

THIRD SUPPLEMENT TO THE GIBRALTAR GAZETTE

No. 4741 GIBRALTAR Thursday 16th July 2020

B. 12/20

BILL

FOR

AN ACT to amend the Animals Act in relation to service animals.

ENACTED by the Legislature of Gibraltar.

Title.

1. This Act may be cited as the Animals (Amendment No.2) Act 2020.

Commencement.

2. This Act comes into operation on the day of publication.

Amendment of the Animals Act.

3.(1) The Animals Act is amended in accordance with the provisions of this section.

(2) In section 2(1), after the definition of “poultry” insert—

“ “relevant officer” shall have the meaning given to that term in section 5(3B);

“Service Animal” shall have the meaning given to that term in section 5(3A);”.

(3) In section 5(1)—

(a) at the end of paragraph (h), for “,” substitute “; or”;

(b) after paragraph (h), insert—

“(i) beats, kicks, wounds, ill-treats, over-rides, over-drives, injures or otherwise by doing or omitting to do any act, or causing or procuring the commission or omission of any act, causes any unnecessary suffering to a Service Animal,”.

(4) After section 5(3), insert–

“(3A) For the purposes of section 5(1)(i), an animal is a Service Animal if–

- (a) it was under the control of a relevant officer at the time of the act or omission;
- (b) it was being used by that relevant officer at that time, in the course of the officer’s duties, in a way that was reasonable in all the circumstances; and
- (c) the relevant officer is not the defendant.

(3B) In subsection (3A), “relevant officer” means–

- (a) a member of the Royal Gibraltar Police as defined in section 2 of the Police Act 2006;
- (b) a civilian police officer in the employment of the Ministry of Defence, as that term is defined in section 78 of the Police Act 2006;
- (c) a Customs Officer of Her Majesty’s Customs;
- (d) a person (other than a police officer) who has the powers of any of the persons listed in paragraphs (a) to (c) above or is otherwise employed for police purposes or is engaged to provide services for police purposes.”.

Explanatory Memorandum

This Act amends the Animals Act in relation to service animals, in order to expressly extend the offence of cruelty to any act or omission causing injury, harm or unnecessary suffering to an animal used by a relevant officer in the course of their duties.

**Printed by the Gibraltar Chronicle Printing Limited
Unit 3, New Harbours
Government Printers for Gibraltar,
Copies may be purchased at 6, Convent Place, Price. £0.30.**