



Court of Magistrates (Gozo)
AS A COURT OF CRIMINAL JUDICATURE

Magistrate Dr. Jean Paul Grech B.A., LL.D
M.Juris (Int. Law), Adv. Trib. Eccl. Melit

JUDGEMENT

Today, Thursday the twenty-second (22nd) of May 2025

Case Number 518/2023

The Police

(Superintendent Bernard Charles Spiteri)

VS

Gils Bert Coppoolse

The Court,

Having seen the charges brought against **Gils Bert Coppoolse**, son of Peter Coppoolse and Elly nee Rouw, born in the Netherlands on the twenty-ninth (29th) March 1981 and residing at Olympica Court, Flat 1,

Triq ir-Ramla, Nadur, Gozo holder of Maltese identity card number 59250(A) for having on the twenty-seventh (27th) of May 2023 at about quarter to three in the afternoon (14:45hrs) in Triq Sant' Indrija, Xlendi, Gozo in front of Diamond Restaurant, Xlendi, Gozo:

(1) kept a dog aged six months or more without a licence issued in accordance with the Dogs Act;¹

(2) failed to keep his dog under control;²

(3) also on the same date, time, place and circumstances, either by negligence, by lack of skill, or by not following regulations caused injuries of slight nature on Kenneth Gorman.³

Having seen that the case was assigned to this Court as presided following an order dated nineteenth (19th) day of February 2024 issued by the Chief Justice in terms of Article 11(3) of Chapter 12 of the Laws of Malta and Article 520 of Chapter 9 of the Laws of Malta;

Having seen the evidence compiled, the documents exhibited and all acts of the proceedings;

Having heard the evidence;

¹ Article 3(1) of Chapter 312 of the Laws of Malta.

² Article 14(1) of Chapter 312 of the Laws of Malta.

³ Article 226(1)(c) of Chapter 9 of the Laws of Malta.

Having heard the final submissions of the parties;

Considers;

The facts of the case are as follows: on the twenty-seventh (27th) May 2023, Kenneth Gorman filed a Police report claiming that he had been bitten by a dog whilst walking in front of the Diamond's Restaurant situated in Xlendi. Gorman suffered slight injuries and had to be treated at the Victoria Health Centre. The Police established that the dog belonged to a certain Gijs Bert Coppoolse. On being spoken by the Police, Coppoolse claimed that his dog had never bitten anybody before. He also confirmed that the dog was not chipped.

Considers;

A. The First (1st) & Second (2nd) Charges

With reference to these two charges the defence pleaded that these two charges are time-barred. The Court will therefore deal with this plea first.

In terms of article 17 of Chapter 312, the punishment which is to be imposed - in case of a finding of guilt – vis-à-vis these first two charges is an ammenda which does not exceed eleven euros and sixty-five cents

(€ 11.65). This means that these two offences are to be classified as contraventions.

In terms of article 688(f) of Chapter 9, the accused had to be notified with the charges within a three-month time window from the date of the alleged incident.

From the records of the case it results that the accused was notified with the charges on the twenty-fifth (25th) August 2023⁴ and therefore he was notified within the time-period established by law. **Therefore, the plea of prescription raised by the defence is being rejected.**

Going onto the merits of the case, in the first (1st) charge, the Prosecution is claiming that the accused was keeping a dog aged six months or more without a licence issued in accordance with the Dogs Act. In terms of article 4(1) of Chapter 312, licences to keep dogs are issued by the Commissioner of Police. Therefore, the Prosecution was under an obligation to summon a Police Officer from the Office which handles such licences so that this witness would confirm whether a licence to this effect had been issued to the accused. The Prosecution failed to summon this witness and consequently the required information was not provided. Only a representative from the Animal Welfare Department was summoned. He confirmed that the accused did not have any dogs registered under his name. However, in terms of

⁴ Refer to order of service at fol. 6 of the acts.

the Dogs Act the relative licences are not issued by the Animal Welfare Department but by the Police Commissioner. Hence, the testimony given by the representative of the Animal Welfare Department is not sufficient to prove this charge. Consequently, the Court will be acquitting the accused of this charge.

