



Tuvalu

DOGS ACT

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CAP. 44.15



Tuvalu

DOGS ACT

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Tuvalu

DOGS ACT

AN ACT RELATING TO DOGS AND THE REGISTRATION OF DOGS¹

Commencement [17th July 1919]

1 Short title

This Act may be cited as the Dogs Act.

2 Application

This Act shall apply to all places outside the area of authority of a Kaupule and to every such area of authority where the Kaupule is either not empowered to make, or has not made, provision for the control, destruction and licensing of dogs.

3 Interpretation

In this Act, unless the context otherwise requires —

“**dog**” shall mean any dog whether male or female and, for the purposes of registration and licensing only, not less than 6 months old;

“**owner of a dog**” means:

- (a) in the case of a licensed dog, the person in whose name the dog is registered;
- (b) in the case of an unlicensed dog, the person who ordinarily keeps and feeds the dog; and
- (c) in case of a child’s pet, the parent or guardian of the child;²

“**registering officer**” shall mean any person appointed by the Minister to register dogs under this Act.

4 Magistrates may order destruction or control of dangerous dogs

Any magistrate may take cognisance of and hear any complaint that a dog, whether at large or not, is dangerous to person or property and not kept under proper control, and if it appears that such dog is dangerous he may make an order in a summary way directing either that the dog be destroyed or kept under proper control by the owner, and any person failing to comply with such order shall be liable on summary conviction to a penalty not exceeding \$10 for every day during which he fails to comply with such order.³

5 Penalty for not muzzling dangerous dogs

Any person who shall permit any dog which he shall know to be dangerous or to have injured any person or any cattle or any domestic animal, to go at large without being properly muzzled, shall for every such offence be liable on summary conviction to a fine of \$100.⁴

6 Dog attacking person or animal on public road

If any dog shall on any street, public road or public pathway or in any public place, rush at or attack any person or any horse, cattle or other animal whereby any person shall be injured or endangered or any such animal shall be injured or endangered, the owner of such dog shall be liable on summary conviction to a fine of \$250 for every such offence.⁵

7 Destruction of dog seen biting person or animals mentioned

Any person who shall see a dog, being at large, biting or attacking any person or any horse, sheep, cattle, goats, pigs or poultry of any kind, or shall himself be bitten or attacked by such dog, may destroy the same without being answerable to the owner (if any) of the dog.

8 Owner, etc., of certain animals may destroy dog at large amongst them

The owner or the agent of the owner of any horse, sheep, cattle, goats, pigs or poultry of any kind, or any servant or person employed by such owner or agent, may destroy any dog running at large amongst and worrying such horse, sheep, cattle, goats, pigs or poultry.

9 Liability of owner

The owner of every dog shall be liable in damages for injury done by his dog, and it shall not be necessary for the party seeking damages to show a previous mischievous propensity in such dog, or the owner's knowledge of such mischievous

propensity, or that the injury was attributable to neglect on the part of the owner of the dog.

10 Regulations

- (1) The Minister may make regulations to provide for —
 - (i) the destroying of or the detention in quarantine and isolation of any dog arriving in Tuvalu from abroad for any length of time and under such conditions as may be deemed expedient;
 - (ii) the controlling and prohibiting the movement of dogs as between islands in Tuvalu;
 - (iii) the controlling and prohibiting of dogs running at large and matters incidental thereto;⁶
 - (iv) the power of the Authority or designated authorized persons to enter private properties to seize any unlicensed dog;⁷
 - (v) the establishment of a Dog Management and Control Committee being the Authority in charge of measures relating to control of movement of dogs.⁸
- (2) Any breach of the provisions of such regulations may carry with it a penalty not exceeding \$200.⁹

11 Penalty for non-registration of dog

Any person who shall keep any dog not less than 6 months old without causing such dog to be registered, such registration to be renewed from year to year in the manner hereinafter provided, shall be liable on summary conviction to a fine of \$10 for every such dog so kept over and above the amount of any fee or fees that should have been paid in respect of the registration of any such dog:

Provided that no prosecution shall be instituted against the owner of any dog for non-registration thereof within the month of January in any year.

