on a leash or otherwise be secured at all times and be muzzled by the use of an anti-bite muzzle.

Gathering statistics about dogs and cats

12A. (1) The Council Committee responsible for the administration of the Agriculture and Livestock Improvement Ordinance, 1940 may, by notice in the *Gazette*, at any time require owners and keepers of cats and dogs (or either) to provide, within a specified time, returns or estimates of the dogs and cats which they own or keep as specified in the notice.

(2) *Omitted*

(3) The Committee may combine a notice under subsection (1) with a notice calling for returns or estimates of acreage or livestock under section 7 of the Agriculture and Livestock Improvement Ordinance, 1940.

(4) Whether or not the requirement is so combined, it is an offence for any owner or

keeper of cats or dogs (or either) who is required to make a return or estimate under this section to fail to—

- (a) make the return or estimate within the time specified in the requirement; or
- (b) give any information or explanation respecting the return or estimate which it is in the power of the owner or person to give.

Penalty: A fine of £100 for every day during which the default continues.

PART V MISCELLANEOUS

Offences and penalties

13. (1) It is an offence for a person to—

- (a) neglect or fail to obtain a dog licence or cat licence as required by section 5 or, having obtained a dog licence or cat licence, to be in breach of a licence condition;
- (b) fail to produce a dog or a cat when required to do so under section 6(1)(a);
- (c) hinder or obstruct a person placing an identification marker in a dog or a cat in accordance with section 6(1)(b);
- (d) fail to notify the issuing officer of any change of ownership or place where a dog or a cat is kept as required by section 7;
- (e) hinder a control officer attempting to inspect a dog or cat in accordance with section 10(1) or prevent a control officer from carrying out such inspection;
- (f) hinder a control officer who has entered or is searching premises in accordance with section 10(2) or prevent a control officer from entering or searching such premises; or
- (g) fail to notify the issuing officer, or a person appointed by the officer, of any new litter of puppies or kittens, as required by section 4.

Penalty: A fine of £1,000.

(2) It is an offence for the person in charge of a dog to—

- (a) fail to keep a dog under his or her control in any public place or place to which the public has access, as required by section 8(1);
- (b) allow the dog to be in any area designated under section 8(2) without it being kept on a leash; or
- (c) fail to immediately remove the faeces from the land as required by section 9, except where—
 - (i) the keeper or person in charge has a reasonable excuse for failing to do so; or
 - (ii) the owner, occupier or other person or authority having control of the land has consented (generally or specifically) to the failure.

Penalty: A fine of £500.

(3) For purposes of subsection (2)(c)—

- (a) placing the faeces in a receptacle on the land which is provided for the purpose, or for the disposal of waste, is a sufficient removal from the land; and
- (b) being unaware of the defecation (whether by reason of not being in the vicinity or otherwise), or not having a device for or other suitable means of removing the faeces, is not a reasonable excuse for failing to remove the faeces.

(4) The court may, on convicting a person of an offence under this Ordinance, order that the person is disqualified from keeping a dog or cat for a period not exceeding 3 years.

Regulations

14. The Governor in Council may make regulations for the further and better execution of this Ordinance and, without limiting that power, such regulations may provide for—

- (a) anything which by this Ordinance is required or permitted to be prescribed;
- (b) the form of dog licences and cat licences and other documents to be issued or used for the purposes of this Ordinance;
- (c) the information to be supplied and documents to be produced in connection with any application for a dog licence or cat licence, a variation of a dog licence or cat licence or any other matter connected with this Ordinance;
- (d) the powers and duties of control officers;
- (e) conditions to be attached to dog licences and cat licences and the variation of such conditions;
- (f) fees for dog licences and cat licences.

Saving

15. (1) *Omitted*

(2) Any licence issued for the lifetime of a cat under the repealed Dogs and Cats Ordinance, Cap. 163 remains in force until the death of that cat.

DOGS AND CATS ORDINANCE, 2011

DOGS AND CATS REGULATIONS, 2012 (Section 14)

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Citation and commencement

- 1.** These Regulations may be cited as the Dogs and Cats Regulations, 2012.

Interpretation

- 2.** In these Regulations—
“entire” means capable of sexual reproduction; and
“neutered” means the surgical removal of certain organs such that reproduction is no longer possible.

Dog licence and cat licence

- 3. (1)** An applicant must apply for a dog licence or cat licence in a form required by the issuing officer and must, at the time of the application, pay the fee prescribed in column 3 of the Schedule,

(2) If the keeper of a cat or dog indicates in the application that the dog or cat has been neutered, proof of neutering must be provided with the application.

(3) A dog licence or cat licence must contain—

- (a) the name and address of the person to whom the licence is issued;
- (b) the name of the keeper and address where the dog or cat is to be kept;
- (c) a description of the dog or cat stating in particular—
 - (i) whether it is a male or female;
 - (ii) whether it is entire or neutered; and
 - (iii) its colour and breed (where applicable);
- (d) a licence number and expiry date;
- (e) the identification marker number; and
- (f) in the case of a dog licence, a condition that the keeper of the dog in respect of which the licence is issued—
 - (i) must ensure that the dog at all times wears a collar; and
 - (ii) must, when requested to do so by a control officer, produce the dog to the control officer immediately or immediately provide sufficient information to satisfy the control officer of the whereabouts of the dog at the time the request is made.

(4) A dog licence or cat licence is valid for the period prescribed in column 4 of the Schedule.

Neutering exemption certificate

4. If a veterinary officer, or person appointed to act on the officer's behalf, is of the opinion that due to the general state of health of a dog or cat, general anaesthesia will endanger the life of the dog or cat, the officer or person may issue a neutering exemption certificate in respect of such dog or cat.

SCHEDULE (Regulations 3(1) and 4)

FEES AND PERIOD OF LICENCE

| | | £ | Period of licence |
|---|--|--------|-------------------|
| 1 | Entire male or female dog (other than dog in respect of which item 3 applies) | £31.00 | 12 months |
| 2 | Neutered male or female dog | £6.80 | 12 months |
| 3 | Male or female dog in respect of which a neutering exemption certificate has been issued | £6.50 | 12 months |
| 4 | Entire male or female cat (other than cat in respect of which item 6 applies) | £7.90 | 12 months |
| 5 | Neutered male or female cat | £0.00 | Lifetime of cat |
| 6 | Cat in respect of which a neutering exemption certificate has been issued | £0.00 | Lifetime of |

| | | | |
|--|--|--|-----|
| | | | cat |
|--|--|--|-----|
