

# Animals and Birds

## ANIMALS AND BIRDS RULES.

**1948-30**

**Revoked**

**Subsidiary  
1948.12.31**

Rules made under s. 26

## ANIMALS AND BIRDS RULES

**Revoked by LN. 2004/097 as from 1.10.2004**

**(1948.12.31)**

**1.1.1949**

	Amending enactments	Relevant current provisions	Commencement date
Reg. of	8.1.1949	r.15(2)	
	3.3.1949	r.11	
	2.11.1949	rr.13 and Sch.2	
	9.5.1957	rr. 7, 8 and 15(4).	
	14.1.1960	rr.2(1) and 10	
	26.7.1960	rr.22	
	19.12.1961	r.4(1)	
	10.4.1962	r.25	
	23.4.1968	r.24(1)	
	28.5.1970	rr. 3, 4, 5, 14(1) and 19	
	17.8.1970	r.3(1)	
	27.8.1970	rr. 3, 4, 5, 8, 9 and 10	
LN.	1971/008	rr. 13 and 14	
	1971/041	rr. 14 and 15	
	1972/012	r.6(1)	
	1972/029	r.15(2)	
	1975/145	rr.3(1), 4, 10(2A), 11, 15(1) and (5), 15A, 18(2) and Sch. 3	
	1978/052	rr.10(1), 15(4),17, 18 and 19	
	1979/058	r.2(2)	
	1981/062	rr.10(1), 14(2), 15(4), 17 and 18	
	1984/070	rr.24 and 25	16.8.1984
	1984/084	rr.7 and 9	1.11.1984
	1985/101	r.3(1)	19.9.1985
	1987/174	rr. 3(3), 6, 6A, 8, 10, 11, 14(2), 15(2) and (4), 15A, 17, 18(1), 18(2), 19(1), (2) and 21	1.3.1988
	1988/003	rr.3(1), 3(2), 3(3), 4(1), 4(2) and 5	1.2.1988
	1988/027	rr. 2, 4, 5, 6 and 7	1.3.1988

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	“	r. 3	1.7.1988
	“	rr.3(3), 14(2) and 15(2)	18.2.1988
1992/094		rr.6(2), 6A(1), 11, 12, 13(1), 14(1) and (2), 15(1), (2), (3) and (4), 19(1) and (2), 20, 21, 22, 23, Sch.1 and Sch.3	1.7.1992

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## ANIMALS AND BIRDS RULES. ARRANGEMENT OF RULES.

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### Rule

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2. Interpretation.

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22. *Revoked.*
23. *Revoked.*
24. *Revoked.*
25. *Revoked.*

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26. *Revoked.*

#### **SCHEDULE 1.**

Form of Register.

#### **SCHEDULE 2.**

Form of Application to register a dog.

#### **SCHEDULE 3.**

Form of Licence.

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**Title.**

1. These rules may be cited as the Animals and Birds Rules.

**Interpretation.**

2. In these rules, unless the context otherwise requires,—

“effective muzzle” means a muzzle of such size and so constructed of wire or other material as to render it impossible for the dog wearing the same to bite any person or animal, but not so as to prevent such dog from breathing freely or lapping water;

“licence” means a licence authorising the person named therein to keep a dog;

“register” means the register of dogs kept by the licensing officer;

“the Society” means the Gibraltar Branch of the Royal Society for the Prevention of Cruelty to Animals in the United Kingdom.

- (2) In these rules, only rules 7, 8 and 9 apply to equine animals.

**PART I.**  
**CONTROL OF DOGS, CATS, ETC.**

**Restriction on importation.**

- 3.(1) No animal shall be imported or brought into Gibraltar except—
  - (a) by direct shipment from the United Kingdom, the Channel Islands or the Isle of Man or from the Republic of Ireland (or via the United Kingdom in the case of animals from the Channel Islands, the Isle of Man or from the Republic of Ireland); or
  - (b) by direct entry from the Kingdom of Spain, or from Portugal; or
  - (c) from such other place as the Governor may from time to time permit, upon being satisfied that rabies is non-endemic in such place,

and in each case only upon a licence to be granted by the Chief Environmental Health Officer:

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Provided that for the purpose of preventing or controlling any outbreak of a disease occurring among animals the Governor may by means of a notice in the Gazette –

- (i) restrict in such manner as he deems necessary or prohibit the importation into Gibraltar of any animals until he is satisfied that the danger has ceased;
- (ii) impose restrictions or conditions of the kind referred to in paragraphs (b), (c), (d), (e) and (h) of section 26 of the Ordinance.

and any breach of an order, condition or rule contained in such notice shall be deemed to be a breach of these rules and subject to the same penalties.

