



GOVERNMENT OF BERMUDA

Department of Environment and Natural Resources

Information on the DOGS ACT 2008

Aspects of the new legislation that you should know



**THIS IS NOT A LEGAL DOCUMENT, AND IS NOT INTENDED TO REPLACE THE LEGAL
ADVICE YOU WOULD RECEIVE FROM THE COUNSEL OF YOUR CHOICE.**





THE DOGS ACT 2008

The new legislation replaces the Dogs Act 1978. This booklet highlights aspects of the new Act, responsibilities of dog owners and the powers conferred upon enforcement officers.



OBTAINING A NEW DOG

Dogs must originate from a legitimate source specified in the Dogs Act 2008, being either:-

- a) a litter born in Bermuda under the authority of a breeder's licence;
- b) importation into Bermuda under an import permit;
- c) a programme approved by the Department, i.e. adoption from the SPCA; or
- d) adoption from the Department.

A dog originating elsewhere may be seized, regardless of how you obtained it and how long you have owned it.

If you wish to obtain a dog from another person locally (i.e. a breeder, seller or transfer from previous owner), the animal should come with a valid licence. If the previous owner cannot provide you with a valid licence, then the legality of the dog must be questioned, and you should not accept the dog.

Acquisition of a prohibited or restricted breed dog requires pre-approval. Properties housing these dogs must be able to securely house the animal by the presence of fencing or an enclosure. The fencing or enclosure must comply with rules & processes of the Department of Planning.



DOG LICENCES

EVERY dog in Bermuda, whether it is a puppy or an adult, is required to have a dog licence unless specifically exempted by law. The owner/keeper of a dog must be at least 18 years of age, and it is the owner's/keeper's responsibility to obtain & hold a valid dog licence for the dog.

OBTAINING A DOG LICENCE



An initial dog licence can only be obtained at the Department of Environment and Natural Resources located in the Botanical Gardens, Paget.

If you imported your dog or adopted it from the local SPCA shelter, you must obtain the initial dog licence from the Department.

If you obtained your dog from another person locally (i.e. a breeder, seller or transfer from previous owner), the animal should come with a valid licence (tag and current receipt). If the seller / breeder / transferor cannot provide you with a valid licence, the legality of the dog must be questioned, and you should not accept the dog.

The dog owner will be issued a permanent dog licence tag bearing an engraved identification number. This identification number assigned to a dog stays with your pet throughout its life, even if the animal is sold or gifted to a new owner. The number cannot be transferred to another dog. The tag is to be displayed on the dog's collar or harness while in public.

Renewals of a dog licence may be obtained at any post office, via mail or at the Department. As a courtesy, the Department will send a renewal notice by mail. You may take the notice, along with appropriate payment, to any post office or the Department's main office.

The dog licence fee is far less expensive for a spayed/neutered dog than for an intact dog. Present a veterinary spay/neuter certificate to benefit from the lower fee.

The Dogs Act 2008 empowers the Department of Environment and Natural Resources to collect retrospective unpaid dog licence fees from the owner of record.



MICROCHIPS

A microchip provides a means of positive identification of an individual animal, and is used to identify a stray animal, as well as to match a travelling animal to travel documents. Under the Dogs Act 2008, ALL dogs resident in Bermuda are required to be identified by a microchip and that microchip be registered with the Department.

OBTAINING A MICROCHIP

You may have your animal microchipped at any veterinary practice. Animals adopted from the Bermuda SPCA are usually microchipped before you take possession of the animal. The microchip must be registered at the Department.

You can have the presence and functionality of the dog's microchip verified at your next veterinary visit.

NOTE: Microchipping an illegal dog does not make the dog legal.

MICROCHIP REGISTRATION

The Department of Environment and Natural Resources holds the central microchip registry for Bermuda. While the animal owner is responsible to ensure registration, staff at the veterinary facilities or SPCA will usually forward registration information on behalf of the animal owner. The owner is responsible for ensuring address and ownership changes are reported to the Department.

Local microchip registration does not extend overseas. If your animal frequently visits or permanently moves abroad, you may wish to register the microchip in that foreign country.

TRANSFER OWNERSHIP OF A DOG

If a dog is to be transferred from one owner to another, the transferor (first owner) must notify the Department within 14 days of the transfer of ownership. This includes providing the name, address and contact information of the new owner and the dog's licence number.

Under the legislation, the owner of record remains responsible for unpaid fees. Thus once you no longer own the dog, you should ensure the animal is no longer registered to you.

