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1970, No. 14

An Act to provide for the registration and control of dogs in Rarotonga and the liability for injuries caused by dogs in Rarotonga

(22 January 1971)

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

1. Short Title and application - (1) This Act may be cited as the Rarotonga Dogs Registration Act 1970.
(2) This Act shall apply in the island of Rarotonga only.

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2. Interpretation - In this Act unless the context otherwise requires -

"Constable" means any officer of the department holding the rank of constable, and includes any officer of the department holding the rank above constable;

"Department" means the Department of Police under the Police Act 1967;

"Dog" means the male or female species of whatever age of the canine species;

"Minister" means the Minister in charge of the department;

"Registrar" means the Superintendent of Police and includes the next senior officer of the Police.

3. Administration - (1) The Superintendent of Police shall be charged with the administration of this Act under the general direction and control of the Minister.

(2) This Act shall be administered by the Department of Police.

PART I - REGISTRATION OF DOGS

4. Dogs to be registered - (1) The owner of any dog shall register or cause to be registered any dog of a greater age than six months.

(2) The owner or some person on his behalf shall deliver to the Registrar a description of the dog or other particulars as may be required for the purposes of such registration.

(3) Every such registration when duly made shall be in force on the day on which it is made until the first day of January then next ensuing and that registration shall be made in like manner from year to year.

(4) Registration for any dog shall be made in the prescribed form and shall be accompanied by a fee of three dollars in the case of a male dog and five dollars in the case of a female dog.

(5) Until payment of the appropriate fee, the registration shall be deemed not to have been duly made. On payment of the appropriate fee, the person registering the dog shall receive a collar with distinctive marks or numbers or particulars as required in respect of each dog that he registers.

(6) Every person commits an offence who -

(a) Keeps any dog of a greater age than six months for a period exceeding fourteen days or more unless the dog is for the time being registered under the provisions of this Act;

(b) Knowingly inserts or omits or knowingly causes or permits to be inserted or omitted in any such description any matter or thing contrary to or for the purposes of concealing the truth.

(7) Every person who offends in any manner against this section shall be liable to a fine not exceeding twenty dollars.

5. Destruction or loss of dog collar - Where any collar issued to any dog is lost or destroyed, the owner of that dog shall report that loss or destruction to a constable, and the owner of that dog shall re-register that dog and obtain a new collar on payment of a fee of two dollars.

6. Burden of proof on owner of dog - In any proceedings under this Act the proof that a dog has been duly registered or is not over the age of six months or has not been kept by the owner for a period of fourteen days shall be on the defendant.

7. Dog not wearing proper collar deemed unregistered - Any dog not wearing a collar having the current registration marks thereon shall, until the contrary is proved, be deemed to be unregistered.

8. Register of dogs - (1) The Registrar shall keep a general register of all dogs, and such other registers as may be required.

(2) The register shall be in the prescribed form and may be examined by any person at any reasonable time free of charge.

(3) Any of the contents of such register may in any proceeding whether under this Act or any other Act be proved by the production of a certificate as to those contents purporting to be signed by the Registrar.

9. Change of ownership - Where the ownership of a dog required to be registered under this Act is changed, the registration of the dog shall continue in force but the new owner shall within fourteen days notify the Registrar of the change of ownership, and the Registrar shall, on payment of a fee of one dollar enter the name of the new owner in the Register in substitution for the name of the previous owner.

(2) Every person who fails to comply with the provisions of this section commits an offence and is liable to a fine of ten dollars.

10. Using counterfeit or obsolete collar or fraudulently using collar - (1) Every person commits an offence, and is liable to a fine not exceeding twenty dollars, who -

(a) falsely makes or counterfeits or, knowing the same to be false or counterfeit, purchases, uses, or has in his possession any collar resembling or apparently intended to resemble or pass for a collar supplied at the registration office under this Act; or

(b) after the first day of January in any year has in his following or keep any dog wearing a collar issued in respect of any previous registration year, which dog has not been registered for the then current registration year; or

(c) has in his following or keep any dog wearing a collar issued in respect of another dog.