(2) The Chief Environmental Health Officer may authorise the landing of an animal or bird imported from any place other than those mentioned in subrule (1) conditionally on such animal or bird being detained in quarantine at the expense of the owner or other person having charge of the animal or bird for a period of not less than six months, or until the animal or bird shall be removed from Gibraltar, whichever is the earlier, upon premises which shall have been previously approved in writing by the Chief Environmental Health Officer for that purpose.

(3) A person who imports or brings into Gibraltar or attempts to import or bring into Gibraltar any animal other than in accordance with a licence granted by or authority given by the Chief Environmental Health Officer is guilty of an offence and is liable on summary conviction to a fine of £400 and to imprisonment for six months.

#### **Removal, destruction and quarantine.**

4.(1) Where any animal or bird is imported or brought into Gibraltar otherwise than in accordance with a licence granted by, or authority given by, the Chief Environmental Health Officer, the Chief Environmental Health Officer may order such animal or bird to be destroyed by a Government veterinary surgeon or to be removed from Gibraltar (and to be detained in quarantine pending such removal) within such time, not being less than ten days, as may be stated in the order and if such animal or bird is not so removed within such time the Chief Environmental Health Officer may cause it to be destroyed by a Government veterinary surgeon.

(2) Notwithstanding anything contained in subrule (1) the Chief Environmental Health Officer may, in lieu of ordering such animal or bird to be removed from Gibraltar, in his discretion and on being satisfied that the fees will be paid therefor, order that it be detained in quarantine for a period of not less than six months.

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### **Import licences.**

5. The Chief Environmental Health Officer may insert in any licence granted under these rules authorising the introduction into Gibraltar of an imported animal or bird such conditions as may be considered necessary or desirable for regulating or prescribing—

- (a) the mode of introduction and the detention and isolation of the animal or bird;
- (b) the person by whom, and the premises on which, the animal or bird shall be detained and isolated;
- (c) the movement of the animal or bird to the place of detention;
- (d) the confinement of the animal or bird in a suitable hamper, crate, box or other receptacle, or the muzzling of the dog, during its movement along a highway or thoroughfare;
- (e) the mode of isolation of the animal or bird;
- (f) the notice to be given of the death or loss of the animal or bird or of any matter arising in connection with the movement, detention or isolation of the animal or bird and the persons by and to whom the notice is given; and
- (g) generally in regard to any matter which the circumstances of the case may reasonably require.

### **Control of dogs.**

6.(1) Every owner and every other person having charge of a dog shall at all times cause the dog while in or on any street or other public place—

- (a) to be kept under proper control and effectively restrained from causing annoyance to any person;
- (b) to be held by means of an effective lead;
- (c) to have its registration badge and licence disc affixed to its collar.

(2) A person who contravenes or fails to comply with the provisions of sub-rule (1) is guilty of an offence and liable on summary conviction in the case of the first conviction to a fine at level 1 on the standard scale, and in the case of a second or subsequent conviction under this rule to a fine of

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twice the amount at level 1 on the standard scale and to imprisonment for three months.

#### **Fouling of streets etc.**

6A. (1) Every owner of a dog (other than a blind person) who, without reasonable excuse, fails to remove any faeces deposited by the dog in any street or other public place, is guilty of an offence and is liable on summary conviction in the case of a first conviction under this rule to a fine at level 1 on the standard scale, and in the case of a second or subsequent conviction under this rule to a fine of twice the amount at level 1 on the standard scale and to imprisonment for three months.

(2) It shall not be a reasonable excuse—

- (a) that, at the time of the offence, the dog was in charge of some person other than the owner, or
- (b) that the person in charge of the dog did not have with him any means of the removal of the faeces.

7. *Revoked*

#### **Powers of seizure.**

8. It shall be lawful for any authorised officer to seize any animal or bird which has been or is reasonably suspected of having been exposed to the infection of rabies or which has attacked, bitten or scratched any person or animal.

9. *Revoked*

#### **Fees.**

10. (1) Where any animal or bird is detained in quarantine or otherwise under the Ordinance or these rules, the owner or other person appearing to be responsible for the animal or bird shall—

- (a) if the animal or bird is so detained in premises owned or occupied by the Society, pay such fees in respect of such detention as the Society may with the prior approval of the Deputy Governor approve; or
- (b) if the animal or bird is so detained elsewhere—
  - (i) for veterinary observation as directed by a Government veterinary surgeon, a sum of £2 for each day or part thereof;



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- (ii) by reason of it being impounded as a stray animal under section 24 of the Ordinance, a sum of £25 for the first day and £5 for each day, or part thereof, thereafter, while the animal is so detained;

- (2) Any fees received under the provisions of these rules shall be paid—
  - (a) if the detention in respect of which the fees are paid is in premises owned or occupied by the Society, to the Society; or
  - (b) if the detention is elsewhere, into the Consolidated Fund.

