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# IF YOUR DOG BITES SOMEONE, IT COULD COST YOU DEARLY

**Rustenburg** – South Africa has an unusually high incidence of serious dog attacks. One of the reasons for this is, due to the high crime rate, large breed dogs have become popular and many dogs are trained to be aggressive for security purposes. Important legal responsibilities apply to people who own dogs. The Animals Protection Act No. 71 of 1962 is very specific about what constitutes the proper care and treatment of dogs by the owner, and under what circumstances the owner can be criminally charged should he/she fail to properly care for and

treat his/her dogs.

The focus in this article is limited to the responsibility borne by the owner of a dog to ensure that the public is not harmed by the dog. Public areas such as residential roads are specifically dealt with here. The Animal Matters Amendment Act No. 42 of 1993 states that the owner of a dog can be criminally charged if his/her dog injures or kills a person due to the negligence of the owner.

## WHAT CAN YOU EXPECT IF YOUR DOG ATTACKS A PERSON IN THE STREET?

It is not uncommon in Rustenburg to see dogs either roaming the streets unattended or running out of an open gate into the street when people leave or return home. Dog owners are strongly advised to prevent this from happening by whatever means is necessary in order (a) not to jeopardise the safety of people walking in the streets, (b) to avoid huge claims by people who are bitten by their dog and/or (c) to avoid being criminally charged.

Courts may additionally order, in certain situations, that (a) a dog can be removed from an owner and put down and (b) that a person can be prohibited from owning a dog for a certain period of time. Judgements handed down by South African courts in cases where a person is bitten by a dog in a public area have shown that the owner of a dog that bites and injures a person in a public space has surprisingly limited legal protection.

If a person is attacked and injured by a dog in a public area (e.g. public streets), the owner may be held liable for paying compensation without the injured person having to prove that the owner was negligent or that the dog was under the owner's control when the attack occurred (this is called "strict liability": liability without fault).

This means that, irrespective of whether the owner of the dog was negligent or not, the owner can still be held liable for the damage caused by his or her dog. That is, liability is based on mere ownership of the dog and not necessarily on the negligence of the owner.

In order for a person who is bitten in a public area to be successful in claiming damages, he or she would have to prove the following:

- That the dog that caused the damage is, in fact, owned by the person being sued and
- That the dog 'acted contrary to its nature'.

Domesticated dogs live in the company of people and it is, thus, expected that they are not a threat to people. If a dog attacks a person for no reason, the dog then acted contrary to the nature of a domesticated dog and the owner could be liable. Clearly, if the dog is teased or provoked in any manner, or if it needed to defend itself and it then bites a person, it would be difficult for the person who was bitten to be successful in a claim against the owner.

Keep your dog out of the streets at all times unless it is on a leash and is completely under your control.

## WHAT CAN YOU DO IF YOU ARE THREATENED OR BITTEN BY A DOG IN THE STREET?

If you or, perhaps a person who works for you, is injured by a dog in the street or other public area and you intend claiming damages from the dog's owner, it is advisable to employ the services of a legal firm that specialises in personal injury claims because these cases can be complicated.

**Lastly, if there is a dog in your neighbourhood that you feel poses a threat to you or the public in general, you should contact Public Safety on 014-590 3221 or 014-590 3111.**

\* DSC Attorneys, a legal firm that specialises in personal injury cases, is gratefully acknowledged as the major source of information and advice for this article.



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[qeqesha.finances@gmail.com](mailto:qeqesha.finances@gmail.com)



## INFO PERSONNEL

Tel: 014 592 1791/4

Address: 40A Heystek Street, Rustenburg  
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