12 Mode in which owner shall effect registration

The registration of a dog shall be made by the owner thereof, or by some person on his behalf, furnishing the registering officer a description of such dog together with all particulars required to be entered in a register book to be kept according to the Form in Schedule 1 and by paying for such registration the sum of not more than \$100.¹⁰

13 Duty of officer registering dog to give receipt

Every description as aforesaid shall be duly entered by the registering officer in the register book, and such officer shall immediately on receipt of the registration fee deliver to the owner or other person paying the same a printed receipt in the form contained in Schedule 2.

14 Penalty for falsely describing dog

If any person shall wilfully insert or omit, or wilfully cause to be inserted or omitted, in any description of any dog any matter or thing contrary to, or for the purpose of concealing, the truth, such person shall be liable on summary conviction to a fine of \$10.

15 Registration to expire 31st December annually and to be re-effected

Every registration shall be deemed to be in force until 31st December of the year in respect of which each registration is effected, and such registration shall be made in like manner from year to year.

16 Registered dog may be removed

Every registration made under this Act shall be in force throughout Tuvalu, and, unless otherwise restricted by regulations made under section 10, any person being the owner of a registered dog may remove such dog to any other place without payment of any fee.

17 Registration of new owner

When the ownership of a dog is changed the registration of such dog shall continue good, and the name of the new owner shall, upon production of the registration receipt and upon the payment of a fee of 10 cents, be entered on the register book, and the registering officer shall indorse the name of the new owner on the registration receipt.

18 Liability of owner failing to produce registration receipt

The owner of any dog not less than 6 months old shall on demand produce to any registering officer or to any police officer, the registration receipt provided for under section 13, and if such owner refuses or fails to produce such receipt he shall in any proceeding under this Act be deemed to be the owner of an unregistered dog, unless he can prove the registration to the satisfaction of the court.

19 Proof of registration, etc., to be on owner

In any proceedings taken under this Act the proof of registration, or that a dog is under the age of 6 months, shall in each case be on the defendant:

Provided that the production of the registration receipt shall be prima facie evidence of registration.

20 Copies of register books to be published

Registering officers shall from time to time affix a list of the names of the registered owners of dogs in some conspicuous place in their office and in any other place or places that they may deem expedient within their area of authority.

21 Provision for badges

Every person registering a dog shall at the time of doing so be supplied by the registering officer with a collar and badge of the then current year for such dog of such kind as the Minister shall determine.

22 Penalty for dog not wearing badge

Any person allowing his dog to be at large not wearing a collar and badge for the then current year shall be liable on summary conviction to a fine of \$10.¹¹

23 Power to seize dogs not wearing a collar¹²

- (1) Any dog at large and not wearing a collar and badge of the current year shall be liable to be seized by any person seeing it.
- (2) The Kaupule may direct an authorized person or police officer to seize and detain a dog at large.
- (3) Where a dog is seized and detained and it is a licensed dog, the Kaupule shall serve a notice on the owner providing that:
 - (a) the dog has been seized and detained; and
 - (b) the owner may reclaim the dog.

24 Disposal of dogs seized

Every dog seized under the section 23 shall be detained in a pound or, where no pound is provided, in such place as shall be appointed in that behalf by the clerk to the Kaupule in whose area of authority the dog shall have been seized or by any person designated by him.

25 Payment of penalty¹³

The owner of a dog seized under section 23 shall on reclaiming the dog:

- (a) pay a prescribed penalty under the Regulation;
- (b) reimburse any costs incurred for the keeping of the dog during detention; and
- (c) where the dog is unlicensed, shall pay the license fee, and the penalties prescribed under paragraphs (a) and (b).