(2A) Fees shall become due and payable at the expiry of each day on which the animal or bird in respect of which they are incurred is detained in quarantine.

(3) If any fees payable under the provisions of these rules shall be in arrear and remain unpaid for the space of one month after the same shall have become due and payable it shall be lawful for the licensing officer or, if the animal or bird is detained in premises owned or occupied by the Society, the Secretary of the Society, to serve notice on the owner or other person appearing to be responsible for the animal or bird requiring him to pay all such fees within seven days of the date of service of the notice and, if the same shall not be paid within such time, to cause the animal or bird to be destroyed, sold or otherwise disposed of:

Provided that nothing in this paragraph contained shall be deemed to authorise the release from quarantine of any animal or bird prior to the expiration of the prescribed period of quarantine save for the purpose of its export from Gibraltar.

(4) Any money realized by the sale of any animal or bird under the provisions of this rule shall be applied in the first instance in paying the fees owed in respect of the animal or bird and in defraying all costs in connection with its sale and any balance remaining thereafter shall if not claimed within three months of the date of sale become the property—

- (a) if the animal or bird so sold was detained in premises owned or occupied by the Society, of the Society; or
- (b) otherwise of the Government.

### **Penalty for contravening Part I.**

11. A person who commits a breach of any of the provisions of this Part for which no other penalty is provided is liable on summary conviction to imprisonment for six months and to a fine at level 2 on the standard scale

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**PART II.**  
**REGISTRATION AND LICENSING OF DOGS.**

**Form of register.**

12.(1) The licensing officer shall maintain the register which shall record—

- (a) the registration;
- (b) the issue of the licence;
- (c) the expiry date of the current vaccination certificate,

of any dog to which section 10 of the Ordinance applies.

- (2) The register shall be in the form set out in Schedule 1.

**Particulars to be furnished on registration.**

13. (1) Application shall be made to the licensing officer for registration of any dog to which section 10 of the Ordinance applies in such form and including such particulars as the licensing officer may require from time to time, which form shall contain at least those matters set out in Schedule 2.

(2) The licensing officer may require the facts stated in such application, or any other necessary information, to be verified to his satisfaction and may require the applicant to produce for inspection the dog in respect of which such application is made, and in addition the import licence in cases where the dog has been imported.

**Registration badge and fee.**

14. (1) Upon registering a dog to which section 10 of the Ordinance applies the licensing officer shall assign to it an identification number and shall issue to the person by whom the dog is kept a registration badge bearing that number and any other inscription which the licensing authority may think fit.

(2) A fee of £7.50 shall be paid in respect of the registration of every dog, including the issue of a registration badge.

**Application for, form of and fees for licences.**

15. (1) Application for a licence in respect of any dog to which section 10 of the Ordinance applies, shall be made by the keeper of that dog—

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- (a) at the date of registration of the dog in accordance with rule 14;
- (b) on the 1st day of January immediately following the date in paragraph (a); and
- (c) on each subsequent 1st day of January,

and a licence shall be valid from the date of issue until the 31st day of December following:

Provided that the licence shall cease to be valid before that day if the vaccination certificate in respect of that dog expires on a date earlier than the 31st of December and no further vaccination certificate in respect of the dog valid until the 31st of December has been produced to the licensing officer.

(2) A fee of £5 shall be paid in respect of the issue of a licence, except in the case where the licensing officer is satisfied, if he so requires, by the production to him of a certificate issued by a qualified veterinary surgeon to that effect that—

- (a) in the case of a dog it has been castrated; or
- (b) in the case of a bitch it has been spayed,

in which case a fee of £1 shall be paid.

Provided that every new licence issued during the currency of a year shall be for the remaining period of that calendar year, and the licence fee payable shall bear the same proportion to the annual licence fee as the remaining period of the year bears to the whole year.

(3) A separate licence shall be issued in respect of every dog entered in the register and required to be licensed.

(4) If the licensing officer is satisfied that a licence valid at the date on which an application is made to him under this sub-rule issued in respect of a dog has been lost, destroyed or defaced, he shall, upon application being made to him in writing by the person entitled to hold the licence and on payment of a fee of £5, issue to such person a duplicate of the licence which has been lost, destroyed or defaced as the case may be.

(5) Upon issuing a licence the licensing officer shall issue to the person by whom the dog is kept a licence disc in accordance with particulars specified by notice in the Gazette.

