

8. Signature of authorised officer: _____

9. Date:

Passed by the Temotu Provincial Assembly this 19th day of June, 2008.

Clerk to the Assembly
Assented to this 23rd day of July 2008

Hon. David Day Pacha
Minister of Provincial Government and Institutional Strengthening

[Legal Notice No. 61]

PROVINCIAL GOVERNMENT ACT 1997

THE TEMOTU PROVINCE DOG CONTROL ORDINANCE 2008

**AN ORDINANCE TO PROVIDE FOR THE BETTER CONTROL
AND LICENSING OF DOGS**

PRELIMINARY

1. This Ordinance shall be cited as the Temotu Province Dog Control Ordinance 2008 and shall come into operation when assented by the Minister of Provincial Government in accordance with section 30 of the Provincial Government Act 1997. Short title and commencement

2. In this Ordinance: Interpretation

“authorised officer” means a police officer, or officer authorised by the Executive or Lata Town Committee in writing to implement and enforce this Ordinance;

“bitch” means a female dog at least six months old;

“Executive” means the Temotu Province Executive;

“Lata Town Committee” means the Committee established by the Lata Town Committee Ordinance 2006;

“owner” means the owner or keeper of a dog and includes the occupier of any premises at which a dog is ordinarily kept or permitted to remain and any person who may be temporarily in charge of a dog;

5. (1) It shall be the duty of every owner of an unspayed bitch in season to keep it under proper control and restrain it from running loose.

- (2) Any person who contravenes subsection 5(1) commits an offence and is liable on conviction to a fine not exceeding \$100.

Offence notices

5A (1) Where:

- (a) an owner has been issued by an authorised officer with a notice of offence giving details of an alleged offence against section 4, section 5 or section 7 and stating a penalty (such penalty being not more than 75% of the maximum fine for that offence); and
- (b) the owner pays the prescribed penalty at the Provincial Treasury within 21 days of the date of the notice;
- (c) where applicable, obtains within the same 21 day period a licence and/or licence disc required by section 7, and
- (d) where the alleged offence is continuing, offers satisfactory proof to an authorised officer that the circumstances giving rise to the offence have been rectified;

no prosecution under this Ordinance may be proceeded with or any conviction entered in respect of the alleged offence.

- (2) For the purposes of sub-section (1), production to an authorised officer or a Court Clerk of the relevant Treasury receipt, together with any required licence or licence disc and/or written confirmation from an authorised officer that a continuing offence has been rectified, shall be sufficient proof that the owner is entitled to avoid prosecution or conviction for the offence alleged in any notice of offence.
- (3) Any fine or penalty collected under this Ordinance, regardless or whether it is collected under this section or as a result of a prosecution and conviction, shall be paid into the Temotu Province Provincial Fund.

**PART TWO
LICENSING OF DOGS**

6. This Part shall apply to Lata Township as defined in section 2 of the Temotu Province Lata Town Committee Ordinance 2006 and to any other locality designated in a Regulation or Order made by the Executive under this Ordinance. Application of this Part

7. (1) No owner shall keep any dog not less than six (6) months old, within Lata Township, unless

- (a) the owner shall have been issued and is in possession of a licence in his own name in respect of that dog, and
 - (b) the owner ensures that the dog carries the approved licence tag or disc issued with the licence on its collar.
- (2) Any person who contravenes subsection 7(1) commits an offence and is liable on conviction to a fine of \$100.

8. (1) Application for a licence shall be made to the Province on the form set out at Schedule One. Upon payment of the appropriate fee as prescribed in Schedule two the authorised officer of the Province shall issue a licence in the name of the owner in respect of that dog in the form set out at Schedule Three and provide to the owner an approved, unique licence disc.

- (2) The owner must fix the licence disc to a suitable, durable collar and ensure that the collar and disc are worn by the dog at all times.
- (3) Any licence issued under this Ordinance may be made subject to such standard conditions of licence as may be provided for in any Regulation, whether the condition is for the more effective control, restriction or exclusion of dogs in or from any area, for the protection or promotion of human or animal health or welfare, limiting the total number of dogs that may be kept by an owner in any place or for any other purpose reasonably necessary to promote the effective control of dogs or any adverse effects that may be caused by dogs, within Temotu Province.

- (4) Every licence and licence disc issued under this Ordinance shall remain valid until the 31st March following the date of issue and shall then cease to be valid.
- (5) Upon application and payment of the appropriate fee as prescribed in Schedule Two, an authorised officer of the Province may issue a duplicate licence or licence disc or endorse the transfer of a licence to another.