DEATH OR RELOCATION OVERSEAS

To be better aware of the dog population in Bermuda, the Dogs Act 2008 requires the owner of a dog to notify the Department, within 14 days, should the dog die or be moved permanently overseas.

LEGITIMIZING AN ILLEGAL DOG

A legal dog will have originated from a source specified in the section entitled "Obtaining a new dog". If your dog was not from one of these sources, it is an illegal dog. It may be eligible for legitimization when the owner completes the legitimization process:



- Illegal dogs of a prohibited breed (including crosses thereof) are NOT eligible for licensure, nor are they eligible to remain in Bermuda. Owners of these animals must arrange to export or euthanize the animal.
- Illegal dogs of a restricted breed (including crosses thereof) are eligible to be considered for legitimization. Owners must:
 - Apply for legitimization of the animal. Fee applies.
 - Have a fenced yard/area/enclosure (minimum of 60 square feet / 5.6 square metres), approved by the Department of Planning. The fence must be able to keep the animal securely within the contained area. The site must be inspected & approved by an Animal Warden;

- If the animal has a history of causing bodily injury, the circumstances of the injury will be probed to determine whether the animal should remain in Bermuda and how it may be kept;
- Provide and maintain insurance against injury caused by the animal (at the Director's discretion);
- Have the animal microchipped and licensed.
- Illegal dogs of a breed that is neither prohibited nor restricted are eligible to be considered for legitimization. Owners must:
 - Apply for legitimization of the animal;
 - If the animal has a history of causing bodily injury, the circumstances of the injury will be probed to determine whether the animal should remain in Bermuda and how it may be kept;
 - Have the animal microchipped and licensed. Fees apply.



BREEDING

There are important changes in the legislation regarding breeding of dogs.

Under the Dogs Act 2008, dog owners are required to obtain a Breeder's Licence to breed a female dog, keep a pregnant dog or raise a litter. Owners must obtain a Breeder's

Licence prior to the mating and so must apply to the Department in advance of the dog's heat cycle to comply with the law. Each Breeder's Licence has standard conditions attached to it, and additional conditions may be attached to an individual Breeder's Licence to address specific circumstances.

It is the owner's/keeper's responsibility to keep an intact female dog in a manner such that accidental breeding does not occur.

BOARDING

A special permit is also required to board a dog in exchange for a fee.

BROKERING

A special permit is required to act as a broker in the sale of a dog, but only if you actually take possession of the dog at any point during the sale transaction. If you arrange the sale of a dog but never take possession of it, then no special permit is required.

GUARDING

A special permit is required to train or keep a dog for guard duties other than the guarding of your own premises. A person conducting security services will require a licence under the Private Investigators & Security Guards Act 1974, and should contact the Bermuda Police Service for details of that licence.

KEEPING MULTIPLE DOGS

Prior written permission from the Department of Environment and Natural Resources is necessary whenever a total of three or more dogs reside at a single premises, inclusive of all dogs at all households on the premises. A Multiple Dog permit is specific to the individual dogs covered and the premises to which it applies. Each dog on the permit must be microchipped and licensed.

DOGS IN PUBLIC PLACES



Every dog in a public place must be on a leash, in a carrier or otherwise constrained, or in a designated off-leash area. The animal must be accompanied by a person capable of maintaining effective control of it. The dog must also display the licence tag issued for that dog.

Dogs are not permitted on public beaches from April 1 through October 31 each year. They are permitted on adjacent sand dunes and grassy areas throughout the year.

You must collect your dog's faeces from property that is not your own and dispose of it in a reasonable manner.

LOST OR MISSING DOG?

Report your lost or missing dog to the Animal Wardens and the SPCA. Also check with the nearby veterinary facility in case the animal had been taken there. A stray animal must be held for only four days, after which the dog could be disposed of and you will lose all legal rights to your dog. You must claim your dog and pay appropriate costs (if any) within four days.

FOUND A STRAY DOG?

A person who finds a stray dog may seize it and must either—

- return the dog to its owner or keeper;
- take the dog to the Department, SPCA or a police station; or
- notify the Director that he/she is in possession of a stray dog, and ensure that the animal is properly cared for while in his/her possession.

REPORTING INJURY

Any person who has information regarding a dog bite incident must report such to the Department. Professional people and officers who learn of or suspect a dog bite incident in the course of their duties, are legally obligated to report such cases to the Department. Such persons include human health care workers, educators, social workers, youth care workers, clergy, veterinary caregivers, groomers and trainers. The identity of the reporter remains confidential.