11. Removing collar - Every person commits an offence who wilfully or maliciously removes from the neck of any dog the collar required by this Act to be worn by that dog, and is liable to a fine not exceeding twenty dollars.

12. Application of fees - All fees paid to the Registrar under this Act shall be paid into and shall form part of the Cook Islands Government Account.

PART II - DESTRUCTION OF DOGS

13. Dogs without collar may be destroyed - Where any dog over the age of six months not wearing a collar having the proper identification marks for that current year is found on any land, any constable may destroy that dog.

14. Dangerous dogs may be destroyed - (1) Where a complaint is made to a constable that a dog, whether at large or not, is dangerous and is not kept under proper control, the constable, if he is satisfied that the dog is dangerous and is not kept under proper care and control may destroy that dog, or may order that the dog be destroyed by the owner or be kept by the owner under proper control.

(2) Every person who fails to comply with an order under subsection (1) of this section commits an offence and is liable to a fine not exceeding forty dollars.

15. Dogs attacking persons, rushing at vehicles, or frightening cattle, etc. - (1) Where any dog on any road or any place open to or used by the public as of right or any unenclosed place attacks any person or poultry, or any cattle, horse, pig, goat or any other animal whatsoever, the dog may forthwith be destroyed by any constable; and the owner of the dog commits an offence, and is liable to a fine not exceeding forty dollars in addition to any liability he may incur for any damage caused thereby.

(2) Where any dog -

- (a) On any road or any place open to or used by the public as of right or any unenclosed place rushes at or startles any person or any cattle or horse or pig or goat whereby any person is killed or injured or endangered or any property is damaged or endangered; or

- (b) On any road rushes at any vehicle in such a manner as to cause or be likely to cause an accident -

any constable may destroy that dog; and the owner commits an offence, and is liable to a fine not exceeding forty dollars in addition to any liability he may incur for any damage caused thereby.

16. Dogs attacking person, cattle, etc., may be destroyed - Any person who sees a dog, being at large, biting or attacking any person or any domestic poultry or any domestic cattle, horse, pig, goat or who is himself bitten or attacked by any such dog, may forthwith destroy the dog, without being answerable to any damage occasioned thereby.

17. Dogs running at large among cattle, etc., may be destroyed - The owner or the agent of the owner of any domestic poultry or cattle, horse, pig, goat or any servant or person employed by any such owner or agent may forthwith destroy any dog running at large among that poultry or cattle, horse, pig or goat.

18. No liability where dog wounded in attempt to destroy - No person who, with the intention of destroying any dog under the powers conferred by this Act, wounds or maims the dog shall except in a case in which he causes unnecessary suffering to the dog, be under any liability, whether criminal or civil, for any injury done to the dog.

19. Destruction of dogs that have been seen worrying cattle, etc. - (1) Where a complaint is made to any constable by the owner of any domestic poultry, or cattle, horse, pig, or goat, or the occupier of any land on which there is domestic poultry or any cattle, horse, pig, or goat, the constable if satisfied as to the grounds of the complaint may forthwith destroy that dog, or may make an order directing the owner forthwith to cause the dog to be destroyed.

(2) Every person who fails to comply with an order under subsection (1) of this section commits an offence, and is liable to a fine not exceeding twenty dollars.

PART III - REGULATIONS AND REVOCATION

20. Regulations - (1) The High Commissioner may from time to time, by Order in Executive Council, make all such regulations as may in his opinion be necessary or expedient for giving full effect to the provisions of this Act and for the due administration thereof.

(2) All regulations made under this section shall be laid before the Legislative Assembly within twenty-eight days after the date of the making thereof if the Legislative Assembly is then in session, and if not, shall be laid before the Legislative Assembly within twenty-eight days after the date of the commencement of the next ensuing session.

21. Revocation - The Rarotonga Dogs Registration Bylaw 1969 is hereby revoked.

This Act is administered in the Police Department.