Dog licence
register

9. The Province shall maintain a register of all licences and licence discs issued under this Ordinance, all transfer of licences or discs and the names and addresses and description of licensed dogs.

Unlicensed dog

- 10.** A police officer or other authorised officer may:
- a. impound for up to three days any dog found not to be carrying a current and valid licence disc;
 - b. during the period of impoundment, take such steps as are reasonably available to the officer to determine who if anyone is the owner of an impounded dog;
 - c. if the owner of an impounded dog is identified or comes forward, issue the owner with a notice of offence against section 7 and require the owner to pay any penalty specified in the notice (such penalty not exceeding 75% of the maximum fine specified in sub-section 7(2)), together with any outstanding licence fees and the costs of impoundment, before allowing the owner to reclaim the dog; and
 - d. if no owner comes forward within three days, destroy the impounded dog or sell or give the impounded dog to an intending owner who undertakes in writing to obtain a licence and licence disc under section 8, within 7 days.

presumption
of age

11. In proceedings arising out of or under this Part, any dogs shall be presumed to be over six (6) months old and the burden of the contrary shall be on the party that so alleges.

**PART THREE
DUTIES AND POWERS OF AUTHORISED OFFICERS**

12. (1) It shall be the duty of an authorised officer to make reasonable enquiries to establish whether any breach of this Ordinance is being or has been committed. General duty and powers of authorised officers

- (2) An authorised officer, in the performance of his or her duties may:
- a. catch, inspect and/or impound any dog;
 - b. on production of suitable evidence of identity and appointment as a authorised officer, enter a property within Lata Township at any reasonable time within daylight hours (or outside daylight hours if the officer reasonably suspects that a dog is causing a continuing nuisance) to investigate, prevent or abate any offence or alleged offence against this Ordinance;
 - c. demand the production of any dog licence issued under Part Two of this Ordinance and/or any dog with its licence disc, for inspection;
 - d. advertise by any reasonably convenient means that any dog has been impound, the date from which it may be destroyed or sold and the place where an owner or intending owner may reclaim or offer to buy the dog

(3) Any person who obstructs or impedes any authorised officer acting in due exercise of their duties or powers under this Ordinance commits an offence and is liable on conviction to a fine of up to \$400.

13. The Lata Town Committee shall administer this Ordinance and enforce its provision within the precincts of Lata Township. Administration within Lata Township

**PART FOUR
REGULATIONS**

14. (1) The Executive may be Order make Regulations for the better implementation of this Ordinance, including but no limited to: Regulations

- (a) prescribing or amending any fees or charges (other than penalties) relating to any licence, or any act done under or according to the Ordinance;

- (b) prescribing any standard conditions which may be required for any licence;
- (c) determining the maximum number of dogs that may be kept by an owner on any property within or near a village or township;
- (d) banning or restricting the keeping of any particular type of dog in any area or place, or type of area or place;
- (e) designing any place of impoundment and/or regulating its operation;
- (f) extending the requirement for dog licensing to any specified area or place within Temotu Province;
- (g) imposing any animal health or welfare requirements; or
- (h) the form of any application form, licence, licence disc notice of offence, warrant of authority or other document or thing issued in connection with the operation of the Ordinance, including the replacement or amendment of any form included in the Schedules to the Ordinance.

**PART FIV
REVOCATIONS**

repeal

15. The Temotu Province Dog Control Ordinance 1995, is repealed.

**SCHEDULE THREE
DOG LICENCE, LATA TOWNSHIP**

Licence Number:

Name of Owner

Address of Owner

Name and Description of Dog:

Male or Female, neutered or spayed M/F Neut/spayed

Standard Conditions

- (a) Maximum number of dogs over 6 months old that may be kept by owner within the township is three (3).
- (b) Owner to maintain dog in generally clean and healthy state, free of vermin.
- (c) If an unspayed bitch, dog is to be prevented from running loose when in season.
- (d) Owner remains responsible at all times for the dog, including for any damage to property or nuisance caused by the dog, and generally for ensuring compliance with Temotu Province Dog Control Ordinance 2008.

Date of issue:

Signed:

Date:

This Licence expires on the 31st March following the date of issue.

Passed by Temotu Provincial Assembly this nineteenth day of June, 2008.

CLERK TO THE ASSEMBLY
Assented to this 11th day of July, 2008.

HON. DAVID DAY PACHA
Minister for Provincial Government and Institutional Strengthening

Honiara, Solomon Islands
Printed under the authority of the
Solomon Islands Government

Printed by Solomon Islands Printers Limited.