COSMETIC SURGERY

Cosmetic and medically unwarranted surgery (other than spay & neuter) upon a dog is prohibited.

DOGS TRIBUNAL

The Dogs Act 2008 establishes a Dogs Tribunal, which will hear appeals from dog owners aggrieved by decisions made by the Department regarding a licence, a dog control notice or a civil penalty.

PROHIBITED AND RESTRICTED BREEDS

The legislation establishes breeds for which the importation, breeding and keeping are regulated. Prohibited breeds may not be imported, bred or used in breeding. Restricted breeds may be imported and kept once the applicable requirements have been fulfilled.

Lists of prohibited and restricted breeds are found at www.gov.bm/regulations-pertaining-animals-island.

YOUR OBLIGATIONS AS A DOG OWNER/KEEPER

In addition to the items previously listed, you have further obligations as the owner or keeper of a dog:

1. You shall not leave a dog unattended on any premises unless the dog —
 - has access to drinking water;
 - has reasonable shelter against the sun, wind and rain;
 - is able to move freely within an area that is at least eighteen square feet; and
 - if tethered, the chain does not exceed 1/4 inch thickness.
2. You shall not keep or leave a female dog which is in oestrus (“in heat”), in a place or manner which will permit unintentional breeding.
3. You shall not allow your dog to cause fear or apprehension.
4. You may not use the following collars, harnesses or items, the use of which is illegal:
 - Spiked collar, spiked harness, or a collar or harness that could reasonably pose a danger to persons or other animals; or
 - Other item that has been made or adapted for an offensive purpose.
5. You must not leave a dog locked inside of a motor vehicle or vessel.
6. You may not obstruct an Officer in the execution of his duties.
7. You are required to give your personal details, the particulars of a dog and of its owner, when requested by an Officer in execution of his or her duties.

OFFENSIVE ACTIONS BY DOGS

The following actions by a dog will make the keeper liable for an offence:

- Cause death or injury to a person or animal;
- Cause damage to the personal property of another person;
- Cause damage to a crop, plant or other vegetation the property of, or under the care of, another person;
- Strays off the property of the keeper;
- Repeatedly makes noise to the annoyance of one or more persons in the neighbourhood;
- Defecates on the property of another person and the keeper fails to collect the faeces and dispose of it in a reasonable manner; or
- Repeatedly soils, with urine or faeces, property of, or under the care of, another person without that person's consent.



GENERAL PENALTY



The general maximum penalty for offences against this Act is \$10,000 for a first offence, and \$20,000 for subsequent offences. In addition to criminal penalties, an offender may be liable for civil penalties.

In respect of a dog deemed to be dangerous, a Court may order how the dog is to be kept in the future or may order the destruction of the dog. A Court may impose conditions on the keeping of your other dogs as well.

ENFORCEMENT REGIME

For more efficient enforcement, the Dogs Act 2008 establishes a regime of progressive tools for enforcement officers. Depending on the nature of the offence and history of the owner, an officer may issue either of the following:

- A dog control notice;
- A civil penalty;
- A ticket;
- A summons for a court appearance.

A dog control notice can require the dog owner to remedy how a dog is being kept, to avoid a future offence. A dog control notice carries no penalty, however failing to act on the notice does carry a penalty.

Civil penalties may be applied to lesser offences against the Act. Civil penalties carry no criminal conviction.

A ticket works similarly to those issued for traffic or parking offences. This allows for an out-of-court settlement if the accused person chooses such.

A court appearance is for the most serious of offences, and for those defendants that are chronic offenders. This is presented as an option of last resort to minimize the impact on the judiciary.

ENFORCEMENT AUTHORITY

Officers of the Department are required to enforce the Dogs Act 2008 as well as other legislation pertaining to animals. Together these Acts empower the officers to obtain and execute warrants, enter premises housing animals at all reasonable hours, seize and hold animals, microchip dogs, request identification of persons connected to animals and to issue legal notices to persons suspected of offences.

Contact information

Animal Wardens

Dept. of Environment and Natural Resources
Botanical Gardens, Paget
236-4201 or 239-2327

After-hours emergencies,
contact the Police Service

www.gov.bm/animals - animals@gov.bm

SPCA

32 Valley Road, Paget
236-7333

Police

For emergencies only
295-0011



GOVERNMENT OF BERMUDA

Department of Environment and Natural Resources