15A. *Revoked*

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#### **Information to be given of death, etc., of dog.**

16. (1) The keeper of any dog entered in the register shall, if the dog dies or ceases to be kept in Gibraltar or is transferred to the keeping of any other person, within seven days of the happening of any of those events inform the licensing officer accordingly and in the case of the dog having died or ceased to be kept in Gibraltar, deliver to the licensing officer the registration badge issued in respect of the dog.

(2) The licensing officer may cancel the registration of any dog if he is satisfied that the dog has died or ceased to be kept in Gibraltar.

#### **Transfer of dog.**

17. When any dog ceases to be kept by the person who is recorded in the register as its keeper and is transferred to the keeping of any other person (in this rule referred to as “the transferee”), the transferee shall within seven days of the transfer notify the licensing officer accordingly and deliver up the licence issued in respect of the dog, and the licensing officer shall, upon payment of a fee of £5, enter the name and address of the transferee in the register and in the licence and shall return the licence to him.

#### **Re-registration when badge lost.**

18. (1) If the licensing officer is satisfied that the registration badge of any dog has been lost or destroyed, he shall, upon payment of a fee of £5 and delivery to him of the licence issued in relation to that dog –

- (a) cancel the registration of the dog;
- (b) register the dog again with a new identification number;
- (c) issue a registration badge bearing that number;
- (d) after recording that number in the licence, return the licence to the person entitled thereto.

(2) If the licensing officer is satisfied that the licence disc of any dog has been lost or destroyed, he shall, upon payment of a fee of £2 and delivery to him of the licence issued in relation to that dog, issue a duplicate licence disc.

#### **Fees for inspection and copies of register.**

19. (1) A fee of £2 shall be paid for inspection of the register:

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Provided that the Chief Environmental Health Officer, an authorised officer and any justice may inspect the register without payment of a fee.

(2) A fee of £3 shall be paid for a certified copy of an entry in the register:

Provided that the Chief Environmental Health Officer, an authorised officer or a justice shall be furnished with such copy without payment of a fee.

### **Information to be provided to the Chief Environmental Health Officer.**

20. The licensing officer shall inform the Chief Environmental Health Officer and shall provide to him details of—

- (a) any application for a licence to which section 10(1) of the Ordinance applies where such application is not accompanied by a vaccination certificate in respect of the dog;
- (b) any licence which expires before the 31st day of December in any year and where no new vaccination certificate in respect of the dog so licensed is produced;
- (c) any licence which expires on the 31st day of December in any year and is not renewed unless the licensing officer will have exercised his powers under rule 16(2).

### **Penalty for contravening rules.**

21. A person who—

- (a) refuses or neglects to furnish to the licensing officer within the time prescribed by these rules any particulars, information or notification required by these rules to be so furnished, or knowingly furnishes any such particulars, information or notification, which are false; or
- (b) refuses or neglects to deliver to the licensing officer within the time prescribed by these rules any licence or registration badge required by these rules to be so delivered

is guilty of an offence and is liable on summary conviction to a fine at level 1 on the standard scale.

## **PART III. PROTECTION OF BIRDS.**

22. *Revoked*

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23. *Revoked*

24. *Revoked*

25. *Revoked*

### **PART IV. HORSES.**

26. *Revoked.*

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## ANIMALS AND BIRDS RULES. SCHEDULE 1.

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Rule 12.

### FORM OF REGISTER.

Dog Register No.	Licence Number	Registered Owner and/or Keeper Name, Address	Date of Registration or transfer	Vaccination Certificate number	Date of expiry of vaccination Certificate	General Description of Dog	Remarks

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**SCHEDULE 2.**

Rule 13.

**FORM OF APPLICATION TO REGISTER A DOG.**

To the Licensing Officer,

Please register the dog of which the particulars are given hereunder.

Name of Owner and/or Keeper.

Address.

Description of Dog: Breed . Sex  
Colour . Age

Origin of dog  
(*State whether imported or born in Gibraltar.* )

(*If imported state Import Licence number and date of issue.*)

Dated this                    day of                    20   .

Applicant.



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SCHEDULE 3.

Rule 15.

FORM OF LICENCE.

DOG LICENCE ISSUED UNDER THE ANIMALS AND BIRDS  
ORDINANCE.

Licence is hereby granted to .....  
residing at .....  
to keep the dog described hereunder .....  
Dog registration number .....  
Description. ....  
Vaccination Certificate number. ....  
Expiry date of vaccination Certificate. ....  
This licence expires on the 31st December, 19    or on the expiry date of the  
vaccination certificate, whichever is the earlier.

Dated this                    day of                    , 20

Licensing Officer.

fee paid £5/£1 (delete as appropriate).