



MAGISTRATE'S COURT

FALKLAND ISLANDS

MC/CIV/10/12

ROYAL FALKLAND ISLANDS POLICE

Applicant

V

DIANNE FREEMAN

Respondent

Summary of Proceedings and Decision

On 28th March 2012 the Magistrate's Court heard a civil complaint brought by the RFIP against Dianne Freeman under the provisions of the Dogs Ordinance 1944.

On 17th February 2012 a jogger, Lauren Grant, who had been running past the property of Mrs Freeman and her husband Carl, had been attacked by a dog, Jim, who was owned by their daughter but had been staying with them since December 2011.

Ms Grant had sustained a very unpleasant injury to her leg which it was felt would leave a permanent scar.

As a result the police had made a complaint to the Court claiming that the dog was "dangerous and not kept under proper control" and requesting that the Court make an order that the dog be destroyed or alternatively that it be kept under proper control.

The Senior Magistrate, Carl Gumsley, made it clear that this was not a case about punishing an owner or keeper for letting their dog bite someone as there was no such specific legislation in the Falkland Islands. He said that this was a civil case about the position now, brought under an Ordinance which was nearly 70 years old and which itself had seemingly been based on a UK Act from 1871.

The Senior Magistrate said for an order the Court had to be satisfied that not only was the dog dangerous but also that as of the time the case was actually heard the dog was not being kept under control.

The Court heard evidence that Jim was now always tethered on a secured running lead when outside the house. The Court was also told that Mr and Mrs Freeman were seeking planning permission for a much more secure fence around the property to ensure that Jim could not escape again. They also heard from PC Moorhouse who had visited the property recently and had found Jim securely tethered and who accepted that he had no evidence that as of now Jim was not under proper control.

The Senior Magistrate said that the Court did find that the unprovoked nature and severity of the attack was such so as to leave little doubt that Jim was dangerous but that the evidence before the Court was that Jim was now under proper control and so the Court had no power to make any order at all.

The Senior Magistrate commented about the proper attitude that the Freeman's had displayed after the incident, attending the hospital and trying to assist Ms Grant, going to the police themselves and taking steps to try and prevent any repetition. He also said that although the Court had no power to actually order anything in this case he hoped that the Freeman's intention to properly secure the fencing around their property would continue as quickly as possible.