As regards the second charge, from the evidence submitted it is clear that at the time the incident occurred the accused was responsible for the dog. The dog was with him and the accused did at no point reject this claim when testifying. The incident happened just as the parte civile was walking past this dog. It appears that all of a sudden the dog just freaked out and bit the parte civile. The mere occurrence of this fact is in itself a confirmation that the accused was not keeping the dog under control. The Court has its doubts whether the dog had really been on a leash at the time of the incident as claimed by the accused in his testimony. Had it really been the case, the Court believes that the accused would have certainly been in a position to restrain his dog as soon as he saw it attack the parte civile. Hence this charge has been proved.

- **The Third (3rd) Charge**

For a finding of guilt vis-à-vis this third charge the Prosecution had a two-fold obligation: (a) to prove negligent conduct on the part of the

accused; **and** (b) to prove that this negligent conduct precipitated this accident.

From the evidence submitted, at the point in time the incident occurred the accused and his dog were in a public place – they were in Xlendi. The accused explains that the dog had a muzzle but it was not properly tied up. He testifies that: *“He (with reference to the dog) also wears a muzzle but because it was very hot, the muzzle is a little bit open so he could drink and breathe better.”*⁵ Since the dog had a muzzle, it is evident for the Court that the accused was aware that potentially the dog could be temperamental or dangerous to other persons. Otherwise, he would not have taken out his dog with a muzzle. The Court considers that since the dog was in a public place, the muzzle had to be properly secured to the dog’s mouth. The fact that the accused failed to properly secure the muzzle to the dog’s mouth is a clear indication that the accused had not taken proper precautions to avoid potential incidents. He was therefore negligent. Indeed, had the muzzle been properly secured, this incident could have been avoided entirely; the victim would not have been bitten as he passed by. It is also clear that as a direct result of this attack, the parte civile suffered slight injuries. This as confirmed by the Dr James Sammut in his sworn declaration.⁶

⁵ Fol.37 of the acts of the case.

⁶ Fol. 30 of the acts of the case.

Although in his testimony the accused claims that the whole incident was precipitated by the fact that the victim had stepped on his dog and the dog had reacted to this, the Court does not consider this version to be credible. This because when the accused gave his version to the Police shortly after the incident, he did not in any way suggest that the victim had stepped on his dog. He just expressed astonishment as to what had happened because the dog had never been aggressive in any way. The Court considers that had it really been true that the victim had stepped on the dog, the accused would have mentioned it to the Police there and then as it was in his interest to do so to avoid Court action. The Court therefore is convinced that the victim did not do anything which precipitated this incident as alleged by the accused. Hence, the Court will also be pronouncing guilt as regards this charge.

- **Decide**

Consequently, for the reasons outlined above the Court:

- (a) **is not finding the accused guilty of the first (1st) charge** and is acquitting him from this charge;
- (b) after having seen articles 14(1) and 17 of Chapter 312 of the Laws of Malta and articles 17, 225 and 226(1)(c) of Chapter 9 of the Laws of Malta **is finding the accused guilty of the second (2nd)**

and third (3rd) charges and is condemning him to a **fine (ammenda) of one hundred euro (€ 100).**

Since no evidence was submitted as regards the damages sustained by the parte civile as a direct result of this incident, the Court is rejecting the Prosecution's request to apply article 15A of Chapter 9 of the Laws of Malta.

Finally, since this appears to have been just a one-off incident with minimal consequences, **the Court will not be ordering** that the dog be put to sleep in terms of article 14 of Chapter 312.

(sgd.) Dr. Jean Paul Grech
Magistrate

(sgd.) Diane Farrugia
Deputy Registrar

True Copy

For The Registrar