



ANALYSIS

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 1992, No. 4

An Act to amend the Dogs Registration Act 1986

(22 September 1992)

BE IT ENACTED by the Parliament of the Cook Islands in Session assembled, and by the authority of the same as follows:

1. Short Title - This Act may be cited as the Dogs Registration Amendment Act 1992 and shall be read together with and deemed part of the Dogs Registration Act 1986 (hereinafter referred to as "the principal Act").

2. Dog control officers - Section 5 of the principal Act is amended by repealing subsection (2).

Price \$1.00

3. Dog Control Committee - The principal Act is amended by inserting after section 5 the following new section:

"5A. Dog Control Committee - (1) There shall be a Dog Control Committee to be appointed by the Minister which shall consist of the following persons:

- (a) a member of the Police who shall be Chairman;
- (b) an employee of the Agriculture Department;
- (c) a member of the Society for the Prevention of Cruelty to Animals (SPCA);
- (d) a member of the Chamber of Commerce;
- (e) a member of the Koulu Nui.

- (2) The functions of the Committee shall be to make recommendations to the Minister in respect of dog control measures.
- (3) The Committee shall meet at such times and place as the Chairman shall determine and may regulate its own procedure.
- (4) The terms and conditions of each member's appointment including remuneration shall be as prescribed."

4. Application for registration - Section 7 of the principal Act is amended by:

- (a) repealing subsection (1) and substituting the following subsection:
"(1) Except as provided in subsection (2) every person who owns a dog shall register that dog;"
- (b) repealing subsection (2) and substituting the following subsection:
"(2) Every dog shall be registered after the dog has attained the age of 4 months and before that dog has attained the age of 5 months;"
- (c) repealing subsection (3);
- (d) deleting paragraph (b) from subsection (4) and inserting the following paragraph:
"(b) shall be accompanied by a veterinary certificate verifying that the dog has been neutered;"
- (e) adding to subsection (4) the following paragraph:
"(c) shall be accompanied by a registration fee of \$60.00 in respect of a female dog and \$50.00 in respect of a male dog."

5. Offence failing to register a dog - (1) Section 9 of the principal Act is amended by repealing subsection (1) and substituting the following subsection:

"(1) Every person commits an offence and is liable on conviction to a fine not exceeding \$500.00 who owns or keeps any dog unless the dog is registered in accordance with the provisions of this Act."

(2) Section 9 of the principal Act is further amended by deleting from subsection (2) the word "impound" and substituting the word "destroy".

6. Registration of impounded dog - Section 10 of the principal Act is repealed and the following section substituted therefore:

"10. Ownership of dog - No person or group of persons residing in the same household shall own or have in that household more than 2 dogs except with the prior approval of the Registrar."

7. Burden of proof on owner of dog - Section 12 of the principal Act is amended by deleting the figure "6" and substituting the figure "5".

8. Issue of disc and completion of registration - Section 13 of the principal Act is amended by:

- (a) deleting from subsection (1) the words "for the registration year"; and
- (b) deleting from subsections (3) and (4) the word "current".

9. Change of ownership of registered dog - Section 14 of the principal Act is amended by deleting from subsection (2) the words "without fee" and adding after the word "register" the words "and for so doing shall charge a fee of \$10".

10. Transfer of registered dog from one address to another - Section 15 of the principal Act is amended by deleting from subsection (2) the words "without fee" and adding after the word "register" the words "and for so doing shall charge a fee of \$10".

11. Dog not wearing proper disc may be impounded - Section 16 of the principal Act is amended by:

- (a) deleting from subsection (1) the figure "6" and substituting the figure "5"; and
- (b) deleting therefrom the words "impounded, impound and impounding" and substituting the words "destroyed, destroy and destruction" respectively.

12. Fees - Section 18 of the principal Act is repealed.

13. Fees for part of year - Section 19 of the principal Act is repealed.

14. Control of dogs - Section 20 of the principal Act is amended by:

- (a) adding after subsection (2)(b) the following paragraph:
"(c) If it habitually barks so as to cause a disturbance to neighbours.;"
- (b) deleting from subsection (3) the word "impounded" and substituting therefore the word ~~destroyed~~;
- (c) deleting from subsection (5) the words "returned to its owner or impounded" and substituting the word "destroyed".

15. Dogs attacking persons or stock or rushing at vehicles - Section 21 of the principal Act is amended by:

- (a) adding to subsection (2)(a) after the word "dog" the words "and cause it to be destroyed";
- (b) inserting after subsection (2) the following subsection:
"(2A) Any constable or dog control officer may in pursuance of a court order or if the constable or officer has reasonable grounds to believe that a dog has attacked or startled any person stock or poultry or rushed any vehicle, the constable or officer may enter upon any land or premises (other than a public place) without the consent (express or implied) of the occupier or person for the time being in apparent charge of that land or those premises for the purposes of seizing and destroying the dog;"
- (c) adding to subsection (3) the words "who shall destroy the dog forthwith."

16. Part IV - The principal Act is amended by repealing Part IV.

17. Importation of dogs - The principal Act is amended by inserting after section 29 the following new sections:

"29A. Importation of dogs - No person shall import a dog into the Cook Islands unless that person has the written approval of the Registrar."

18. Transitional - (1) Notwithstanding the provisions of this Act every person who shall be required by the provisions of this Act to make application to register a dog shall make such application within 7 months of the date after the coming into force of this Act and upon the expiration of that period every dog not so registered shall be liable to be destroyed and every owner of such dog shall be liable to prosecution in accordance with section 9 of the principal Act as amended by this Act.

(2) The provisions of the principal Act as amended by this Act shall take effect notwithstanding any act matter thing that shall have been done or registration fee paid pursuant to the principal Act before the coming into force of this Act.

This Act is administered by the Police Department