



Isle of Man

Ellan Vannin

DOGS (AMENDMENT) BILL 2011

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Explanatory Memorandum

1. This Bill is promoted by the Department of Environment, Food and Agriculture (referred to in this Memorandum and in the amendments made by the Bill as “the Department”). It makes minor amendments to the Dogs Act 1990 (“the 1990 Act”) either clarifying the effect of that Act or effecting deregulatory changes.
2. Clauses 1 and 2 make provision about the resulting Act’s short title and commencement.
3. Clause 3 introduces the amendments.
4. Clause 4 amends section 1 of the 1990 Act to make it clear that an order under section 1(2) may provide an exemption from duty, or provide a lower rate of duty, in the case of a dog which is fitted with an electronic transponder (commonly referred to as “a microchip”).
5. Clause 5 substitutes a new section 2 of the 1990 Act to provide greater flexibility in the granting of exemptions.
6. Clause 6 extends the power in section 24 of the 1990 Act to enable byelaws about dog fouling to apply to car parks, cemeteries and churchyards.
7. Clause 7 amends Schedule 1 to the 1990 Act so that the Department may simply specify the colour of a tag to be worn by a licensed dog rather than prescribing that colour by means of an order approved by Tynwald.
8. Clause 8 makes minor consequential amendments and removes spent provisions in other enactments.
9. The Bill has no financial implications.
10. In the opinion of the member moving the Bill (Mr. Gawne MHK) its provisions are compatible with the Convention rights within the meaning of the Human Rights Act 2001.



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1 A **BILL** to amend the Dogs Act 1990; 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:—

2 **1 Short title**

3 The short title of this Act is the Dogs (Amendment) Act 2012.

4 **2 Commencement**

5 (1) This Act, other than section 1 and this section, comes into operation on
6 such day or days as the Department of Environment, Food and
7 Agriculture (“the Department”) may by order appoint.

8 (2) An order under subsection (1) may contain such incidental, transitional
9 and transitory provisions as the Department considers appropriate.

10 (3) Before making an order under subsection (1) the Department must
11 consult the Department of Infrastructure.

12 **3 Amendment of the Dogs Act 1990**

13 The Dogs Act 1990¹ is amended as follows.

14 **4 Section 1 (licences) amended**

15 After section 1(3) insert—

16 “(3A) An order under subsection (2) may provide an exemption from
17 duty, or prescribe a lower rate of duty, in respect of a dog into
18 which an electronic transponder has been implanted.”.

19 **5 Section 2 (exemptions) substituted**

20 For section 2 substitute—

¹ c.16

1 **“2. Exemptions**

2 | No duty is chargeable under section 1 in such circumstances (which may
3 | relate either to the dog or its keeper) as the Department may specify by
4 | order.”.

5 **6 Section 24 (byelaws) amended**

6 (1) Section 24 is amended as follows.

7 (2) In subsection (4)—

8 (a) at the end of paragraph (b) the word “or” is repealed;

9 (b) at the end of paragraph (c) add “or”; and

10 (c) after that paragraph add—

11 | “(d) a specified car park;”.

12 (3) In subsection (5) after “open space” (in both places) insert “or car park”.

13 (4) In subsection (6)—

14 (a) for “(4)(b) or (c)” substitute “(4)(b), (c) or (d)”; and

15 (b) for “specified open space or beach” substitute “specified open
16 space, beach or car park”.

17 (5) In subsection (7)—

18 (a) before the definition of “open space” insert—

19 | “ “**car park**” means a place where vehicles of any class may wait;”;

20 (b) for the definition of “open space” substitute—

21 | “ “**open space**” includes—

22 | (a) any land laid out for sport, play or recreation (whether
23 | public or not);

24 | (b) any land laid out as public walks or as pleasure grounds;

25 | (c) any land used as a cemetery (whether public or private) or
26 | as a churchyard;

27 | and any part of such land, but does not include land to which the
28 | public have access and which is vested in, or managed or
29 | controlled by, the Department.”.

30 (6) After subsection (10) insert—

31 | “(10A) Before approving byelaws under this section, the Department of
32 | Infrastructure must consult the Department.”.

33 **7 Paragraph 5 of Schedule 1 (token issued with a licence) amended**

34 (1) Paragraph 5 of Schedule 1 is amended as follows.

35 (2) For sub-paragraph (1)(c) substitute—

1 | “(c) of the colour specified by the Department for each year in
2 | respect of which dog licences are issued.”.

3 | (3) In sub-paragraph (2) for “prescribed” substitute “specified”.

4 | **8 Minor amendments, repeal and revocation**

5 | (1) In section 7(9)(a) omit “of Environment, Food and Agriculture”.

6 | (2) In section 27A(6)(a) omit “of Environment, Food and Agriculture”.

7 | (3) In section 28(4) for “the Department” substitute “the Department of
8 | Infrastructure”.

9 | (4) In section 30 for the definition of “authorised officer” substitute —

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

15 | (5) In consequence of subsections (1), (2) and (4), and section 6(5)(b) above —

16 | (a) section 5(1)(ix)(a) of the Dogs (Amendment) Act 2006², to the
17 | extent that it inserts a definition of “authorised officer” in section
18 | 30 of the Dogs Act 1990, is repealed; and

19 | (b) paragraph 38 of Part 1 of Schedule 3 to the Transfer of Functions
20 | (New Departments)(No. 2) Order 2010³ is revoked.

² c. 9.

³ SD 155/10.

IN THE KEYS

DOGS (AMENDMENT) BILL 2011

A **BILL** to amend the Dogs Act
1990; and for connected
purposes.

Approved by the Council of Ministers
for introduction in the House of Keys.

MR GAWNE MHK

NOVEMBER 2011