26 Power to sell or destroy dogs

Where any dog so seized shall have been detained for 3 clear days without the owner claiming it and paying 10 cents per diem as poundage fees and such expenses for transport as may have been incurred, a magistrate or a registering officer may cause it to be sold or destroyed; and if sold the proceeds of the sale, after deduction of all expenses, shall be paid to the owner on application within 1 month of the date of the sale:

Provided always that if a magistrate or a registering officer is satisfied that the dog so seized is liable to registration under this Act and has not been registered, he may cause such dog to be sold or destroyed forthwith without being answerable to the owner (if any) of the dog.¹⁴

27 Registration fees

Registration fees under this Act due and payable within the area of authority of a Kaupule shall be paid to and form part of the revenues of that Kaupule.

28 Nuisance¹⁵

- (1) An owner shall immediately remove or dispose of any faeces left by his or her dog in a public place not under the control of or occupation of the owner.
- (2) A person who fails or neglects to comply with subsection (1) is liable to a penalty of not more than \$200.

29 Dog creating nuisance¹⁶

- (1) The owner shall not permit his or her dog to create a nuisance in a public place.
- (2) For the purposes of this section, “nuisance by a dog” means:
 - (a) it behaves in a manner that is injurious or dangerous to the safety or health of a person or another animal;

- (b) it creates noise by barking or otherwise that persistently occurs or continues to such an extent that it unreasonably interferes with the peace, comfort or convenience of any person or place.

30 Complaints and investigation relating to nuisance¹⁷

- (1) A person may make a complaint to the Kaupule in respect of a dog that is a nuisance, stating the nature of the nuisance.
- (2) On receipt of a complaint, the Kaupule shall within 5 working days:
 - (a) investigate the complaint; and
 - (b) if necessary, institute proceedings for an offence against the owner.

31 Powers of the Kaupule¹⁸

Where the Kaupule is satisfied that the dog against which the complaint is lodged is creating nuisance, the Kaupule may destroy the dog or direct other conditions as deemed fit to abate the nuisance.

SCHEDULE 1

(Section 12)

DESCRIPTION OF DOG REGISTERED

Registration Receipt	
Name of Owner	
Place where dog is kept	
Date of Registration	
Species	
Sex	
Age	
Colour	
Peculiar markings	

SCHEDULE 2

(Section 13)

REGISTRATION FEE FOR A DOG PAYER'S PORTION

No

Council20

Received from

ofthe sum of \$1 being registration fee for a dog.

Description

Fee \$1.

.....
Registering Officer

ENDNOTES

¹ 1990 Revised Edition Cap. 46

Amended by Act 3 of 2002

Amended by Act 4 of 2009, commencement 6 July 2009

Amended by Act 4 of 2019, commencement 17 April 2019

Amended by Act 9 of 2021 (commencement 3/6/22 by LN 26/2022); This amending Act contained a section that provided that orders, rulings, decisions, or judgments of an Island Court concerning this Act, are saved, remain valid and continue in force; and likewise certain pending matters before the Island Court continue for determination by the Magistrate's Court

² Substituted by Act 4 of 2019

³ Amended by Acts 4 of 2019 and 9 of 2021

⁴ Amended by Act 4 of 2009

⁵ Amended by Act 4 of 2019

⁶ Substituted by Act 3 of 2002

⁷ Inserted by Act 4 of 2019

⁸ Inserted by Act 4 of 2019

⁹ Amended by Act 4 of 2019

¹⁰ Substituted by Act 4 of 2019

¹¹ Amended by Act 4 of 2019

¹² Amended by Act 4 of 2019

¹³ Substituted by Act 4 of 2019

¹⁴ Amended by Act 9 of 2021

¹⁵ Inserted by Act 4 of 2019

¹⁶ Inserted by Act 4 of 2019

¹⁷ Inserted by Act 4 of 2019

¹⁸ Inserted by Act 4 of 2019